

Table of Contents

2014 Regular Session

Volume I: Chapters 1 to 117 (part)

Volume 2: Chapters 117 (cont'd) to 145

CHAPTER 1 (SB 113, Bowen)	1
CHAPTER 2 (SB 7, Buford and others)	1
CHAPTER 3 (HB 98, Damron and others)	6
CHAPTER 4 (HB 181, Crimm and others)	9
CHAPTER 5 (HB 176, Richards and others)	11
CHAPTER 6 (HB 157, DeWeese and others)	15
CHAPTER 7 (HB 192, Yonts and others)	15
CHAPTER 8 (SB 28, Kerr)	26
CHAPTER 9 (HB 69, Riner and others)	29
CHAPTER 10 (HB 218, Butler and others)	30
CHAPTER 11 (HB 286, Stacy and others)	30
CHAPTER 12 (SB 65, Kerr)	32
CHAPTER 13 (SB 114, Carpenter)	33
CHAPTER 14 (HB 211, Adkins and Graham)	34
CHAPTER 15 (HB 318, Palumbo)	50
CHAPTER 16 (HB 349, Gooch Jr. and others)	51
CHAPTER 17 (HB 367, Jenkins and others)	52
CHAPTER 18 (HB 388, Gooch Jr. and others)	56
CHAPTER 19 (HB 448, Richards and others)	58
CHAPTER 20 (HB 475, Riggs and others)	59
CHAPTER 21 (SB 23, Buford)	65
CHAPTER 22 (SB 83, Schickel)	69
CHAPTER 23 (SB 105, Buford and McGarvey)	89
CHAPTER 24 (SB 29, Buford)	89
CHAPTER 25 (HB 78, Crenshaw and Kerr)	96
CHAPTER 26 (HB 87, Horlander and Yonts)	142
CHAPTER 27 (HB 133, Gooch Jr.)	147
CHAPTER 28 (HB 175, Richards and others)	166
CHAPTER 29 (HB 179, Lee and others)	168
CHAPTER 30 (HB 189, Riner and others)	169
CHAPTER 31 (HB 206, Horlander and Greer)	170
CHAPTER 32 (HB 234, Embry Jr. and others)	171
CHAPTER 33 (HB 276, Turner and others)	171
CHAPTER 34 (HB 279, Denham and others)	172
CHAPTER 35 (HB 328, Hall and Steele)	176

CHAPTER 36 (HB 375, Damron)	178
CHAPTER 37 (HB 379, Yonts and others)	181
CHAPTER 38 (HB 401, Marzian and others)	181
CHAPTER 39 (HB 415, Horlander and others)	183
CHAPTER 40 (SB 19, Kerr)	185
CHAPTER 41 (SB 41, Buford)	185
CHAPTER 42 (SB 47, Westerfield)	186
CHAPTER 43 (SB 59, Harris and others)	187
CHAPTER 44 (SB 86, Gregory)	187
CHAPTER 45 (SB 91, Carpenter)	188
CHAPTER 46 (SB 103, Denton)	189
CHAPTER 47 (SB 118, Denton and others)	190
CHAPTER 48 (SB 122, Girdler)	191
CHAPTER 49 (SB 123, Parrett and Wilson)	194
CHAPTER 50 (SB 129, Carpenter)	194
CHAPTER 51 (SB 143, Turner)	203
CHAPTER 52 (SB 158, Humphries)	205
CHAPTER 53 (SB 170, Hornback and Parrett)	205
CHAPTER 54 (SCR 44, Girdler and Gregory)	206
CHAPTER 55 (HB 26, Crimm and others)	207
CHAPTER 56 (HB 281, Lee and others)	208
CHAPTER 57 (HB 289, Pullin and Greer)	211
CHAPTER 58 (HB 316, Damron)	214
CHAPTER 59 (HB 357, Damron)	215
CHAPTER 60 (HB 414, Damron)	217
CHAPTER 61 (HJR 19, Lee and others)	221
CHAPTER 62 (SB 45, Harris and Westerfield)	221
CHAPTER 63 (SB 20, Webb and Carpenter)	222
CHAPTER 64 (SB 61, Kerr)	222
CHAPTER 65 (SB 70, Humphries)	229
CHAPTER 66 (SB 138, Westerfield)	233
CHAPTER 67 (SB 150, Carpenter)	234
CHAPTER 68 (SB 159, Buford)	237
CHAPTER 69 (SB 176, Blevins Jr. and others)	237
CHAPTER 70 (SB 184, Denton and McGarvey)	241
CHAPTER 71 (SB 199, Smith)	241
CHAPTER 72 (SB 225, Denton and McGarvey)	259
CHAPTER 73 (SCR 102, Buford and others)	260
CHAPTER 74 (HB 5, Butler and others)	261
CHAPTER 75 (HB 28, Riner and others)	269

CHAPTER 76 (HB 47, Riner and Mills)	283
CHAPTER 77 (HB 75, Graham).....	284
CHAPTER 78 (HB 79, Richards and others).....	286
CHAPTER 79 (HB 81, Riggs and others).....	287
CHAPTER 80 (HB 84, Denham and Rudy)	288
CHAPTER 81 (HB 90, Meeks)	290
CHAPTER 82 (HB 138, Yonts and Smart)	291
CHAPTER 83 (HB 169, Riggs and others).....	294
CHAPTER 84 (HB 232, Riggs and others).....	299
CHAPTER 85 (HB 246, Sinnette)	301
CHAPTER 86 (HB 260, Upchurch)	303
CHAPTER 87 (HB 264, Yonts)	304
CHAPTER 88 (HB 291, Denham).....	311
CHAPTER 89 (HB 296, Adkins and Palumbo)	318
CHAPTER 90 (HB 314, Palumbo and Westrom).....	336
CHAPTER 91 (HB 322, Riner and others).....	341
CHAPTER 92 (HB 331, Riggs and others).....	346
CHAPTER 93 (HB 337, Richards and others).....	501
CHAPTER 94 (HB 343, Yonts and Tilley)	504
CHAPTER 95 (HB 354, Westrom and others).....	510
CHAPTER 96 (HB 364, Damron and others)	516
CHAPTER 97 (HB 396, Lee and others).....	521
CHAPTER 98 (HB 398, Moore and Coursey)	523
CHAPTER 99 (HB 405, Riggs and Horlander)	524
CHAPTER 100 (HB 430, Riggs).....	531
CHAPTER 101 (HB 432, Horlander and Miller)	536
CHAPTER 102 (HB 445, Rand)	538
CHAPTER 103 (HB 488, Butler and others)	575
CHAPTER 104 (HB 493, Adkins and Smart)	576
CHAPTER 105 (HB 542, DeWeese and Palumbo)	581
CHAPTER 106 (SB 26, Thayer and others).....	583
CHAPTER 107 (SB 36, Buford and Girdler).....	586
CHAPTER 108 (SB 49, Denton).....	587
CHAPTER 109 (SB 66, Blevins Jr. and others).....	587
CHAPTER 110 (SB 98, Blevins Jr. and others).....	589
CHAPTER 111 (SB 109, Hornback and Parrett)	591
CHAPTER 112 (SB 124, Blevins Jr. and others).....	594
CHAPTER 113 (SB 144, Givens)	600
CHAPTER 114 (SB 208, Hornback).....	604
CHAPTER 115 (SB 213, Buford).....	605
CHAPTER 116 (SB 228, Harris).....	608

CHAPTER 117 (HB 235, Adkins and others)	609
CHAPTER 118 (HB 99, Kerr and others)	755
CHAPTER 119 (HB 126, Damron and others)	756
CHAPTER 120 (HB 128, Damron and others)	761
CHAPTER 121 (HB 183, Koenig)	775
CHAPTER 122 (HB 238, Adkins and others)	777
CHAPTER 123 (HB 253, Adkins and others)	781
CHAPTER 124 (HB 527, Riggs and others)	784
CHAPTER 125 (SB 128, Hornback)	785
CHAPTER 126 (SB 192, Palmer II)	786
CHAPTER 127 (HB 236, Adkins and others)	787
CHAPTER 128 (HB 301, Palumbo and others)	795
CHAPTER 129 (SB 74, Buford and Higdon)	800
CHAPTER 130 (SB 108, Girdler and Gregory)	812
CHAPTER 131 (SB 153, Harris)	813
CHAPTER 132 (SB 200, Westerfield)	819
CHAPTER 133 (HB 2, Richards and others)	868
CHAPTER 134 (HB 17, Riner and others)	873
CHAPTER 135 (HB 105, Watkins)	881
CHAPTER 136 (HB 154, Palumbo and others)	883
CHAPTER 137 (HB 170, Flood and Stone)	886
CHAPTER 138 (HB 208, Adkins and Yonts)	889
CHAPTER 139 (HB 237, Adkins and others)	893
CHAPTER 140 (HB 336, Pullin and Bunch)	1146
CHAPTER 141 (HB 359, Richards and others)	1147
CHAPTER 142 (HB 369, Gooch Jr. and others)	1154
CHAPTER 143 (HCR 11, Denham and others)	1154
CHAPTER 144 (HJR 7, Hall and others)	1155
CHAPTER 145 (HJR 62, Adkins and others)	1160

Tables and Indexes

Members and Officers of the General Assembly	A-1
Chapter and Page Assignments of Bills and Resolutions	B-1
Acts Disposition Table	C-1
Table of KRS Sections Affected	D-1
Executive Order Confirmations	E-1
Legislation with Special Effective Dates	F-1
Subject Index	G-1

CHAPTER 1

(SB 113)

AN ACT relating to elections and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. Notwithstanding the deadline established by 2013 (1st Extra. Sess.) Ky. Acts. ch. 1, sec. 141, and the prohibition on precinct modifications after the last date for filing notification and declaration forms in KRS 117.055(3), county boards of elections may create, divide, abolish, consolidate, or change the boundaries of election precincts consistent with Section 2 of this Act.

➔Section 2. The State Board of Elections is authorized to:

- (1) Review any precinct establishment order submitted by a county on or before January 28, 2014;
- (2) Request and receive any supplemental materials from the county to complete the review or to correct any errors found in the review; and
- (3) Approve any previously submitted precinct establishment order that meets the statutory requirements found in KRS 117.055 to 117.058 no later than the close of business on February 28, 2014.

➔Section 3. The extension of time in this Act shall not affect any other dates relating to elections in 2014 or subsequent years.

➔Section 4. It is the intent of the General Assembly to make the provisions of this Act apply retroactively, and any action taken by the State Board of Elections to review and approve precinct establishment orders submitted by a county on or before January 28, 2014, during the period of time between January 28, 2014, and the effective date of this Act, shall not affect the validity of any precinct establishment order.

➔Section 5. Whereas county boards of elections, candidates, and voters need to know the boundaries of all county election precinct boundaries as soon as possible to prepare for the 2014 primary, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor February 13, 2014.

CHAPTER 2

(SB 7)

AN ACT relating to nurses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established the Collaborative Prescribing Agreement Joint Advisory Committee, designed to serve in an advisory role regarding the "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Nonscheduled Legend Drugs" (CAPA-NS), as authorized under subsection (8) of Section 2 of this Act. The committee shall be composed of six (6) members selected as follows:*
 - (a) *Three (3) members shall be advanced practice registered nurses who currently prescribe nonscheduled legend drugs, each appointed by the Kentucky Board of Nursing; and*
 - (b) *Three (3) members shall be physicians who currently have or previously had a signed CAPA-NS with an advanced practice registered nurse who prescribes nonscheduled legend drugs, each appointed by the Kentucky Board of Medical Licensure.*
- (2) *The committee may make recommendations to the Kentucky Board of Nursing and the Kentucky Board of Medical Licensure about the CAPA-NS agreements and shall perform other duties as required by this section. The committee may recommend a common CAPA-NS form for use by all advanced practice registered nurses and all physicians in Kentucky who enter into a CAPA-NS. The common CAPA-NS form shall only be required for CAPA-NS agreements if both the Kentucky Board of Nursing and the Kentucky*

Board of Medical Licensure approve the same version of the common CAPA-NS form. If those boards do not both approve the same version of the common CAPA-NS form, advanced practice registered nurses and physicians may use their own CAPA-NS forms as authorized by Section 2 of this Act.

- (3) (a) *An advanced practice registered nurse may request assistance from the committee and the Kentucky Board of Nursing to identify any physicians who are available to enter into the CAPA-NS in a non-emergency situation if the advanced practice registered nurse is not able to locate a physician to sign a CAPA-NS.*

(b) *If the committee and the Kentucky Board of Nursing receive a request from an advanced practice registered nurse under this subsection, both shall immediately forward the request to the Kentucky Board of Medical Licensure, which shall provide the committee and the Kentucky Board of Nursing with the names, contact information, and any fee requirements provided by any physicians who are available to enter into the CAPA-NS. The Kentucky Board of Nursing and the committee shall make those physician names, contact information, and any fee requirements available to the requesting advanced practice registered nurse.*

(c) *Beginning from the date the requesting advanced practice registered nurse first receives the physician information, whether from the committee or the Kentucky Board of Nursing, the requesting advanced practice registered nurse shall have sixty (60) days to sign a CAPA-NS agreement with a physician. If the requesting advanced practice registered nurse is unable to sign a CAPA-NS within the sixty (60) days, the committee shall furnish the requesting advanced practice registered nurse with a physician to sign a CAPA-NS. The physician shall be qualified in the same or a similar specialty to the requesting advanced practice registered nurse and shall not charge a fee to sign the CAPA-NS. The advanced practice registered nurse may prescribe under this CAPA-NS until that advanced practice registered nurse signs a CAPA-NS with a different physician as authorized by Section 2 of this Act.*
- (4) (a) *An advanced practice registered nurse may request assistance from the committee and the Kentucky Board of Nursing to identify any physicians who are available to enter into the CAPA-NS in an emergency situation where a collaborating physician is either unavailable or suddenly rescinds from a CAPA-NS with the advanced practice registered nurse who is providing care in an established practice, for any reason other than:*

 - 1. A disciplinary action against the advanced practice registered nurse that is directly related to prescribing or patient safety; or*
 - 2. The collaborating physician has filed a complaint with evidence against the advanced practice registered nurse with the Kentucky Board of Nursing related to prescribing or patient safety.*

(b) *While the advanced practice registered nurse is unable to locate a physician to sign the CAPA-NS in an emergency situation and after requesting assistance from the committee and the Kentucky Board of Nursing, the advanced practice registered nurse may prescribe as if he or she is prescribing with a CAPA-NS.*

(c) *If the committee and the Kentucky Board of Nursing receive a request from an advanced practice registered nurse under this subsection, both shall immediately forward the request to the Kentucky Board of Medical Licensure. The Kentucky Board of Medical Licensure shall provide the committee and the Kentucky Board of Nursing with the names, contact information, and any fee requirements provided by any physicians who are available to enter into a CAPA-NS. The Kentucky Board of Nursing and the committee shall make those physician names, contact information, and any fee requirements available to the requesting advanced practice registered nurse.*

(d) *Beginning from the date the requesting advanced practice registered nurse first receives the physician information, whether from the committee or the Kentucky Board of Nursing, the requesting advanced practice registered nurse shall have thirty (30) days to sign a CAPA-NS agreement with a physician. If no CAPA-NS is signed at the end of the thirty (30) days, the advanced practice registered nurse shall cease to prescribe until a CAPA-NS is signed. Once a new CAPA-NS goes into effect, the advanced practice registered nurse shall only prescribe within the terms of the new CAPA-NS until that CAPA-NS is no longer in effect.*
- (5) *If the committee receives a complaint about the prescribing, fee requirements, or other activities of an advanced practice registered nurse or physician under a CAPA-NS, the committee shall not discuss or review the complaint or any actions of any advanced practice registered nurse or physician, but shall*

immediately forward the complaint to the licensing board that has jurisdiction over the person who is the subject of the complaint.

- (6) *The Kentucky Board of Nursing and the Kentucky Board of Medical Licensure shall each maintain sole jurisdiction over their respective licensees and their licensees' practice.*
- (7) *The Kentucky Board of Nursing and the Kentucky Board of Medical Licensure shall each be responsible for and have exclusive authority over their respective members appointed to the committee. Each board may determine its own process for the appointment, removal, term length, or any other procedural matter relating to its members appointed to the committee.*
- (8) *The committee shall be attached to the Kentucky Board of Nursing for administrative purposes. The Kentucky Board of Nursing shall be responsible for the expenses of its members and for administering the committee. The Kentucky Board of Medical Licensure shall be responsible for the expenses of its members. The location for committee meetings shall alternate between the facilities of the Kentucky Board of Nursing and the facilities of the Kentucky Board of Medical Licensure.*

➔ Section 2. KRS 314.042 is amended to read as follows:

- (1) An applicant for licensure to practice as an advanced practice registered nurse shall file with the board a written application for licensure and submit evidence, verified by oath, that the applicant has completed an approved organized postbasic program of study and clinical experience; has fulfilled the requirements of KRS 214.615(1); is certified by a nationally established organization or agency recognized by the board to certify registered nurses for advanced practice registered nursing; and is able to understandably speak and write the English language and to read the English language with comprehension.
- (2) The board may issue a license to practice advanced practice registered nursing to an applicant who holds a current active registered nurse license issued by the board or holds the privilege to practice as a registered nurse in this state and meets the qualifications of subsection (1) of this section. An advanced practice registered nurse shall be:
 - (a) Designated by the board as a certified nurse anesthetist, certified nurse midwife, certified nurse practitioner, or clinical nurse specialist; and
 - (b) Certified in a least one (1) population focus.
- (3) The applicant for licensure or renewal thereof to practice as an advanced practice registered nurse shall pay a fee to the board as set forth in regulation by the board.
- (4) An advanced practice registered nurse shall maintain a current active registered nurse license issued by the board or hold the privilege to practice as a registered nurse in this state and maintain current certification by the appropriate national organization or agency recognized by the board.
- (5) Any person who holds a license to practice as an advanced practice registered nurse in this state shall have the right to use the title "advanced practice registered nurse" and the abbreviation "APRN." No other person shall assume the title or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is an advanced practice registered nurse. No person shall practice as an advanced practice registered nurse unless licensed under this section.
- (6) Any person heretofore licensed as an advanced practice registered nurse under the provisions of this chapter who has allowed the ~~license~~^{license} to lapse may be reinstated on payment of ~~the~~ current fee and by meeting the provisions of this chapter and regulations promulgated by the board pursuant to the provisions of KRS Chapter 13A.
- (7) The board may authorize a person to practice as an advanced practice registered nurse temporarily and pursuant to applicable regulations promulgated by the board pursuant to the provisions of KRS Chapter 13A if the person is awaiting the results of the national certifying examination for the first time or is awaiting licensure by endorsement. A person awaiting the results of the national certifying examination shall use the title "APRN Applicant" or "APRN App."
- (8) (a) ***Except as authorized by Section 1 of this Act and subsection (9) of this section,*** before an advanced practice registered nurse engages in the prescribing or dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8), the advanced practice registered nurse shall enter into a written "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Nonscheduled Legend Drugs" (CAPA-NS) with a physician that defines the scope of the prescriptive authority for nonscheduled legend drugs.

- (b) *The advanced practice registered nurse shall notify the Kentucky Board of Nursing of the existence of the CAPA-NS and the name of the collaborating physician and shall, upon request, furnish to the board or its staff a copy of the completed CAPA-NS. The Kentucky Board of Nursing shall notify the Kentucky Board of Medical Licensure that a CAPA-NS exists and furnish the collaborating physician's name.*
- (c) *The CAPA-NS shall be in writing and signed by both the advanced practice registered nurse and the collaborating physician. A copy of the completed collaborative agreement shall be available at each site where the advanced practice registered nurse is providing patient care.*
- (d) *The CAPA-NS shall describe the arrangement for collaboration and communication between the advanced practice registered nurse and the collaborating physician regarding the prescribing of nonscheduled legend drugs by the advanced practice registered nurse.*
- (e) *The advanced practice registered nurse who is prescribing nonscheduled legend drugs and the collaborating physician shall be qualified in the same or a similar specialty.*
- (f) *The CAPA-NS is not intended to be a substitute for the exercise of professional judgment by the advanced practice registered nurse or by the collaborating physician.*
- (g) *The CAPA-NS shall be reviewed and signed by both the advanced practice registered nurse and the collaborating physician and may be rescinded by either party upon written notice via registered mail to the other party, the Kentucky Board of Nursing, and the Kentucky Board of Medical Licensure.*
- (9) (a) *Before an advanced practice registered nurse may discontinue or be exempt from a CAPA-NS required under subsection (8) of this section, the advanced practice registered nurse shall have completed four (4) years of prescribing as a nurse practitioner, clinical nurse specialist, nurse midwife, or as a nurse anesthetist. For nurse practitioners and clinical nurse specialists, the four (4) years of prescribing shall be in a population focus of adult-gerontology, pediatrics, neonatology, family, women's health, acute care, or psychiatric-mental health.*
- (b) *After four (4) years of prescribing with a CAPA-NS in collaboration with a physician:*
 - 1. *An advanced practice registered nurse whose license is in good standing at that time with the Kentucky Board of Nursing and who will be prescribing nonscheduled legend drugs without a CAPA-NS shall notify that board that the four (4) year requirement has been met and that he or she will be prescribing nonscheduled legend drugs without a CAPA-NS;*
 - 2. *The advanced practice registered nurse will no longer be required to maintain a CAPA-NS and shall not be compelled to maintain a CAPA-NS as a condition to prescribe after the four (4) years have expired, but an advanced practice registered nurse may choose to maintain a CAPA-NS indefinitely after the four (4) years have expired; and*
 - 3. *If the advanced practice registered nurse's license is not in good standing, the CAPA-NS requirement shall not be removed until the license is restored to good standing.*
- (c) *An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement is exempt from the CAPA-NS requirement if the advanced practice registered nurse:*
 - 1. *Has met the prescribing requirements in a state that grants independent prescribing to advanced practice registered nurses; and*
 - 2. *Has been prescribing for at least four (4) years.*
- (d) *An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement who had a collaborative prescribing agreement with a physician in another state for at least four (4) years is exempt from the CAPA-NS requirement.*
- (e) *After the effective date of this Act:*
 - 1. *An advanced practice registered nurse whose license is in good standing at that time with the Kentucky Board of Nursing and who will be prescribing nonscheduled legend drugs without a CAPA-NS shall notify that board that the four (4) year requirement has been met and that he or she will be prescribing nonscheduled legend drugs without a CAPA-NS;*
 - 2. *An advanced practice registered nurse who has maintained a CAPA-NS for four (4) years or more will no longer be required to maintain a CAPA-NS and shall not be compelled to*

maintain a CAPA-NS as a condition to prescribe after the four (4) years have expired, but an advanced practice registered nurse may choose to maintain a CAPA-NS indefinitely after the four (4) years have expired; and

3. *An advanced practice registered nurse who has maintained a CAPA-NS for less than four (4) years shall be required to continue to maintain a CAPA-NS until the four (4) year period is completed, after which the CAPA-NS will no longer be required.*
- (10) (a) Before an advanced practice registered nurse engages in the prescribing of Schedules II through V controlled substances as authorized by KRS 314.011(8), the advanced practice registered nurse shall enter into a written "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances" (CAPA-CS) with a physician that defines the scope of the prescriptive authority for controlled substances.
- (b)(a) The advanced practice registered nurse shall notify the Kentucky Board of Nursing of the existence of the CAPA-CS and the name of the collaborating physician and shall, upon request, furnish to the board or its staff a copy of the completed CAPA-CS. The Kentucky Board of Nursing shall notify the Kentucky Board of Medical Licensure that a CAPA-CS exists and furnish the collaborating physician's name.
- (c)(b) The CAPA-CS shall be in writing and signed by both the advanced practice registered nurse and the collaborating physician. A copy of the completed collaborative agreement shall be available at each site where the advanced practice registered nurse is providing patient care.
- (d)(c) The CAPA-CS shall describe the arrangement for collaboration and communication between the advanced practice registered nurse and the collaborating physician regarding the prescribing of controlled substances by the advanced practice registered nurse.
- (e)(d) The advanced practice registered nurse who is prescribing controlled substances and the collaborating physician shall be qualified in the same or a similar specialty.
- (f)(e) The CAPA-CS is not intended to be a substitute for the exercise of professional judgment by the advanced practice registered nurse or by the collaborating physician.
- (g)(f) Before engaging in the prescribing of controlled substances, the advanced practice registered nurse shall:
1. Have been licensed to practice as an advanced practice registered nurse for one (1) year with the Kentucky Board of Nursing; or
 2. Be nationally certified as an advanced practice registered nurse and be registered, certified, or licensed in good standing as an advanced practice registered nurse in another state for one (1) year prior to applying for licensure by endorsement in Kentucky.
- (h)(g) Prior to prescribing controlled substances, the advanced practice registered nurse shall obtain a Controlled Substance Registration Certificate through the U.S. Drug Enforcement Agency.
- (i)(h) The CAPA-CS shall be reviewed and signed by both the advanced practice registered nurse and the collaborating physician and may be rescinded by either party upon written notice via registered mail to the other party, the Kentucky Board of Nursing, and the Kentucky Board of Medical Licensure.
- (j)(i) The CAPA-CS shall state the limits on controlled substances which may be prescribed by the advanced practice registered nurse, as agreed to by the advanced practice registered nurse and the collaborating physician. The limits so imposed may be more stringent than either the schedule limits on controlled substances established in KRS 314.011(8) or the limits imposed in regulations promulgated by the Kentucky Board of Nursing thereunder.
- (11)(10) Nothing in this chapter shall be construed as requiring an advanced practice registered nurse designated by the board as a certified nurse anesthetist to enter into a collaborative agreement with a physician, pursuant to this chapter or any other provision of law, in order to deliver anesthesia care.

Signed by Governor February 13, 2014.

CHAPTER 3

(HB 98)

AN ACT relating to health services in schools, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 156.502 is amended to read as follows:

- (1) As used in this section:
 - (a) "Health services" means the provision of direct health care, including the administration of medication; the operation, maintenance, or health care through the use of medical equipment; or the administration of clinical procedures. "Health services" does not include first aid or emergency procedures; and
 - (b) "School employee" means an employee of the public schools of this Commonwealth.
- (2) Health services shall be provided, within the health care professional's current scope of practice, in a school setting by:
 - (a) A physician who is licensed under the provisions of KRS Chapter 311;
 - (b) An advanced practice registered nurse, registered nurse, or licensed practical nurse who is licensed under the provisions of KRS Chapter 314;
 - (c) *A nonlicensed health technician that has the administration of health services in his or her contract or job description as a job responsibility and who is delegated responsibility to perform the health service by a physician, advanced practice registered nurse, or registered nurse and has been trained and approved in writing by the delegating physician or delegating nurse for delegable health services; or*
 - ~~(d)(e)~~ A school employee who is delegated responsibility to perform the health service by a physician, advanced practice registered nurse, or registered nurse; and
 1. Has been trained by the delegating physician or delegating nurse for the specific health service, if that health service is one that could be delegated by the physician or nurse within his or her scope of practice; and
 2. Has been approved in writing by the delegating physician or delegating nurse. The approval shall state that the school employee consents to perform the health service when the employee does not have the administration of health services in his or her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The school employee shall acknowledge receipt of training by signing the approval form. A copy of the approval form shall be maintained in the student's record and the personnel file of the school employee. A delegation to a school employee under this paragraph shall be valid only for the current school year.
- (3) If no school employee has been trained and delegated responsibility to perform a health service, the school district shall make any necessary arrangement for the provision of the health service to the student in order to prevent a loss of a health service from affecting the student's attendance or program participation. The school district shall continue with this arrangement until appropriate school personnel are delegated the responsibility for health care in subsection (2) of this section.
- (4) A school employee who has been properly delegated responsibility for performing a medical procedure under this section shall act as an agent of the school and be granted liability protection under the Federal Paul P. Coverdell Teacher Liability Protection Act of 2001, Pub. L. No. 107-110, unless the claimant establishes by clear and convincing evidence that harm was proximately caused by an act or omission of the school employee that constitutes negligence, willful or criminal misconduct, or a conscious, flagrant indifference to the rights and safety of the individual harmed.
- (5) Nothing in this section shall be construed to deny a student his or her right to attend public school and to receive public school services, or to deny, prohibit, or limit the administration of emergency first aid or emergency procedures.

➔Section 2. KRS 158.838 is amended to read as follows:

- (1) (a) ***Beginning July 15, 2014***, the board of each local public school district and the governing body of each private and parochial school or school district shall have at least one (1) school employee at each school who has met the requirements of KRS 156.502 on duty during the entire school day to administer ***or assist with the self administration of*** the following medication~~[in an emergency]~~:
 - 1.~~[(a)]~~ Glucagon subcutaneously~~[, using a glucagon emergency kit,]~~ to students with diabetes who are experiencing hypoglycemia or other conditions noted in the health care practitioner's written statement under subsection (2)(b) of this section;~~[and]~~
 - 2.~~[(b)]~~ ***Insulin subcutaneously, through the insulin delivery method used by the student and at the times and under the conditions noted in the health care practitioner's written statement under subsection (2)(b) of this section; and***
 3. ***A seizure rescue medication approved by the United States Food and Drug Administration and any successor agency;***~~[Diazepam rectal gel in a prefilled unit dose delivery system.]~~
 - (b) ***For those assigned the duties under paragraph (a) of this subsection, the training provided under KRS 156.502 shall include instruction in administering insulin and glucagon, as well as recognition of the signs and symptoms of hypoglycemia and hyperglycemia and the appropriate steps to be taken to respond to these symptoms.***
 - (c) ***Any training program or guidelines adopted by any state agency for training of school personnel in the diabetes care tasks covered by this section shall be fully consistent with training programs and guidelines developed by the American Diabetes Association. Notwithstanding any state agency requirement or other law to the contrary, for purposes of this training a local school district shall be permitted to use any adequate and appropriate training program or guidelines for training of school personnel in the diabetes care tasks covered under this section.***
- (2) Prior to administering ***any of the medications listed under subsection (1)(a) of this section***~~[glucagon or diazepam rectal gel]~~ to a student, the student's parent or guardian shall:
 - (a) Provide the school with a written authorization to administer the medication at school;
 - (b) Provide a written statement from the student's health care practitioner, which shall contain the following information:
 1. Student's name;
 2. The name and purpose of the medication;
 3. The prescribed dosage;
 4. The route of administration;
 5. The frequency that the medication may be administered; and
 6. The circumstances under which the medication may be administered; and
 - (c) Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact.
 - (3) The statements required in subsection (2) of this section shall be kept on file in the office of the school nurse or school administrator.
 - (4) The school district or the governing body of each private and parochial school or school district shall inform the parent or guardian of the student that the school and its employees and agents shall not incur any liability as a result of any injury sustained by the student from any reaction to any medication ***listed under subsection (1)(a) of this section that a parent or guardian has authorized the school district to administer to a student*** to treat a hypoglycemic ***or hyperglycemic*** episode or a seizure or its administration, unless the injury is the result of negligence or misconduct on behalf of the school or its employees. The parent or guardian of the student shall sign a written statement acknowledging that the school shall incur no liability except as provided in this subsection, and the parent or guardian shall hold harmless the school and its employees against any claims made for any reaction to any medication ***listed under subsection (1)(a) of this section that a parent or guardian has authorized the school district to administer to a student*** to treat a hypoglycemic ***or hyperglycemic*** episode or a seizure or its administration if the reaction is not due to negligence or misconduct on behalf of the school or its employees.

- (5) The permission for the administration of **any of the medications listed under subsection (1)(a) of this section**~~[either glucagon or diazepam rectal gel]~~ shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subsections (2) to (4) of this section.
- (6) The school nurse or school administrator shall check the expiration date monthly for each **medication listed under subsection (1)(a) of this section that is**~~[emergency glucagon kit or diazepam rectal gel prefilled unit dose delivery system]~~ in the possession of the school. At least one (1) month prior to the expiration date of each medication, the school nurse or school administrator shall inform the parent or guardian of the expiration date.
- (7) *Upon the written request of the parent or guardian of the student and written authorization by the student's health care practitioner, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of his or her diabetes in the school setting and at school-related activities. A student shall be permitted to possess on his or her person at all times necessary supplies and equipment to perform these monitoring and treatment functions. Upon request by the parent or student, the student shall have access to a private area for performing diabetes care tasks.*
- (8) (a) *Beginning July 15, 2014, a school district shall permit a student who has diabetes or a seizure disorder to attend the same school the student would attend if the student did not have diabetes or a seizure disorder. Such a student may only be transferred to a different school based on health care needs if the individualized education program team, the Section 504 team, or if appropriate, the student's health services team, makes the determination that the student's health condition requires that the student's care be provided by a licensed health care professional at a different school. For the purpose of this determination, the teams shall include the parent or guardian. The parent or guardian may invite the student's treating physician to the team meeting and the team shall consider the physician's input, whether in person or in written form, when making this determination. This determination shall be based on individualized factors related to the student's health conditions. A school district shall not prohibit a student who has diabetes or a seizure disorder from attending any school on the sole basis that:*
 1. *The student has diabetes or a seizure disorder;*
 2. *The school does not have a full-time school nurse; or*
 3. *The school does not have school employees who are trained in accordance with KRS 156.502 and assigned to provide care under this section.*
- (b) *Parents or guardians of students who have diabetes or a seizure disorder shall not be required or pressured by school personnel to provide care for a student with diabetes or a seizure disorder during regular school hours or during school-related activities in which the student is a participant. For the purposes of this paragraph, a participant is not a student who merely observes the activity.*
- (9) The requirements of subsections (1) to ~~(8)~~~~(6)~~ of this section shall apply only to schools that have a student enrolled who:
 - (a) Has a seizure disorder and has **a seizure rescue medication approved by the United States Food and Drug Administration and any successor agency**~~[diazepam rectal gel in a prefilled unit dose delivery system]~~ prescribed by the student's health care provider; or
 - (b) Has diabetes mellitus and has **any of the medications listed under subsection (1)(a) of this section**~~[a glucagon emergency kit]~~ prescribed by the student's health care provider.
- ~~(10)~~~~(8)~~ Nothing in this section shall be construed to require a school employee to consent to administer **medications listed under subsection (1)(a) of this section**~~[glucagon or diazepam rectal gel]~~ to a student if the employee does not otherwise consent to provide the health service under KRS 156.502.
- (11) *Notwithstanding any other provision of the law to the contrary:*
 - (a) *The administration of the medications listed under subsection (1)(a) of this section by school employees shall not constitute the practice of nursing and shall be exempt from all applicable statutory and regulatory provisions that restrict the activities that may be delegated to or performed by a person who is not a licensed health care professional; and*

- (b) A licensed health care professional may provide training to or supervise school employees in the administration of the medications listed under subsection (1)(a) of this section.*

➔Section 3. Whereas children that live with diabetes deserve the same educational opportunities as their classmates, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 5, 2014.

CHAPTER 4

(HB 181)

AN ACT relating to eggs and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 260.540 is amended to read as follows:

As used in KRS 260.540 to 260.650, unless the context otherwise requires:

- (1) "Ambient temperature" means the atmospheric temperature surrounding or encircling shell eggs;
- (2) "Board" means the Egg Marketing Board;
- (3) "Candle" means to determine the interior quality of a shell egg based on the use of a candling light as defined in the USDA Handbook 75(7 CFR Part 56);
- (4) "Candled and graded" means candled and graded under state and federal standards and regulations;
- (5) "Case" means a container of thirty (30) dozen shell eggs as used in commercial practice in the United States. The term "half-case" shall mean a container of fifteen (15) dozen eggs. Case also means any other quantity packaging which is considered a wholesale pack;
- (6) "Check" means an egg that has a broken shell or a crack in the shell, but whose membranes are intact and whose contents are not leaking;
- (7) "Commissioner" means the Commissioner of Agriculture;
- (8) "Consumer" means all persons purchasing eggs for consumption and not resale;
- (9) "Department" means the Department of Agriculture;
- (10) "Dealer" means a person, organization, or cooperative engaged in the business of buying eggs from producers or other persons, either on his own account or as an agent, and selling or transferring eggs by the case or other quantity to a wholesaler, processor, retailer, specialty egg processor, or other persons or consumers;
- (11) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material, or prominent stains covering more than one-fourth (1/4) of the shell surface;
- (12) "Distributor" means any person who sells, offers, or otherwise exposes shell eggs or egg products to a wholesaler, retailer, or food service facility. "Distributor" also means any person or producer who distributes shell eggs or egg products to his or her own retail outlet, store, or food service facility;
- (13) "Egg product" means processed and convenience forms of eggs for home and commercial use, including hard-cooked, or specialty egg products and pasteurized liquid, pasteurized frozen, or pasteurized dried egg products;
- (14) "FDA" means the Federal Food and Drug Administration;
- (15) "Handler" means a dealer, packer, processor, wholesaler, distributor, or retailer;
- (16) "Inedible" means an egg that is unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance. This also includes any eggs unfit for human consumption due to causes other than those listed in this subsection;

- (17) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell;
- (18) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or contains a bloody white, large meat spots, a large quantity of blood, or other foreign material;
- (19) "Lot" means any given quantity of two (2) or more eggs of a named grade, billed on an invoice or inspected by the department;
- (20) ***"Lot consolidation" means the removal of damaged eggs from consumer labeled cartons and replacement of the damaged eggs with eggs of the same grade, size, sell by date, brand, lot, and source;***
- ~~(21)(20)~~ "Packer" means any person who grades, sizes, candles, and packs eggs for purposes of sale;
- ~~(22)(21)~~ "Person" means any individual, firm, partnership, corporation, company, association, or any other type of business entity that traffics in, handles, or sells eggs, and shall include any trustee, receiver, or similar representative;
- ~~(23)(22)~~ "Producer" means any person who exercises control over the production of eggs and disposes of eggs from the output of his or her personally owned flock;
- (24) ***"Registered lot consolidator" means a person who has successfully completed a training course in lot consolidation approved by the department and who is registered with the department;***
- (25) ***"Repacking" means changing the identity of a lot of shell eggs by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, sell by date, lot number, source, and brand;***
- ~~(26)(23)~~ "Retailer" means any person selling or offering eggs for sale to consumers in this state;
- ~~(27)(24)~~ "Sell" means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade;
- ~~(28)(25)~~ "Shell eggs" means the product of the domesticated hen and any other egg from the avian species offered for human consumption in its shell form;
- ~~(29)(26)~~ "Specialty egg processor" means a person who operates a plant for the purpose of breaking eggs for freezing or drying or commercial food manufacturing, and includes a person distributing his or her products from out-of-state. A specialty egg processor may also be known as a breaker or breaking plant;
- ~~(30)(27)~~ (a) "Specialty egg products" means egg specialties processed for the food service industry including: wet-pack and dry-pack prepeeled hard-cooked eggs, either whole, wedged, sliced, chopped, or pickled; long rolls of hard-cooked eggs; frozen omelets; egg patties; quiche; quiche mix; frozen French toast; frozen scrambled egg mix in boilable pouches; frozen fried eggs; frozen precooked scrambled eggs; freeze-dried scrambled eggs; ultra-pasteurized liquid eggs; free-flowing frozen egg pellets; and specially coated shelf-stable hard-cooked eggs.
- (b) "Specialty egg products" does not include eggs that are combined with other products in a convenience pack such as a meal, if the total package weight cannot be fairly divided between all items in the package allowing the egg product to have a separate calculated weight;
- ~~(31)(28)~~ "Stop order" means an order issued by an inspector or other authorized agent of the department removing the shell egg or egg products from sale until a release or change of order has been issued by an inspector or authorized agent of the department;
- ~~(32)(29)~~ "Ungraded and candled" means the general run of edible eggs as they come from the producer, not sized or graded, but candled;
- ~~(33)(30)~~ "USDA" means the United States Department of Agriculture;
- ~~(34)(31)~~ "Wholesaler" means a handler who is engaged in the business of buying eggs from producers or other persons on the handler's own account and selling or transferring eggs to other dealers, wholesalers, processors, or retailers, or through other distribution channels; and
- ~~(35)(32)~~ "Withdraw from sale order" means an order issued by an inspector or other authorized agent of the department, permanently removing shell eggs or egg products from sale or distribution.

➔Section 2. KRS 260.610 is amended to read as follows:

- (1) All eggs bought or sold by or to retailers, consumers, and institutional users by licensees shall be identified according to grade and size, using USDA standards and weight classes for consumer grades.
- (2) Eggs to be offered for sale for human consumption shall be handled to maintain and preserve the quality and grade in which they are to be offered for sale, including but not limited to storage, transportation, temperature, and sanitation.
- (3) A carton of eggs with any of the following existing conditions shall be removed from a retail display on a daily basis:
 - (a) Cracked eggs;
 - (b) Leaking eggs;
 - (c) Frozen eggs; or
 - (d) A combination of any of the above.
- (4) A retailer shall not rework or repack eggs into full cartons. Repacking shall be done only by the original packer. A retailer may, however:
 - (a) Sell an incomplete dozen size carton provided that the quantity labeling on the carton is changed to reflect the number of eggs in the carton; *or*
 - (b) ***Perform lot consolidation provided the process is performed by or under the supervision of, a registered lot consolidator. The Commissioner may promulgate administrative regulations governing the requirements for lot consolidation registration and may assess a fee of no more than twenty dollars (\$20) needed to defray the costs of the registration program.***
- (5) No person shall sell, offer or expose for sale, or have in his possession for sale, for human consumption, eggs that are inedible, including eggs that are unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, or blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance.
- (6) No later than June 30 of each year, all packing plants and distributors shall submit an emergency recall plan to the department. The plan shall address policies and procedures that will be followed in the event of a recall of eggs or egg products pursuant to an inedible product designation, as described in subsection (5) of this section. If there have been no changes in the plan from the previous year, a statement to that effect shall be submitted in lieu of a plan on an annual basis.

➔Section 3. Whereas it is of vital importance for the Commonwealth of Kentucky to protect the health and safety of its citizens, and it is to the benefit of the state and its citizens to support private enterprise, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 5, 2014.

CHAPTER 5

(HB 176)

AN ACT relating to local government procedures.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 65.055 is amended to read as follows:

- (1) (a) County judge/executives and mayors, or their respective designees, shall distribute the written information provided by the Office of the Attorney General and the Department for Libraries and Archives under KRS 15.257 and 171.223 to each elected official and each member, whether elected or appointed, of every county and city legislative body, local government board, commission, authority, and committee, including boards of special districts, located within their respective jurisdictions. In the case of a board, commission, or authority created by joint action of a county or city, the county judge/executive and mayor, or their respective designees, shall distribute the written information to the

members appointed by their respective jurisdictions. Distribution shall be accomplished within sixty (60) days of receiving the written information from the Office of the Attorney General and the Department for Libraries and Archives. ***The distribution may be by electronic means.***

(b) ***The distribution of materials to ~~newly elected or appointed~~ members who have been elected or appointed after the most recent distribution of materials as required in paragraph (a) of this subsection has occurred shall be accomplished within sixty (60) days of the day their term of office begins~~their election or appointment~~. The distribution may be by electronic means.***

- (2) County judge/executives and mayors shall require signatory proof that each person identified in subsection (1) of this section has received the written information, shall maintain documentation of receipt on file, and shall certify to the Office of the Attorney General that the written information has been distributed as required.

➔Section 2. KRS 83A.060 is amended to read as follows:

- (1) Each ordinance shall embrace only one (1) subject and shall have a title that shall clearly state the subject.
- (2) Each ordinance shall be introduced in writing and shall have an enacting clause styled "Be it ordained by the City of _____:".
- (3) No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any ~~text~~***words*** being added by a single solid line drawn underneath ***it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line***~~them, and any words being deleted by a single broken line drawn through them~~.
- (4) Except as provided in subsection (7) of this section, no ordinance shall be enacted until it has been read on two (2) separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.
- (5) A city legislative body may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.
- (6) Unless otherwise provided by statute, a majority of a legislative body shall constitute a quorum and a vote of a majority of a quorum shall be sufficient to take action.
- (7) In an emergency, upon the affirmative vote of two-thirds (2/3) of the membership, a city legislative body may suspend the requirements of second reading and publication to provide for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of subsection (9) of this section shall be complied with within ten (10) days of the enactment of the emergency ordinance.
- (8) Every action of the city legislative body shall be made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the city legislative body shall be entered on the official record of the meeting. The legislative body shall provide by ordinance for the maintenance and safekeeping of the permanent records of the city. The person assigned this responsibility and the presiding officer shall sign the official record of each meeting. All ordinances adopted in a city shall, at the end of each month, be indexed and maintained in the following manner:
 - (a) The city budget, appropriations of money, and tax levies shall be maintained and indexed so that each fiscal year is kept separate from other years.
 - (b) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and indexed in a composite index or maintained in a code of ordinances.
- (9) Except in cities of the first class, a charter county government, and as provided in subsection (7) of this section, no ordinance shall be effective until published pursuant to KRS Chapter 424. Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:
 - (a) The title of the ordinance;
 - (b) A brief narrative setting forth the main points of the ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance; and

(c) The full text of each section that imposes taxes or fees.

Ordinances that include descriptions of real property may include a sketch, drawing, or map, including common landmarks, such as streets or roads in lieu of metes and bounds descriptions.

- (10) A city may specify by ordinance additional requirements for adoption of ordinances in greater detail than contained herein, but a city shall not lessen or reduce the substantial requirements of this section or any other statute relating to adoption of ordinances.
- (11) At least once every five (5) years, each city shall cause all ordinances in the composite index or code of ordinances to be examined for consistency with state law and with one another and to be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions.
- (12) The legislative body may adopt municipal orders. Orders shall be in writing and may be adopted only at an official meeting. Orders may be amended by a subsequent municipal order or ordinance. All orders adopted shall be maintained in an official order book.
- (13) In lieu of an ordinance, a municipal order may be used for matters relating to the internal operation and functions of the municipality and to appoint or remove or approve appointment or removal of members of boards, commissions, and other agencies over which the city has control.
- (14) All ordinances, and orders of the city may be proved by the signature of the city clerk; and when the ordinances are placed in a printed composite index or code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of the ordinances.
- (15) For anything said in debate, legislative body members shall be entitled to the same immunities and protections allowed to members of the General Assembly.

➔Section 3. KRS 91A.040 is amended to read as follows:

- (1) Each city of the first through fifth class shall, after the close of each fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten (10) days of the completion of the audit and its presentation to the city legislative body, in accordance with subsection (4)(e) of this section, each city shall forward **an electronic copy or** three (3) **paper** copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall forward one (1) **electronic or paper** copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.
- (2) Except as provided in subsection (3) of this section, each city of the sixth class shall, after the close of each odd-numbered fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year to be audited. Within ten (10) days of the completion of the audit and its presentation to the city legislative body, in accordance with subsection (4)(e) of this section, each sixth class city shall forward **an electronic copy or** three (3) **paper** copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall forward one (1) **electronic or paper** copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975. After the close of each even-numbered fiscal year, each sixth class city shall prepare a financial statement in accordance with KRS 424.220 and immediately forward one (1) **electronic or paper** copy to the Department for Local Government, which shall forward one (1) **electronic or paper** copy of the financial statement to the Legislative Research Commission.
- (3) Any city of the sixth class, which for any fiscal year receives and expends, from all sources and for all purposes, less than seventy-five thousand dollars (\$75,000), and which has no long-term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year. Each city shall annually prepare a financial statement in accordance with KRS 424.220 and immediately forward one (1) **electronic or paper** copy to the Department for Local Government for information purposes. The Department for Local Government shall be responsible for forwarding one (1) **electronic or paper** copy of the financial statement to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.
- (4) Each city required by this section to conduct an annual or biannual audit shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include but not be limited to requirements that:

- (a) The auditor be employed to examine the basic financial statements, which shall include the government-wide and fund financial statements;
 - (b) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended;
 - (c) All audit information be prepared in accordance with generally accepted governmental auditing standards which include tests of the accounting records and auditing procedures considered necessary in the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;
 - (d) The auditor prepare a typewritten or printed report embodying:
 - 1. The basic financial statements and accompanying supplemental and required supplemental information;
 - 2. The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed; and
 - 3. Findings required to be reported as a result of the audit;
 - (e) The completed audit and all accompanying documentation shall be presented to the city legislative body at a regular or special meeting; and
 - (f) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant's work papers upon request.
- (5) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to a city for financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.
- (6) Each city shall, within thirty (30) days after the presentation of an audit to the city legislative body, publish an advertisement in accordance with KRS Chapter 424 containing:
- (a) The auditor's opinion letter;
 - (b) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;
 - (c) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;
 - (d) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his personal use;
 - (e) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed twenty-five cents (\$0.25) per page; and
 - (f) A statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of the statement.
- (7) Any city of the fifth or sixth class may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.
- (8) Any person who violates any provision of this section shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), in the discretion of the court, which may be recovered only once in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

➔Section 4. KRS 424.330 is amended to read as follows:

Cities may publish a list of uncollected delinquent taxes levied under Section 181 of the Kentucky Constitution, showing the name of and the amount due from each delinquent taxpayer, to be advertised by newspaper publication. A fee ***equal to the prorated cost of publication per taxpayer***~~[of five dollars (\$5) per name]~~ per publication may be added to the amount of each tax claim published as publication costs.

Signed by Governor March 19, 2014.

CHAPTER 6

(HB 157)

AN ACT relating to continuing medical education for physicians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.601 is amended to read as follows:

- (1) The board may adopt reasonable rules and regulations to effectuate and implement the provisions of KRS 311.550 to 311.620, including but not limited to regulations designed to insure the continuing professional competency of present and future licensees. As an adjunct to the power conferred upon the board by this section, the board may require licensees to submit to interrogation as to the nature and extent of their postgraduate medical education and to require licensees found to be deficient in their efforts to keep abreast of new methods and technology, to obtain additional instruction and training therein.
- (2) Any continuing medical education requirement which the board may institute by regulation shall include the completion of ***a one (1) hour***~~[the]~~ course described in KRS 214.610(1) at least one (1) time every ten (10) years, but the board may in its discretion require completion of the course more frequently. ***The provisions of this subsection shall expire on December 31, 2016.***
- (3) ***As part of the continuing medical education which the board adopts to ensure continuing professional competency of present and future licensees, the board shall ensure that:***
 - (a) ***Current practicing pediatricians including those certified in medicine and pediatrics, radiologists, family practitioners, and those physicians practicing in an emergency medicine or urgent care setting demonstrate completion of a one-time course of at least one (1) hour of continuing medical education approved by the board and covering the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020, prior to December 31, 2017; and***
 - (b) ***Future practicing pediatricians, including those certified in medicine and pediatrics, radiologists, family practitioners, and those physicians who will practice in an emergency medicine or urgent care setting demonstrate completion of a one-time course of at least one (1) hour of continuing medical education, or its equivalent, approved by the board and covering the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020, within five (5) years of licensure.***

Signed by Governor March 19, 2014.

CHAPTER 7

(HB 192)

AN ACT relating to special purpose governmental entities and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 65A.010 is amended to read as follows:

As used in this chapter:

- (1) "County" means any county, consolidated local government, urban-county government, unified local government, or charter county;
- (2) "DLG" means the Department for Local Government established by KRS 147A.002;
- (3) "Establishing entity" means the city or county, or any combination of cities and counties, that established a special purpose governmental entity and that has not subsequently withdrawn its affiliation with the special purpose governmental entity by ordinance or other official action;
- (4) **"Federally regulated municipal utility" means a municipal utility governed by the provisions of KRS 96.550 to 96.901, that maintains a wholesale power contract with a federal agency that also serves as its regulatory authority;**
- (5) (a) "Fee" means any user charge, ~~levy~~~~[rental fee]~~, assessment, fee, schedule of rates, or tax, other than an ad valorem tax, imposed by a special purpose governmental entity.
- (b) "Fee" shall not include ***the following charges imposed by special purpose governmental entities that provide utility services:***
 1. Any fuel cost adjustment that is:
 - a.~~[1]~~. Made pursuant to an agreement with a power supplier;
 - b.~~[2]~~. Amended by the power supplier based on the variable cost of fuel; and
 - c.~~[3]~~. Passed through to the consumer by the utility pursuant to the agreement between the utility and the power supplier;
 2. ***Any power or energy cost adjustment implemented pursuant to a duly-adopted base rate that provides for the periodic adjustment of a component of the rate, including any fuel costs or transmission costs, in accordance with the formula or conditions set forth in the base rate; or***
 3. ***Any environmental control cost adjustments or surcharges implemented pursuant to a duly-adopted base rate that provides for the periodic adjustment of a component of the rate in accordance with a formula or conditions set forth in the base rate;***
- ~~(6)~~~~(5)~~ (a) "Private entity" means any entity whose sole source of public funds is from payments pursuant to a contract with a city, county, or special purpose governmental entity, including funds received as a grant or as a result of a competitively bid procurement process.
- (b) "Private entity" does not include any entity:
 1. Created by a city, county, or combination of cities and counties to perform one (1) or more of the types of public services listed in subsection ~~(9)~~~~(8)~~(c) of this section; or
 2. Governed by a board, council, commission, committee, authority, or corporation whose members are appointed by the chief executive or governing body of a city, county, or combination of cities and counties;
- ~~(7)~~~~(6)~~ "Public funds" means any funds derived from the levy of a tax, fee, assessment, or charge, or the issuance of bonds by the state or a city, county, or special purpose governmental entity;
- ~~(8)~~~~(7)~~ "Registry" means the online central registry and reporting portal established pursuant to KRS 65A.020; and
- ~~(9)~~~~(8)~~ (a) "Special purpose governmental entity" or "entity" means any agency, authority, or entity created or authorized by statute which:
 1. Exercises less than statewide jurisdiction;
 2. Exists for the purpose of providing one (1) or a limited number of services or functions;
 3. Is governed by a board, council, commission, committee, authority, or corporation with policy-making authority that is separate from the state and the governing body of the city, county, or cities and counties in which it operates; and
 4. a. Has the independent authority to generate public funds; or

- b. May receive and expend public funds, grants, awards, or appropriations from the state, from any agency, or authority of the state, from a city or county, or from any other special purpose governmental entity.
- (b) "Special purpose governmental entity" shall include entities meeting the requirements established by paragraph (a) of this subsection, whether the entity is formed as a nonprofit corporation under KRS Chapter 273, pursuant to an interlocal cooperation agreement under KRS 65.210 to 65.300, or pursuant to any other provision of the Kentucky Revised Statutes.
- (c) Examples of the types of public services that may be provided by special purpose governmental entities include but are not limited to the following:
 - 1. Ambulance, emergency, and fire protection services;
 - 2. Flood control, drainage, levee, water, water conservation, watershed, and soil conservation services;
 - 3. Area planning, management, community improvement, and community development services;
 - 4. Library services;
 - 5. Public health, public mental health, and public hospital services;
 - 6. Riverport and airport services;
 - 7. Sanitation, sewer, waste management, and solid waste services;
 - 8. Industrial and economic development;
 - 9. Parks and recreation services;
 - 10. Construction, maintenance, or operation of roads and bridges;
 - 11. Mass transit services;
 - 12. Pollution control;
 - 13. Construction or provision of public housing;
 - 14. Tourism and convention services; and
 - 15. Agricultural extension services.
- (d) "Special purpose governmental entity" shall not include:
 - 1. Cities;
 - 2. Counties;
 - 3. School districts;
 - 4. Private entities;
 - 5. Any incorporated entity that:
 - a. Provides utility services;
 - b. Is member-owned; and
 - c. Has a governing body whose voting members are all elected by the membership of the entity; or
 - 6. Any entity whose budget and financial information are integrated with and included as a part of the budget and financial reporting of the city, county, or cities and counties in which it operates.

➔ Section 2. KRS 65A.020 is amended to read as follows:

(1) The DLG shall:

- (a) On or before March 1, 2014, make the necessary reporting and certification forms, online reporting portal, and online central registry available for reporting by special purpose governmental entities. The portal and registry shall serve as a unified location for the reporting of and access to administrative and financial information by special purpose governmental entities; and

- (b) On or before October 1, 2014, make available online public access to administrative and financial information reported by special purpose governmental entities.
- (2) (a) For each fiscal period beginning on or after July 1, 2014, all special purpose governmental entities shall annually submit to the DLG the information required by this section. The information shall be submitted in accordance with this section, at the time, and in the form and format required by the DLG. The information submitted shall include at a minimum the following:
 - 1. Administrative information:
 - a. The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the entity;
 - b. The fiscal year of the entity;
 - c. The Kentucky Revised Statute, *and, if applicable, the local government ordinance and interlocal agreement* under which the entity was established, the date of establishment, the establishing entity, and the statute or statutes, *local government ordinance, or interlocal agreement* under which the entity operates, if different from the statute or statutes, *ordinance or agreement* under which it was established;
 - d. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the entity;
 - e. The operational boundaries and service area of the entity and the services provided by the entity;
 - f. *i.* A listing of all ***the most significant*** taxes ~~or~~ fees ~~or~~ charges imposed and collected by the entity, including the rates or amounts charged for the reporting period and the statutory *or other source of* authority for the levy of the tax ~~or~~ fee ~~or~~ charge.
 - ii. As used in this subdivision, "most significant taxes or fees" means the five (5) taxes or fees levied by the entity that produce the most tax and fee revenue for the entity, provided that if the top five (5) revenue-producing taxes and fees do not produce at least eighty-five percent (85%) of all tax and fee revenues received by the entity, additional taxes and fees shall be listed until the taxes and fees listed produce at least eighty-five percent (85%) of all tax and fee revenues of the entity. If an entity levies fewer than five (5) taxes and fees, the entity shall list all taxes and fees levied;*
 - g. The primary contact for the entity for purposes of communication from the DLG;
 - h. The code of ethics that applies to the entity, and whether the entity has adopted additional ethics provisions;
 - i. A listing of all federal, state, and local governmental entities that have oversight authority over the special purpose governmental entity or to which the special purpose governmental entity submits reports, data, or information; and
 - j. Any other related administrative information required by the DLG; and
 - 2. Financial information:
 - a. *i.* The most recent adopted budget of the entity ***for the upcoming fiscal year***;
 - ~~ii.~~ After the close of each fiscal year, a comparison of the budget to actual revenues and expenditures for each fiscal year, ***including any amendments made throughout the fiscal year to the budget originally submitted***;
 - ~~iii.~~ Completed audits or attestation engagements as provided in KRS 65A.030; and
 - ~~iv.~~ Other financial oversight reports or information required by the DLG.
 - b. ***In lieu of the submissions required by subdivision a.i., ii., and iv. of this subparagraph:***
 - i. A federally regulated municipal utility shall submit, after the close of each fiscal year, the monthly balance, revenue, and expense report required by the federal regulator, which constitutes year-end data; and*

ii. A public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility shall submit after the close of each fiscal year a report that includes the same information, in the same format as is required for federally regulated municipal utilities under subpart i. of this subdivision.

- (b) The provisions of KRS 65A.040 shall apply when a special purpose governmental entity fails to submit the information required by this section in a timely manner, or submits information that does not comply with the requirements and standards established by this section and the DLG. To facilitate the enforcement of these provisions, the DLG shall establish and maintain an online list of due dates for the filing of reports, audit certifications, and information for each special purpose governmental entity.
- (c) The provisions of this subsection shall be in addition to, and shall not supplant or replace any reporting or filing requirements established by other provisions of the Kentucky Revised Statutes.
- (3) (a) The DLG shall, by administrative regulation adopted pursuant to KRS Chapter 13A, develop standard forms, protocols, timeframes, and due dates for the submission of information by special purpose governmental entities. All information shall be submitted electronically; however, the DLG may allow submission by alternative means, with the understanding that the DLG shall be responsible for converting the information to a format that will make it accessible through the registry.
- (b) In an effort to reduce duplicative submissions to different governmental entities and agencies, during the development of the forms, protocols, timeframes, and due dates, the DLG shall consult with other governmental entities and agencies that may use the information submitted by special purpose governmental entities, and may include the information those agencies and entities need to the extent possible.
- (c) ***As an alternative to completing and submitting any standard form developed by the DLG for the reporting of financial information, federally regulated municipal utilities and public utilities established pursuant to KRS 96.740 that are not federally regulated municipal utilities may elect to satisfy the reporting requirements established by subsection (2)(a)2. of this section for the public power components of their operations by reporting the financial information related to their electric system accounts in accordance with the Federal Energy Regulatory Commission uniform system of accounts.***
- (4) (a) Beginning October 1, 2014, all information submitted by special purpose governmental entities under this section shall be publicly available through the registry. The registry shall be updated at least monthly, but may be updated more frequently at the discretion of the DLG. The registry shall include a notation indicating the date of the most recent update.
- (b) The registry shall be in a searchable format and shall, at a minimum, allow a search by county, by special purpose governmental entity name, and by type of entity.
- (c) To the extent possible, the registry shall be linked to or accessed through the Web site established pursuant to KRS 42.032 to provide public access to expenditure records of the executive branch of state government.
- (5) (a) To offset the costs incurred by the DLG in maintaining and administering the registry, the costs incurred in providing education for the governing bodies and employees of special purpose governmental entities as required by KRS 65A.060, and the costs incurred by the DLG and the Auditor of Public Accounts in responding to and acting upon noncompliant special purpose governmental entities under KRS 65A.040, excluding costs associated with conducting audits or special examinations, each special purpose governmental entity shall pay a registration fee to the DLG on an annual basis at the time of registration under this section.
- (b) The initial annual fee shall be as follows:
 1. For special purpose governmental entities with annual revenue from all sources of less than one hundred thousand dollars (\$100,000), twenty-five dollars (\$25);
 2. For special purpose governmental entities with annual revenues from all sources of at least one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000), two hundred fifty dollars (\$250); and
 3. For special purpose governmental entities with annual revenues of five hundred thousand dollars (\$500,000) or greater, five hundred dollars (\$500).

- (c) If the costs of administering and maintaining the registry, providing education, and enforcing compliance change over time, the fee and tiered structure established by paragraph (b) of this subsection may be adjusted one (1) time by the DLG through the promulgation of an administrative regulation under KRS Chapter 13A. The rate, if adjusted, shall be set at a level no greater than a level that is expected to generate sufficient revenue to offset the actual cost of maintaining and administering the registry, providing education for the governing bodies and employees of special purpose governmental entities, and enforcing compliance.
 - (d) The portion of the registration fee attributable to expenses incurred by the Auditor of Public Accounts for duties and services other than conducting audits or special examinations shall be collected by the DLG and transferred to the Auditor of Public Accounts on a quarterly basis. Prior to the transfer of funds, the Auditor of Public Accounts shall submit an invoice detailing the actual costs incurred, which shall be the amount transferred; however, the amount transferred to the Auditor of Public Accounts under the initial fee established by paragraph (b) of this section shall not exceed the annual amount agreed to between the DLG and the Auditor of Public Accounts.
- (6) By October 1, 2014, and on or before each October 1 thereafter, the DLG shall file an annual report with the Legislative Research Commission detailing the compliance of special purpose governmental entities with the provisions of KRS 65A.010 to 65A.090. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.

➔Section 3. KRS 65A.030 is amended to read as follows:

- (1) For fiscal periods beginning on or after July 1, 2014, requirements relating to audits and financial statements of special purpose governmental entities are as follows:
 - (a) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars (\$100,000) shall:
 - 1. Annually prepare a financial statement; and
 - 2. Once every four (4) years, contract for the application of an attestation engagement as determined by the DLG, as provided in subsection (2) of this section;
 - (b) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000) shall:
 - 1. Annually prepare a financial statement; and
 - 2. Once every four (4) years, contract for the provision of an independent audit as provided in subsection (2) of this section; and
 - (c) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars (\$500,000) shall:
 - 1. Annually prepare a financial statement; and
 - 2. Be audited annually as provided in subsection (2) of this section.
- (2)
 - (a) To provide for the performance of an audit or attestation engagement as provided in subsection (1)(a) to (c) of this section, the governing body of a special purpose governmental entity shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to conduct the audit or attestation engagement.
 - (b) The audit or attestation engagement shall be completed no later than twelve (12) months following the close of the fiscal year subject to the audit or the attestation engagement.
 - (c)
 - 1. The special purpose governmental entity shall submit for publication on the registry the audit or attestation engagement, in the form and format required by the DLG.
 - 2. *A federally regulated municipal utility may comply with the requirements of this section for the public power component of its operations by submitting an audit that conforms to the requirements imposed by the federal agency with which it maintains a wholesale power contract.*

3. *A public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility may comply with the requirements of this section for the public power component of its operations by submitting a copy of its annual audit performed under Section 6 of this Act.*
- (d) 1. The audit or attestation engagement shall conform to:
 - a.~~{1-}~~ Generally accepted governmental auditing or attestation standards, which means those standards for audits or attestations of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States;
 - b.~~{2-}~~ Generally accepted auditing or attestation standards, which means those standards for all audits or attestations promulgated by the American Institute of Certified Public Accountants; and
 - c.~~{3-}~~ Additional procedures and reporting requirements as may be required by the Auditor of Public Accounts.
 2. *Rather than meeting the standards established by subparagraph 1. of this paragraph, the audit submitted by a federally regulated municipal utility or a public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility with regard to the public power component of the utility's operations shall conform to KRS 96.840 and the financial standards of the Federal Energy Regulatory Commission uniform system of accounts.*
 - (e) Upon request, the Auditor of Public Accounts may review the final report and all related work papers and documents of the independent certified public accountant relating to the audit or attestation engagement.
 - (f) If a special purpose governmental entity is required by another provision of law to audit its funds more frequently or more stringently than is required by this section, the special purpose governmental entity shall comply with the provisions of that law, and shall comply with the requirements of paragraph (c) of this subsection.
 - (g) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a unit of government furnishing funds directly to a special purpose governmental entity may require additional audits at the expense of the unit of government furnishing the funds.
 - (h) All audit reports, attestation engagement reports, and financial statements of special purpose governmental entities shall be public records.
 - (3) The DLG shall determine which procedures conducted under attestation standards will apply to special purpose governmental entities meeting the conditions established by subsection (1)(a) of this section. The DLG may determine that additional procedures be conducted under attestation standards for specific categories of special purpose governmental entities or for specific special purpose governmental entities, as needed, to obtain the oversight and information deemed necessary by the DLG.
 - (4) Based on the information submitted by special purpose governmental entities under KRS 65A.020 and 65A.090, the DLG shall determine when each special purpose governmental entity was last audited, and shall notify the special purpose governmental entity of when each audit or attestation engagement is due under the new standards and requirements of this section.
 - (5) The DLG may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.

➔Section 4. KRS 65A.080 is amended to read as follows:

- (1) The governing body of each special purpose governmental entity shall annually adopt a budget conforming with the requirements established under KRS 65A.020 prior to the start of the fiscal year to which the budget applies. *The adopted budget may be amended by the governing body of the special purpose governmental entity throughout the fiscal year using the same process that was used for adoption of the original budget.* No moneys shall be expended from any source except as provided in the *originally* adopted *or subsequently amended* budget.
- (2) In lieu of the publication requirements of KRS 424.220, but in compliance with other applicable provisions of KRS Chapter 424, each special purpose governmental entity shall, within sixty (60) days after the close of each fiscal year, publish the location where the adopted budget, financial statements, and most recent audit or attestation engagement reports may be examined by the public.

➔Section 5. KRS 65A.100 is amended to read as follows:

- (1) Beginning January 1, 2014, the provisions of this section shall apply to any fee or ad valorem tax levied by a special purpose governmental entity ***that is not otherwise required by statute or ordinance to be adopted or approved through an official act of an establishing entity.***
- (2) ***Except as provided in subsection (4) of this section,*** any special purpose governmental entity that:
 - (a)
 1. Adopts a new fee or ad valorem tax;
 2. Increases the rate at which an existing fee or tax, other than an ad valorem tax, is imposed; or
 3. Adopts an ad valorem tax rate;

shall report the fee or tax to the governing body of the ***establishing entity***~~[city or county]~~ in which the largest number of citizens served by the special purpose governmental entity reside. If the special purpose governmental entity serves only the residents of a city, the notice shall be provided to the governing body of that city.
 - (b) The report required by paragraph (a) of this subsection shall be for informational purposes only, and the governing body shall not have the authority to adjust, amend, or veto the fee or tax, provided that any other provision of the Kentucky Revised Statutes that provides greater authority for the governing body of a city or county over taxes, fees, or rates imposed by a special purpose governmental entity shall continue to apply to those taxes, fees, or rates.
- (3) The report required by subsection (2) of this section shall be made ***as provided in this subsection.***
 - (a) ***Any fee or ad valorem tax that will be imposed on a compulsory basis by an entity other than an entity described in paragraph (b) of this subsection shall be reported by:***
 - 1.~~[(a)]~~ Submission of written notification of the ad valorem tax or fee to the governing body at least thirty (30) days before the date the ad valorem tax or fee will be effective; and
 - 2.~~[(b)]~~ Presentation of testimony relating to the ad valorem tax or fee at an open, regularly scheduled meeting of the governing body at least ten (10) days prior to the date the ad valorem tax or fee will be effective.
 - (b) ***The annual financial report submitted by federally regulated municipal utilities or public utilities established pursuant to KRS 96.740 that are not federally regulated to their establishing entities pursuant to KRS 96.840 shall satisfy the reporting requirements of subsection (2) of this section.***
- (4) ***The reporting requirements established by subsection (2) of this section shall not apply to the following:***
 - (a) ***Rental fees;***
 - (b) ***Fees established by contractual arrangement;***
 - (c) ***Admission fees;***
 - (d) ***Charges to recover costs incurred by a special purpose governmental entity for the connection, restoration, relocation, or discontinuation of any service requested by any person;***
 - (e) ***Any penalty, interest, sanction, or other charge imposed by a special purpose governmental entity for a failure to pay a charge or fee, or for the violation, breach or failure to pay or perform as agreed pursuant to a contractual agreement;***
 - (f) ***Amounts charged to customers or contractual partners for nonessential services provided on a voluntary basis;***
 - (g) ***Fees or charges authorized under federal law that pursuant to federal law may not be regulated by the Commonwealth or local governments within the Commonwealth;***
 - (h) ***Purchased water or sewage treatment adjustments, as authorized by KRS 278.015, made by a special purpose governmental entity as a direct result of a rate increase by its wholesale water supplier or wholesale sewage treatment provider;***
 - (i) ***Any new fee or fee increase for which a special purpose governmental entity must obtain prior approval from the Public Service Commission pursuant to KRS Chapter 278; or***

(j) Other charges or fees imposed by a special purpose governmental entity for the provision of any service that is also available on the open market.

- (5) The governing body shall include notification that the ad valorem tax or fee will be presented in all public notices provided for the meeting.
- (6) *An establishing entity may require a more stringent reporting process than that established by subsections (1) to (3) of this section by ordinance or interlocal agreement for any special purpose governmental entity or category of special purpose governmental entities, provided that the requirements do not conflict with reporting requirements established by other provisions of the Kentucky Revised Statutes.*

➔Section 6. KRS 96.840 is amended to read as follows:

- (1) The board shall keep a complete and accurate record of all meetings and actions taken, and of all receipts and disbursements, and shall make reports of the same to the governing body at stated intervals, not to exceed one (1) year. Said report shall be in writing, shall be filed in open meeting of the governing body, at stated intervals, not to exceed one (1) year, and a copy shall be filed with the municipal clerk or recorder as a public record. An audit of the board's records shall be made annually by an auditor selected by the legislative body of the municipality. The expense of such an audit shall constitute an operating expense.
- (2) *The board shall comply with the requirements of KRS Chapter 65A.*

➔Section 7. KRS 91A.360 is amended to read as follows:

- (1) The commission established pursuant to KRS 91A.350(2) shall be composed of seven (7) members to be appointed, in accordance with the method used to establish the commission. Members of a commission established by joint action of the local governing bodies of a county and a city or cities located therein shall be appointed, jointly, by the chief executive officers of the local governing bodies that established the commission. Members of a commission established by separate action of the local governing body of a county or a city located therein shall be appointed separately by the chief executive officer of the local governing body that established the commission. The chief executive officer of a city shall mean the mayor and the chief executive officer of a county shall mean the county judge/executive. Appointments to a commission shall be made by the appropriate chief executive officer or officers in the following manner:
- (a) Two (2) commissioners shall be appointed from a list of three (3) or more names submitted by the local city hotel and motel association and one (1) commissioner shall be appointed from a list of three (3) or more names submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the city and county, then three (3) commissioners shall be appointed from a list of six (6) or more names submitted by it. If no formal local city or county hotel and motel association is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then up to three (3) commissioners shall be appointed by the appropriate chief executive officer or officers from persons residing within the jurisdiction of the commission and representing local hotels or motels. A local city or county hotel and motel association shall not be required to be affiliated with the Kentucky Hotel and Motel Association to be recognized as the official local city or county hotel and motel association.
- (b) One (1) commissioner shall be appointed from a list of three (3) or more names submitted by the local restaurant association or associations. If no formal local restaurant association or associations exist upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the appropriate chief executive officer or officers from persons residing within the jurisdiction of the commission and representing a local restaurant. A local restaurant association or associations shall not be required to be affiliated with the Kentucky Restaurant Association to be recognized as the official local restaurant association or associations.
- (c) One (1) commissioner shall be appointed from a list of three (3) or more names submitted by the chamber or chambers of commerce existing within those governmental units, which by joint or separate action have established the commission. If the commission is established by joint action of a county and a city or cities, then each chamber of commerce shall submit a list of three (3) names, and the chief executive officers of the participating governmental units shall jointly appoint one (1) commission member from the aggregate list. If no local chamber of commerce is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the appropriate chief executive officer or

officers from persons residing within the jurisdiction of the commission and representing local businesses.

- (d) Two (2) commissioners shall be appointed in the following manner:
 - 1. By the chief executive officer of the county or city, if the commission has been established by separate action of a county or city; or
 - 2. One (1) each by the chief executive officer of the county and by the chief executive officer of the most populous city participating in the establishment of the commission, if the commission has been established by joint action of a county and a city or cities.
- (2) A candidate submitted for appointment to the commission, pursuant to subsection (1)(a) to (1)(c), shall be appointed by the appropriate chief executive officer or officers within thirty (30) days of the receipt of the required list or lists. Vacancies shall be filled in the same manner that original appointments are made.
- (3) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the appropriate chief executive officer or officers shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year. There shall be no limitation on the number of terms to which a commissioner is reappointed. Subsequent appointments shall be for three (3) year terms.
- (4) The commission shall elect from its membership a chairman and a treasurer, and may employ personnel and make contracts necessary to carry out the purpose of KRS 91A.350 to 91A.390. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers, and printers.
- (5) The books of the commission and its account as established in KRS 91A.390(2) shall be audited ***as provided in Section 3 of this Act. The independent certified public accountant or Auditor of Public Accounts***~~annually by an independent auditor who~~ shall make a report to the commission, to the associations submitting lists of names from which commission members are selected, to the appropriate chief executive officer or officers, to the State Auditor of Public Accounts, and to the local governing body or bodies that established the commission that was audited. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.
- (6) A commissioner may be removed from office, by joint or separate action, of the appropriate chief executive officer or officers of the local governing body or bodies that established the commission, as provided by KRS 65.007.
- (7) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 8. KRS 91A.372 is amended to read as follows:

- (1) The commission established pursuant to KRS 91A.350(2) by an urban-county government shall be composed of nine (9) members appointed by the mayor of the urban-county government in the following manner:
 - (a) Three (3) commissioners from a list submitted by the local hotel and motel association.
 - (b) One (1) commissioner from a list submitted by the local restaurant association or associations.
 - (c) One (1) commissioner from a list submitted by the local chamber of commerce.
 - (d) Four (4) commissioners who shall be residents of the urban-county.
- (2) Vacancies shall be filled in the same manner that original appointments are made.
- (3) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the chief elective official of the urban-county shall appoint three (3) commissioners for a term of three (3) years, three (3) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year.
- (4) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of KRS 91A.350 to 91A.390. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with

experience and qualifications for providing promotional services and materials, such as event coordinators, advertising firms, chambers of commerce, publishers and printers.

- (5) The books of the commission shall be audited *as provided in Section 3 of this Act. The independent certified public accountant or Auditor of Public Accounts*~~[by an independent auditor who]~~ shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor of the urban-county government.
- (6) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 9. KRS 91A.380 is amended to read as follows:

- (1) The commission established pursuant to KRS 91A.350(3) shall be composed of six (6) members from each county to be appointed by the county judge/executive, with the approval of the fiscal court, one (1) of whom shall be a member of the General Assembly in whose district the county or part of the county is located in the following manner:
 - (a) One (1) commissioner from a list of at least three (3) persons submitted by the local restaurant association or associations;
 - (b) One (1) commissioner from a list of at least three (3) persons submitted by the local chamber of commerce;
 - (c) One (1) commissioner by the county judge/executive; and
 - (d) Two (2) commissioners from a list of at least six (6) persons submitted by the local hotel and motel association or associations.
- (2) Vacancies shall be filled in the same manner that original appointments are made.
- (3) The commissioners shall be appointed for terms of three (3) years, provided that in making the initial appointments, the county judge/executive shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years, and two (2) commissioners for a term of one (1) year.
- (4) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of KRS 91A.350 to 91A.390. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business.
- (5) The books of the commission and its account as established in KRS 91A.390(2) shall be audited *as provided in Section 3 of this Act. The independent certified public accountant or Auditor of Public Accounts*~~[by an independent auditor who]~~ shall make a report to the commission, to the organizations submitting names from which commission members are selected~~[, to the State Auditor of Public Accounts]~~, and to the county judge/executive of each county. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.
- (6) A commissioner may be removed from office as provided by KRS 65.007.
- (7) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 10. KRS 91A.394 is amended to read as follows:

- ~~[(1) On an annual basis, the Auditor of Public Accounts shall issue audit standards to be followed in the audits authorized by KRS 91A.360(5) and 91A.380(5). These audit standards shall supplement generally accepted audit standards. Upon request, the Auditor of Public Accounts may review the final report and all related work papers and documents of the independent certified public accountant relating to the audit required under KRS 91A.360. Any costs associated with the review or subsequent audit by the Auditor of Public Accounts shall be borne by the commission. If the Auditor of Public Accounts determines that there are substantive discrepancies in the commission's books or account, the Auditor of Public Accounts shall notify the director of the commission, the county attorney, and the appropriate legislative body of its findings.]~~
- (2) Any resident of the county may bring an action in the Circuit Court to enforce the provisions of KRS 91A.350 to 91A.390. The Circuit Court shall hear the action and, on a finding that the commission has violated the provisions of KRS 91A.350 to 91A.390, shall order the commission to comply with the provisions. The Circuit Court, in its discretion, may allow the prevailing party, other than the commission, court costs, to be paid from the commission's account.

➔Section 11. The provisions of this Act shall apply retroactively beginning January 1, 2014.

➔Section 12. Whereas to prevent undue hardship to special purpose governmental entities and other local governments to which special purpose governmental entities will be reporting, it is necessary for the changes made in this Act to apply to reports submitted and information reported pursuant to the sections that are amended prior to the normal effective date, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 19, 2014.

CHAPTER 8

(SB 28)

AN ACT relating to apprenticeship programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 343.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

- (1) "Apprentice" means a ~~worker~~[person] at least sixteen (16) years of age, ***except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation as provided in 29 C.F.R. Part 29***~~[has entered into an apprenticeship agreement with an employer or an association of employers or an organization of employees];~~
- (2) "Apprenticeship agreement" means a ***written agreement, complying with 29 C.F.R. Part 29 between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for the program sponsors, which contains the terms and conditions of the employment and training of the apprentice***~~[voluntary written agreement entered into by the apprentice or through his or her parent or guardian with an employer, or an apprenticeship and training committee acting as agent for an employer, which agreement contains the terms and conditions of the employment and training of the apprentice to enable the apprentice to learn the trade, craft or business of the employer];~~
- (3) "Commissioner" means commissioner of the Department of Workplace Standards, under the direction and supervision of the secretary of the Labor Cabinet, or any person authorized to act in his or her behalf, having jurisdiction over laws or regulations governing wages and hours of employees working in this state;
- (4) "Council" means ***the Commonwealth's*** apprenticeship and training council, ***which provides advice and guidance to the Kentucky Labor Cabinet regarding the Commonwealth's apprenticeship program***;
- (5) "Supervisor" means supervisor of apprenticeship and training;
- (6) "Trainee" means a person at least sixteen (16) years of age who has entered into an on-the-job training agreement with an employer or an association of employers or an organization of employees in a construction occupation under a program which has been approved by a federal agency as promoting equal employment opportunity in conjunction with federal-aid construction projects;
- (7) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, ***as required under 29 C.F.R. Pts. 29 and 30*** including such matters as the requirement for a written apprenticeship agreement;
- (8) "On-the-job training program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of a trainee, including such matters as the requirement for a written on-the-job training agreement other than an apprenticeship program; provided, however, that said program has been approved by a federal agency as promoting equal employment opportunity in conjunction with federal-aid construction projects;
- (9) "Sponsor" means any person, association, committee, or organization in whose name or title the program is or is to be registered, irrespective of whether such entity is an employer;
- (10) "Employer" means any person or organization employing an apprentice or trainee whether or not such person or organization is a party to an apprenticeship or on-the-job training agreement with the apprentice or trainee; and

- (11) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice or trainee with knowledge of the theoretical and technical subjects related to *the apprentice's occupation*~~[his or her trade]~~.

➔Section 2. KRS 343.020 is amended to read as follows:

- (1) (a) The Governor shall appoint an Apprenticeship and Training Council composed of four (4) representatives from employer organizations, four (4) representatives from employee organizations, and *three (3)*~~one (1)~~ at-large *members*~~member~~ who shall serve for a term of four (4) years and until their successors are appointed and qualified. The commissioner of the Department of Workplace Standards, the commissioner of the Department for Workforce Investment, and the chancellor for the Technical Institutions' Branch in the Kentucky Community and Technical College System shall be ex officio members of the council. The chairman shall be elected by vote of the Apprenticeship and Training Council.
- (b) The regular members of the council shall each have one (1) vote. In the event of a tie vote among the regular members, the commissioner of the Department of Workplace Standards shall have the right to cast the tie-breaking vote. Each member of the council shall receive his or her actual and necessary expenses incurred in attending its meetings.
- (c) The council shall meet at the call of the commissioner and shall aid him or her in formulating policies for the effective administration of this chapter. The commissioner with the *advice*~~aid~~ of the council shall have the authority to make and revise such rules and regulations as he or she may deem appropriate to carry out the provisions and purposes of this chapter.
- (2) (a) *On the effective date of this Act, the term of the at-large members appointed on December 31, 2011 shall expire*~~[June 25, 2009, the terms of the council members appointed on September 12, 2006, shall end]~~, and the Governor shall *appoint three (3) at-large members representing the general public*~~[make the following appointments]~~ to the Apprenticeship and Training Council:
 - ~~1. Two (2) representatives from employer organizations, and two (2) representatives from employee organizations to serve for terms that shall expire on December 31, 2009;~~
 - ~~2. Two (2) representatives from employer organizations, and two (2) representatives from employee organizations to serve for terms that shall expire on December 31, 2010; and~~
 - ~~3. One (1) at-large member to serve for a term that shall expire on December 31, 2011.]~~
- (b) Subsequent members shall serve terms of four (4) years and shall serve until their successors are appointed and qualified.
- (3) The council shall be attached to the Labor Cabinet for administrative purposes.

➔Section 3. KRS 343.040 is amended to read as follows:

The supervisor, under the direction of the commissioner and with the advice and guidance of the council, may:

- (1) Administer this chapter in cooperation with the apprenticeship and training council;
- (2) Set up conditions and training standards for apprenticeship or on-the-job training programs and agreements;
- (3) Act as secretary to the council;
- (4) Approve, if in his or her opinion approval is to the best interest of both parties, any apprenticeship or on-the-job training program and agreement submitted to him or her by the parties thereto, that meets the standards established under this chapter;
- (5) Keep a record of apprenticeship and on-the-job training programs and agreements and their disposition;
- (6) Issue certificates of completion of apprenticeship and on-the-job training; and
- (7) Perform such other duties as are necessary to carry out the intention of this chapter.

➔Section 4. KRS 343.050 is amended to read as follows:

Every apprenticeship or on-the-job training agreement approved under this chapter shall contain:

- (1) The names *and signatures* of the contracting parties *and the signature of a parent or guardian if the apprentice is a minor*;

- (2) The date of birth of the apprentice or trainee;
- (3) A statement of the **occupation**~~[trade, craft]~~ or business which the apprentice or trainee is to be taught and the time at which the apprenticeship or on-the-job training will begin and end;
- (4) A statement showing:
 - (a)
 1. The number of hours to be spent by the apprentice or trainee in work **on the job in a time-based program; or**
 2. **A description of the skill sets to be attained by completion of a competency-based program, including the on-the-job training component; or**
 3. **The minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and**
 - (b) The number of hours~~[, if any,]~~ to be spent in related~~[and supplementary]~~ instruction **in technical subjects related to the occupation, which shall be not less than one hundred forty-four (144) hours per year;**
- (5) A statement setting forth a schedule of the processes in the **occupation**~~[trade]~~ or industry divisions in which the apprentice or trainee is to be taught and the approximate time to be spent at each process;
- (6) A statement of the graduating scale of compensation to be paid the apprentice or trainee, and whether the required school time shall be compensated;
- (7) A statement providing for a period of probation **not to exceed twenty-five percent (25%) of the length of the program or one (1) year, whichever is shorter,**~~[of not more than four (4) months]~~ during which the apprenticeship or on-the-job training agreement ~~may~~**shall** be ~~canceled~~**terminated** by~~[the supervisor at the request of]~~ either party **to the agreement upon written notice to the registration agency, without adverse impact on the sponsor**~~[in writing, and providing that after the probation period the apprenticeship or on-the-job training agreement may be terminated by the supervisor by mutual agreement of the parties, or by the supervisor for good and sufficient reason]; and~~
- (8) A provision that all controversies or differences concerning the apprenticeship or on-the-job training agreement which cannot be adjusted by the parties shall be submitted to the supervisor for determination as provided in KRS 343.070.

➔Section 5. KRS 343.060 is amended to read as follows:

No apprentice or trainee agreements submitted for approval under this chapter shall be effective until **written approval of the agreement is provided**~~[approved]~~ by the supervisor. Every apprenticeship or on-the-job training agreement, so submitted, shall be signed by the **contracting parties and the parent or guardian if the apprentice or trainee is a minor**~~[employer, or by an association of employers or an organization of employees as provided in this chapter, and by the apprentice or trainee. If the apprentice or trainee is a minor, the agreement shall be signed by his parent or guardian]~~. Where a minor enters into an apprenticeship or on-the-job training agreement under this chapter for a period of training extending into his majority, the apprenticeship or on-the-job training agreement shall likewise be binding for the period covered during his majority.

➔Section 6. KRS 343.070 is amended to read as follows:

- (1) Upon the complaint of either party to the agreement, or upon his or her own initiative, the supervisor may investigate or determine if there has been a violation of the terms of the apprenticeship or on-the-job training agreement approved under this chapter. He may conduct inquiries and other proceedings necessary to any investigation and determination. The parties to the agreement shall, after reasonable notice, be given an informal hearing **before the supervisor.**~~[All informal hearings, investigations, and determinations shall be made under authority of reasonable administrative regulations promulgated by the council subject to the approval of the commissioner.]~~
- (2) The determination of the supervisor shall be filed with the commissioner. If no appeal therefrom is filed with the commissioner within fifteen (15) days, the determination shall become final. Any party aggrieved by any determination or action of the supervisor may appeal to the commissioner, who shall hold an administrative hearing in accordance with KRS Chapter 13B.
- (3) Any party to an apprenticeship or on-the-job training agreement aggrieved by a final order of the commissioner may appeal to the Franklin Circuit Court.

➔Section 7. KRS 343.080 is amended to read as follows:

- (1) Nothing in this chapter or in any apprenticeship or on-the-job training agreement approved under this chapter shall operate to invalidate:
 - (a) Any apprenticeship or on-the-job training provision in any collective agreement between employers and employees setting up higher standards; *or*
 - (b) *Any special provision for veterans, minority persons, or women in the standards, apprentice qualifications, or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, executive order, or administrative regulation;*
- (2) ~~provided, that~~ None of the terms or provisions of this chapter shall apply to any person, firm, corporation, or ~~occupation~~~~[craft]~~, unless such person, firm, corporation, or ~~occupation~~~~[craft]~~ voluntarily elects that the terms and provisions of this chapter shall apply.

➔Section 8. KRS 343.090 is amended to read as follows:

- (1) It is the public policy of this state to foster, encourage and develop interest and training in manual and industrial arts, and to encourage the entrance into voluntary agreements of apprenticeship and on-the-job training which will equip ~~workers~~~~[young people]~~ for profitable employment.
- (2) Any contracts or practices which tend to stifle the opportunity as set forth in subsection (1) are contrary to the public policy of this state.

Signed by Governor March 19, 2014.

CHAPTER 9

(HB 69)

AN ACT relating to automated business record falsification devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 517 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of possession of an automated business record falsification device when he or she knowingly possesses any device or software program that falsifies the business records created by a point-of-sale system, such as any electronic device or computer system that keeps a register or supporting documents designed to record retail sales transaction information, by eliminating or manipulating true retail sales transaction information in order to represent a false record of transactions. These devices may also be referred to as "zappers" or "phantom-ware."*
- (2) *Possession of an automated business record falsification device is a Class D felony.*
- (3) *In addition to any other penalty provided by law:*
 - (a) *Any person guilty of possession of an automated business record falsification device shall forfeit all proceeds associated with its creation, sale, or usage; and*
 - (b) *An automated business record falsification device, and any device containing an automated business record falsification device, is contraband and shall be seized and forfeited to the state to be disposed of as provided in KRS 500.090.*

➔Section 2. KRS 139.760 is amended to read as follows:

- (1) Whenever any person fails to comply with any provisions of this chapter or any ~~administrative~~~~[rule or]~~ regulation of the department relating to the provisions of this chapter, the department may revoke or suspend any one (1) or more of the permits held by the person.
- (2) *Whenever any person uses an automated business record falsification device, as described in Section 1 of this Act, to violate any provision of this chapter or any administrative regulation of the department relating to the provisions of this chapter, the department shall revoke each permit held by the person for a period of ten (10) years.*

- (3) The department shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of this chapter and the regulations relating thereto.
- (4)(3) No suit shall be maintained in any court to restrain or delay the collection or payment of any tax levied by this chapter.

Signed by Governor March 25, 2014.

CHAPTER 10

(HB 218)

AN ACT relating to motor vehicle insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 304.39-117 is amended to read as follows:

- (1) Each insurer issuing an insurance contract which provides security covering a motor vehicle shall provide to the insured, in compliance with administrative regulations promulgated by the department, written proof in the form of an insurance card that the insured has in effect an insurance contract providing security in conformity with this subtitle. An insurer may provide an insurance card in either a paper or an electronic format.
- (2) *If an owner enters into an insurance contract on a newly acquired motor vehicle, or changes insurance carriers on an existing motor vehicle*, the owner shall keep the paper insurance card or a portable electronic device to download the insurance card in his or her motor vehicle *for forty-five (45) days from the date the coverage took effect* as prima facie evidence~~[-, except as provided in subsection (3) of this section,]~~ that the required security is currently in full force and effect, and shall show the card to a peace officer upon request.
- (3) ~~[On and after January 1, 2006,]~~As to personal motor vehicles as defined in KRS 304.39-087, the paper or electronic insurance card ~~or~~~~and~~ the database created by KRS 304.39-087 shall be evidence to a peace officer who requests the card if the peace officer has access to the database through AVIS. If AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, the peace officer may accept a paper or electronic insurance card as evidence that the required security is currently in full force and effect on the personal motor vehicle if the card was effective no more than forty-five (45) days before the date on which the peace officer requests the card.
- (4) For purposes of this section:
 - (a) An insurance card in an electronic format means the display of an image on any portable electronic device, including a cellular phone or any other type of portable electronic device, depicting a current valid representation of the card;
 - (b) Whenever a person presents a mobile electronic device pursuant to this section, that person assumes all liability for any damage to the mobile electronic device; and
 - (c) When a person provides evidence of financial responsibility using a mobile electronic device to a peace officer, the peace officer shall only view the electronic image of the insurance card and is prohibited from viewing any other content on the mobile electronic device.

Signed by Governor March 25, 2014.

CHAPTER 11

(HB 286)

AN ACT relating to creation of a technical advisory committee on pharmacy to the Advisory Council for Medical Assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔ Section 1. KRS 205.590 is amended to read as follows:

- (1) The following technical advisory committees shall be established for the purpose of acting in an advisory capacity to the council with respect to the administration of the medical assistance program and in performing the function of peer review:
 - (a) A Technical Advisory Committee on Physician Services consisting of five (5) physicians appointed by the council of the Kentucky State Medical Association;
 - (b) A Technical Advisory Committee on Hospital Care consisting of five (5) hospital administrators appointed by the board of trustees of the Kentucky Hospital Association;
 - (c) A Technical Advisory Committee on Dental Care consisting of five (5) dentists appointed by the Kentucky Dental Association;
 - (d) A Technical Advisory Committee on Nursing Service consisting of five (5) nurses appointed by the board of directors of the Kentucky State Association of Registered Nurses;
 - (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6) members of which five (5) members shall be appointed by the Kentucky Association of Health Care Facilities, and one (1) member shall be appointed by the Kentucky Association of Nonprofit Homes and Services for the Aging, Inc.;
 - (f) A Technical Advisory Committee on Optometric Care consisting of five (5) members appointed by the Kentucky Optometric Association;
 - (g) A Technical Advisory Committee on Podiatric Care consisting of five (5) podiatrists appointed by the Kentucky Podiatry Association;
 - (h) A Technical Advisory Committee on Primary Care consisting of five (5) primary care providers, two (2) of whom shall represent licensed health maintenance organizations, appointed by the Governor, until such time as an association of primary care providers is established, whereafter the association shall appoint the members;
 - (i) A Technical Advisory Committee on Home Health Care consisting of five (5) members appointed by the board of directors of the Kentucky Home Health Association;
 - (j) A Technical Advisory Committee on Consumer Rights and Client Needs consisting of five (5) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Combined Committee on Aging, the Kentucky Legal Services Corporation, the Arc of Kentucky, the Department of Public Advocacy, and the National Association of Social Workers-Kentucky Chapter;
 - (k) A Technical Advisory Committee on Behavioral Health consisting of six (6) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Mental Health Coalition, the Kentucky Association of Regional Programs, the National Alliance on Mental Illness (NAMI) Kentucky, a statewide mental health consumer organization, the People Advocating Recovery (PAR), and the Kentucky Brain Injury Alliance;
 - (l) A Technical Advisory Committee on Children's Health consisting of ten (10) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Chapter of the American Academy of Pediatrics, the Kentucky PTA, the Kentucky Psychological Association, the Kentucky School Nurses Association, the Kentucky Association for Early Childhood Education, the Family Resource and Youth Services Coalition of Kentucky, the Kentucky Youth Advocates, the Kentucky Association of Hospice and Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky Children's Health Insurance Program appointed by the Kentucky Head Start Association, and a pediatric dentist appointed by the Kentucky Dental Association;
 - (m) A Technical Advisory Committee on Intellectual and Developmental Disabilities consisting of nine (9) members, one (1) of whom shall be a consumer who participates in a nonresidential community Medicaid waiver program, one (1) of whom shall be a consumer who participates in a residential community Medicaid waiver program, one (1) of whom shall be a consumer representative of a family member who participates in a community Medicaid waiver program, and one (1) of whom shall be a consumer representative of a family member who resides in an ICF/ID facility that accepts Medicaid payments, all of whom shall be appointed by the Governor; one (1) member shall be appointed by the

Arc of Kentucky; one (1) member shall be appointed by the Commonwealth Council on Developmental Disabilities; one (1) member shall be appointed by the Kentucky Association of Homes and Services for the Aging; and two (2) members shall be appointed by the Kentucky Association of Private Providers, one (1) of whom shall be a nonprofit provider and one (1) of whom shall be a for-profit provider; ~~and~~

- (n) A Technical Advisory Committee on Therapy Services consisting of six (6) members, two (2) of whom shall be occupational therapists and shall be appointed by the Kentucky Occupational Therapists Association, two (2) of whom shall be physical therapists and shall be appointed by the Kentucky Physical Therapy Association, and two (2) of whom shall be speech therapists and shall be appointed by the Kentucky Speech-Language-Hearing Association; **and**
- (o) ***A Technical Advisory Committee on Pharmacy consisting of five (5) pharmacists appointed by the Kentucky Pharmacists Association.***
- (2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.
- (3) Each appointive member of a committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses in carrying out his duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

Signed by Governor March 25, 2014.

CHAPTER 12

(SB 65)

AN ACT relating to mental health records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 210.235 is amended to read as follows:

All applications and requests for admission and release, and all certifications, records, and reports of the Cabinet for Health and Family Services which directly or indirectly identify a patient or former patient or a person whose hospitalization has been sought, shall be kept confidential and shall not be disclosed by any person, except insofar as:

- (1) The person identified or his guardian, if any, shall consent; or
- (2) Disclosure may be necessary to carry out the provisions of the Kentucky Revised Statutes, and the rules and regulations of cabinets and agencies of the Commonwealth of Kentucky; or
- (3) Disclosure may be necessary to comply with the official inquiries of the departments and agencies of the United States government; or
- (4) ***Disclosure may be necessary for:***
 - (a) ***Treatment of the patient by any health care provider involved in the patient's care;***
 - (b) ***Treatment, payment, or health care operations under the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including disclosure between health care providers through an electronic health information exchange or network; or***
 - (c) ***Participation by health care providers through an electronic health information exchange or network for the purpose of meeting the requirements of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and its related federal regulations; or***
- (5) A court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and failure to make such disclosure would be contrary to the public interest. Nothing in this section shall preclude the disclosure, upon proper inquiry of the family or friends of a patient, of information as to the medical condition of the patient.

Signed by Governor March 25, 2014.

CHAPTER 13

(SB 114)

AN ACT relating to consumer loan companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 286.4-530 is amended to read as follows:

- (1) Every licensee may lend any sum of money not exceeding fifteen thousand dollars (\$15,000), excluding charges, and may charge, contract for and receive thereon charges not in excess of three percent (3%) per month on *any loan where the original principal amount of the loan is* ~~that part of the unpaid principal balance~~ not in excess of ~~three~~^{one} thousand dollars ~~(\$3,000)~~^(\$1,000) and two percent (2%) per month on *any loan where the original principal amount of the loan exceeds* ~~that part of the unpaid principal balance exceeding~~ ~~three~~^{one} thousand dollars ~~(\$3,000)~~^(\$1,000) but not exceeding three thousand dollars (\$3,000); provided, however, that in any loan wherein the original principal amount of the loan (face amount less precomputed charges) exceeds three thousand dollars (\$3,000), the licensee may not charge at a rate per month in excess of two percent (2%) per month on the unpaid balances of the principal. Such charges shall be computed in advance at the agreed rate on scheduled unpaid principal balances of the cash advance on the assumption that all scheduled payments will be made when due. The total amount of such precomputed charges shall be added to the original cash advance and the resulting sum shall become the face amount of the note. Every payment may be applied to the combined total of the cash advance and precomputed charges until the contract is paid in full.
- (2) For the purposes of computation, whether at the maximum rate or less, a month shall be that period of time from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of such month, and a day shall be considered one-thirtieth (1/30) of a month when such computation is made for a fraction of a month. The portion of the charges applicable to any particular monthly installment period, as originally scheduled or following a deferment, shall bear the same ratio to the total charges, excluding any adjustments made pursuant to subsection (3) of this section, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.
- (3) A licensee and borrower may agree that the first installment date may be not more than fifteen (15) days more than one (1) month and the amount of such installment may be increased by one-thirtieth (1/30) of the portion of the charges applicable to a first installment period of one (1) month for each extra day.
- (4) If one-half (1/2) or more of any installment remains unpaid more than seven (7) days after it is due, the licensee may charge and collect a default charge not exceeding two cents (2¢) for each dollar of the scheduled installment, and such charge may be collected for each full month the installment remains unpaid.
- (5) If the payment of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months, the licensee may charge and collect a deferment charge not exceeding two cents (2¢) for each one dollar (\$1) of the sum of the installments so deferred, multiplied by the number of months the maturity of the contract is extended; provided, however, that such number of months shall not exceed the number of installments which are due and wholly unpaid or due within fifteen (15) days from the date of deferment. The deferment charge may be collected at the time of deferment or at any time thereafter. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract, provided, however, that if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred or subject to the deferment charge. At the time a deferment is made the borrower shall be given a statement or receipt showing the amount of the deferment charge, the date and amount of the next scheduled payment and the number of remaining scheduled payments.
- (6) If the contract of loan is prepaid in full by cash, a new loan or otherwise before the final installment date, the portion of the charges applicable to the full installment periods following the installment date nearest the date of prepayment shall be refunded. Any default or deferment charges which are due and unpaid may be deducted from such refund. The tender by the borrower or at his request of an amount equal to the unpaid balance less the required refund must be accepted by the licensee in full payment of the contract. If judgment is obtained

before the final installment date the contract balance shall be reduced by the refund which would be required for prepayment in full as of the date judgment is obtained. No refund of less than one dollar (\$1) need be made; no refund for partial prepayments need be made.

- (7) If two (2) or more full installments are in default for one (1) full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the refund or credit which would be required for prepayment in full on such installment date. Thereafter, in lieu of charging, collecting or receiving charges as provided in subsections (1) to (6) inclusive of this section, charges may be charged, collected and received as provided by subsection (8) of this section until the contract is fully paid.
- (8) In lieu of computing and collecting charges as provided in subsections (1) to (6) inclusive of this section a licensee may contract for, collect and receive on loans of fifteen thousand dollars (\$15,000) or less charges as permitted in subsection (1) computed on the unpaid principal balance of the loan from time to time outstanding. Such charges shall not be paid, deducted, received in advance or compounded but shall be computed, collected and received only on unpaid principal balances for the time actually outstanding. The definition of a month and of a day in subsection (2) of this section shall apply for the purposes of such computations.
- (9) If part or all of the consideration for a contract of loan is the unpaid principal balance of a prior loan with the same licensee then the principal amount payable under such contract of loan shall not include any unpaid charges on the prior loan except such charges which have accrued within sixty (60) days before the making of such new contract of loan and may include the balance remaining after giving the refund required by subsection (6) of this section.
- (10) In addition to the charges provided for in this subtitle no further charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other thing shall be directly or indirectly charged, contracted for, or received, except the lawful fees actually and necessarily paid out by the licensee to any public official for filing, recording or releasing in any public office any instrument securing the loan; the identifiable charge of premium for insurance provided for in KRS 286.4-560; or fees for noting or releasing a lien on or transferring a certificate of title to any motor vehicle offered as security for a loan made under this subtitle. If any amount in excess of the amounts authorized by this subtitle is charged, contracted for or received, except as the result of an accidental or bona fide error, the lender shall have no right to collect or receive any charges whatsoever.
- (11) No licensee shall induce or permit any borrower to split up or divide any loan nor permit any one borrower to become indebted to him under more than one (1) contract of loan at the same time if the actual amount of the indebtedness on any one of such contracts is in the amount or of the value of fifteen thousand dollars (\$15,000) or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than would otherwise be permitted by this subtitle.
- (12) No licensee shall directly or indirectly charge, contract for or receive any interest or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon any loan in the amount or of the value of more than fifteen thousand dollars (\$15,000) excluding charges, or in any case in which the licensee permits any individual as borrower, indorser, guarantor, or surety for any borrower, or otherwise, to owe on any loan or loans directly or contingently, or both, to the licensee at any time the sum of more than fifteen thousand dollars (\$15,000) for principal, excluding charges.

Signed by Governor March 25, 2014.

CHAPTER 14

(HB 211)

AN ACT relating to education and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

1. The Governor.
2. Lieutenant Governor.
3. Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
4. Department of Law.
 - (a) Attorney General.
5. Department of the Treasury.
 - (a) Treasurer.
6. Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
7. Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

1. Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Management and Administrative Services.
 - (m) Department for Public Advocacy.
2. Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.
 1. Governor's Scholars Program.

- (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Budget and Administration.
 - 1. Division of Human Resources.
 - 2. Division of Administrative Services.
 - ~~3. Division of Technology Services.~~
 - (e) **Office of Technology Services.**
 - (f) Office of Educational Programs.
 - ~~(g)(f)~~ Office for Education and Workforce Statistics.
 - ~~(h)(g)~~ Board of the Kentucky Center for Education and Workforce Statistics.
 - ~~(i)(h)~~ Board of Directors for the Center for School Safety.
 - ~~(j)(i)~~ Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - ~~(k)(j)~~ Department for Libraries and Archives.
 - ~~(l)(k)~~ Department of Workforce Investment.
 - 1. Office for the Blind.
 - 2. Office of Vocational Rehabilitation.
 - 3. Office of Employment and Training.
 - a. **Division of Grant Management and Support.**
 - b. **Division of Workforce and Employment Services.**
 - c. **Division of Unemployment Insurance.**
 - ~~(m)(l)~~ Foundation for Workforce Development.
 - ~~(n)(m)~~ Kentucky Office for the Blind State Rehabilitation Council.
 - ~~(o)(n)~~ Kentucky Workforce Investment Board.
 - ~~(p)(o)~~ Statewide Council for Vocational Rehabilitation.
 - ~~(q)(p)~~ Statewide Independent Living Council.
 - ~~(r)(q)~~ Unemployment Insurance Commission.
 - ~~(s)(r)~~ Education Professional Standards Board.
 - 1. Division of Educator Preparation.
 - 2. Division of Certification.
 - 3. Division of Professional Learning and Assessment.
 - 4. Division of Legal Services.
 - ~~(t)(s)~~ Kentucky Commission on the Deaf and Hard of Hearing.
 - ~~(u)(t)~~ Kentucky Educational Television.
 - ~~(v)(u)~~ Kentucky Environmental Education Council.
3. Energy and Environment Cabinet:
- (a) Office of the Secretary.

1. Office of Legislative and Intergovernmental Affairs.
2. Office of General Counsel.
 - a. Environmental Protection Legal Division.
3. Office of Administrative Hearings.
4. Mine Safety Review Commission.
5. Kentucky State Nature Preserves Commission.
6. Kentucky Environmental Quality Commission.
7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Technical and Administrative Support.
 3. Division of Mine Permits.
 4. Division of Mine Reclamation and Enforcement.
 5. Division of Abandoned Mine Lands.
 6. Division of Oil and Gas.
 7. Office of Mine Safety and Licensing.
 8. Division of Forestry.
 9. Division of Conservation.
 10. Office of the Reclamation Guaranty Fund.
- (d) Department for Energy Development and Independence.
 1. Division of Efficiency and Conservation.
 2. Division of Renewable Energy.
 3. Division of Biofuels.
 4. Division of Energy Generation Transmission and Distribution.
 5. Division of Carbon Management.
 6. Division of Fossil Energy Development.
4. Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.

- b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - (b) Crime Victims Compensation Board.
 - (c) Board of Claims.
 - (d) Kentucky Board of Tax Appeals.
 - (e) Kentucky Boxing and Wrestling Authority.
 - (f) Kentucky Horse Racing Commission.
 - 1. Division of Licensing.
 - 2. Division of Incentives and Development.
 - 3. Division of Veterinary Services.
 - 4. Division of Security and Enforcement.
 - (g) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (h) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (i) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (j) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
 - (k) Department of Insurance.
 - 1. Property and Casualty Division.
 - 2. Health and Life Division.
 - 3. Division of Financial Standards and Examination.
 - 4. Division of Agent Licensing.
 - 5. Division of Insurance Fraud Investigation.
 - 6. Consumer Protection Division.
 - 7. Division of Kentucky Access.
 - (l) Office of Occupations and Professions.
5. Labor Cabinet.

- (a) Office of the Secretary.
 - 1. Division of Management Services.
 - 2. Office of General Counsel.
 - (b) Office of General Administration and Program Support for Shared Services.
 - 1. Division of Human Resource Management.
 - 2. Division of Fiscal Management.
 - 3. Division of Budgets.
 - 4. Division of Information Services.
 - (c) Office of Inspector General for Shared Services.
 - (d) Department of Workplace Standards.
 - 1. Division of Employment Standards, Apprenticeship, and Mediation.
 - 2. Division of Occupational Safety and Health Compliance.
 - 3. Division of Occupational Safety and Health Education and Training.
 - 4. Division of Workers' Compensation Funds.
 - (e) Department of Workers' Claims.
 - 1. Office of General Counsel for Workers' Claims.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Information and Research.
 - 6. Division of Ombudsman and Workers' Compensation Specialist Services.
 - 7. Workers' Compensation Board.
 - 8. Workers' Compensation Advisory Council.
 - 9. Workers' Compensation Nominating Commission.
 - (f) Workers' Compensation Funding Commission.
 - (g) Kentucky Labor-Management Advisory Council.
 - (h) Occupational Safety and Health Standards Board.
 - (i) Prevailing Wage Review Board.
 - (j) Apprenticeship and Training Council.
 - (k) State Labor Relations Board.
 - (l) Employers' Mutual Insurance Authority.
 - (m) Kentucky Occupational Safety and Health Review Commission.
6. Transportation Cabinet:
- (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.

- (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
7. Cabinet for Economic Development:
- (a) Office of Administration and Support.
 - (b) Department for New Business Development.
 - (c) Department of Financial Incentives.
 - (d) Department for Existing Business Development.
 - (e) Tobacco Research Board.
 - (f) Kentucky Economic Development Finance Authority.
 - (g) Office of Research and Information Technology.
 - (h) Department of Commercialization and Innovation.
 - (i) Office of Legal Services.
 - (j) Commission on Small Business Advocacy.
8. Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 - (b) Office of Health Policy.
 - (c) Office of Legal Services.
 - (d) Office of Inspector General.
 - (e) Office of Communications and Administrative Review.
 - (f) Office of the Ombudsman.
 - (g) Office of Policy and Budget.
 - (h) Office of Human Resource Management.
 - (i) Office of Administrative and Technology Services.
 - (j) Department for Public Health.
 - (k) Department for Medicaid Services.
 - (l) Department for Behavioral Health, Developmental and Intellectual Disabilities.

- (m) Department for Aging and Independent Living.
 - (n) Department for Community Based Services.
 - (o) Department for Income Support.
 - (p) Department for Family Resource Centers and Volunteer Services.
 - (q) Kentucky Commission on Community Volunteerism and Service.
 - (r) Kentucky Commission for Children with Special Health Care Needs.
 - (s) Governor's Office of Electronic Health Information.
9. Finance and Administration Cabinet:
- (a) Office of General Counsel.
 - (b) Office of the Controller.
 - (c) Office of Administrative Services.
 - (d) Office of Public Information.
 - (e) Office of Policy and Audit.
 - (f) Department for Facilities and Support Services.
 - (g) Department of Revenue.
 - (h) Commonwealth Office of Technology.
 - (i) State Property and Buildings Commission.
 - (j) Office of Equal Employment Opportunity and Contract Compliance.
 - (k) Kentucky Employees Retirement Systems.
 - (l) Commonwealth Credit Union.
 - (m) State Investment Commission.
 - (n) Kentucky Housing Corporation.
 - (o) Kentucky Local Correctional Facilities Construction Authority.
 - (p) Kentucky Turnpike Authority.
 - (q) Historic Properties Advisory Commission.
 - (r) Kentucky Tobacco Settlement Trust Corporation.
 - (s) Kentucky Higher Education Assistance Authority.
 - (t) Kentucky River Authority.
 - (u) Kentucky Teachers' Retirement System Board of Trustees.
 - (v) Executive Branch Ethics Commission.
10. Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Travel and Tourism.
 - (1) Division of Tourism Services.
 - (2) Division of Marketing and Administration.
 - (3) Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - (1) Division of Information Technology.
 - (2) Division of Human Resources.
 - (3) Division of Financial Operations.

- (4) Division of Facilities Management.
- (5) Division of Facilities Maintenance.
- (6) Division of Customer Services.
- (7) Division of Recreation.
- (8) Division of Golf Courses.
- (9) Division of Food Services.
- (10) Division of Rangers.
- (11) Division of Resort Parks.
- (12) Division of Recreational Parks and Historic Sites.
- (c) Department of Fish and Wildlife Resources.
 - (1) Division of Law Enforcement.
 - (2) Division of Administrative Services.
 - (3) Division of Engineering.
 - (4) Division of Fisheries.
 - (5) Division of Information and Education.
 - (6) Division of Wildlife.
 - (7) Division of Public Affairs.
- (d) Kentucky Horse Park.
 - (1) Division of Support Services.
 - (2) Division of Buildings and Grounds.
 - (3) Division of Operational Services.
- (e) Kentucky State Fair Board.
 - (1) Office of Administrative and Information Technology Services.
 - (2) Office of Human Resources and Access Control.
 - (3) Division of Expositions.
 - (4) Division of Kentucky Exposition Center Operations.
 - (5) Division of Kentucky International Convention Center.
 - (6) Division of Public Relations and Media.
 - (7) Division of Venue Services.
 - (8) Division of Personnel Management and Staff Development.
 - (9) Division of Sales.
 - (10) Division of Security and Traffic Control.
 - (11) Division of Information Technology.
 - (12) Division of the Louisville Arena.
 - (13) Division of Fiscal and Contract Management.
 - (14) Division of Access Control.
- (f) Office of the Secretary.
 - (1) Office of Finance.
 - (2) Office of Research and Administration.

- (3) Office of Governmental Relations and Tourism Development.
 - (4) Office of the Sports Authority.
 - (5) Kentucky Sports Authority.
 - (g) Office of Legal Affairs.
 - (h) Office of Human Resources.
 - (i) Office of Public Affairs and Constituent Services.
 - (j) Office of Creative Services.
 - (k) Office of Capital Plaza Operations.
 - (l) Office of Arts and Cultural Heritage.
 - (m) Kentucky African-American Heritage Commission.
 - (n) Kentucky Foundation for the Arts.
 - (o) Kentucky Humanities Council.
 - (p) Kentucky Heritage Council.
 - (q) Kentucky Arts Council.
 - (r) Kentucky Historical Society.
 - (1) Division of Museums.
 - (2) Division of Oral History and Educational Outreach.
 - (3) Division of Research and Publications.
 - (4) Division of Administration.
 - (s) Kentucky Center for the Arts.
 - (1) Division of Governor's School for the Arts.
 - (t) Kentucky Artisans Center at Berea.
 - (u) Northern Kentucky Convention Center.
 - (v) Eastern Kentucky Exposition Center.
11. Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity and Equality.
 - (j) Center of Strategic Innovation.
- III. Other departments headed by appointed officers:
- 1. Council on Postsecondary Education.
 - 2. Department of Military Affairs.
 - 3. Department for Local Government.

4. Kentucky Commission on Human Rights.
5. Kentucky Commission on Women.
6. Department of Veterans' Affairs.
7. Kentucky Commission on Military Affairs.
8. Office of Minority Empowerment.
9. Governor's Council on Wellness and Physical Activity.

➔Section 2. The General Assembly hereby confirms the Governor's Executive Order 2013-518, dated July 22, 2013, to the extent it is not otherwise confirmed or superseded by this Act.

➔Section 3. KRS 158.070 is amended to read as follows:

(1) *As used in this section:*

- (a) *"Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;*
- (b) *"School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year, and days that school will not be in session;*
- (c) *"Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;*
- (d) *"Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days; and*
- (e) *"Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students*~~[The minimum school term shall be one hundred eighty five (185) days, including no less than the equivalent of one hundred seventy-five (175) six (6) hour instructional days. A board of education may extend its term beyond the minimum term].~~

- (2) The local board of education, upon recommendation of the local school district superintendent, shall **annually** adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, **student attendance**~~[instructional]~~ days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.

- ~~(3) [Any local board of education operating its schools on a year-round school program basis shall conform with administrative regulations promulgated and adopted by the Kentucky Board of Education upon the recommendation of the commissioner of education, which regulations must be in conformity with the following criteria:~~

- ~~(a) The year round school program shall be operated on a fiscal year beginning July 1 and ending June 30;~~
- ~~(b) A pupil's required attendance in school shall be for at least the minimum instructional term; and~~
- ~~(c) No teacher shall be required to teach more than the minimum term during the school year.~~

- ~~(4)]~~ (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of **students**~~[pupils]~~ pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) In addition to the four (4) days required under paragraph (a) of this subsection, a minimum of two (2) hours of self-study review of suicide prevention materials shall be required for all high school and middle school principals, guidance counselors, and teachers each school year.
- (c) A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and

receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.

1. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan or consolidated plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
 2. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement or consolidated plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.
- (d) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
- (e) Each local board may use two (2) days for planning activities without the presence of **students**~~[pupils]~~.
- (f) Each local board may **close schools for**~~[use]~~ the number of days deemed necessary for:
1. National or state **emergency**~~[disaster]~~ or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 2. Local **emergency**~~[disaster]~~ which would endanger the health or safety of children; and
 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.

~~(4)(5)~~ (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of **student attendance**~~[school]~~ days~~[, including days missed from the regular school day]~~ as a result of **a local emergency**~~[local disaster]~~, as **described**~~[defined]~~ in subsection **(3)(f)2.**~~[(4)(f)2.]~~ of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of **waivers from the requirements of a student instructional year in subsection (1)(d) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship**~~[the days utilized for the opening and closing of school and the days utilized for professional development and planning activities for the professional staff]~~.

- (b) *If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(d) of this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.*

~~(5)(6)~~ (a) In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit **employees**~~[teachers]~~ who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence. The commissioner of education shall designate one (1) additional day during the school year when schools **may**~~[shall]~~ be closed to permit professional school employees to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings **may**~~[shall not]~~ be counted as a part of the minimum school term. School shall be closed on the day of a regular election and on the day of a primary election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.

- (b) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:
 - 1. Designate the day as one (1) of the four (4) holidays permitted under subsection (4)(d) of this section; or
 - 2. Not include the day in the minimum school term specified in subsection (1) of this section.
- ~~(6)(7)~~ (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled ***student attendance***~~[school]~~ day.
- (b) Beginning with the 2009-2010 school year, any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled ***student attendance***~~[school]~~ day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- ~~(7)(8)~~ Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.
- ~~(8)(9)~~ Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver to use an alternative service delivery option, including providing services during the ***student attendance***~~[school]~~ day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the ***student attendance***~~[school]~~ day.
- ~~(9)(10)~~ Notwithstanding any other statute, each school term shall include no less than the equivalent of the ***student instructional year in subsection (1)(d) of this section***~~[minimum number of instructional days required by this section]~~, except that the commissioner of education may grant up to the equivalent of ten (10) ***student attendance***~~[instructional]~~ days for school districts that have ***an alternative instruction plan approved by the commissioner of education for the use of***~~[missed an average of twenty (20) or more days in the previous three (3) years and use]~~ alternative methods of instruction, including virtual learning, on days when the school district is closed for health or safety reasons, on nontraditional days, or on nontraditional time. ***The district's plan shall demonstrate how teaching and learning in the district will not be negatively impacted.*** Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the ***student attendance days***~~[instructional time]~~ granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- ~~(10)(11)~~ Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (1) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the ***beginning of the student attendance***~~[instructional]~~ day. In the event of an unforeseen bus delay, the administrator of a school that participates in the Federal School Breakfast Program may authorize up to fifteen (15) minutes of the ***student attendance***~~[six (6) hour instructional]~~ day if necessary to provide the opportunity for children to eat breakfast not to exceed eight (8) times during the school year within a school building.
- ~~(11)(12)~~ Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses ***student attendance***~~[school]~~ days due to emergencies, including weather-related emergencies:

- (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
 - 1. State and local requirements under this section are met regarding the equivalent of the number and length of ***student attendance days, teacher professional***~~[instructional]~~ days, professional development days, holidays, and days for planning activities without the presence of ***students***~~[pupils]~~; and
 - 2. The provisions of the district's school calendar to make up ***student attendance***~~[school]~~ days missed due to any emergency, as approved by the Kentucky Department of Education ***when required***, including but not limited to a provision for additional instructional time per day, are met.
- (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:
 - 1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
 - 2. The employee's contract requires a minimum six (6) hour work day; and
 - 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.
- (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened ***student attendance***~~[instructional]~~ days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened ***student attendance***~~[instructional]~~ days.

➔Section 4. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the fund to support education excellence in Kentucky:

- (1) Employs and compensates all teachers for not less than one hundred eighty-five (185) days. The Kentucky Board of Education, upon recommendation of the commissioner of education, shall prescribe procedures by which this requirement may be reduced during any year for any district which employs teachers for less than one hundred and eighty-five (185) days, in which case the eligibility of a district for participation in the public school fund shall be in proportion to the length of time teachers actually are employed;
- (2) Operates all schools for a ***minimum school*** term as provided in KRS 158.070 and administrative regulations of the Kentucky Board of Education. If the school term is less than one hundred eighty-five (185) days, ***including not less than one hundred seventy (170) student attendance days as defined in Section 3 of this Act or one thousand sixty-two (1,062) hours of instructional time***, for any reason not approved by the Kentucky Board of Education on recommendation of the commissioner, the eligibility of a district for participation in the public school fund shall be in proportion to the length of term the schools actually operate;
- (3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;
- (4) Includes no nonresident pupils in its average daily attendance, except:
 - (a) 1. Pupils listed under a written agreement, which may be for multiple years, with the district of the pupils' legal residence.
 - 2. If an agreement cannot be reached, either board may appeal to the commissioner for settlement of the dispute.
 - 3. The commissioner shall have thirty (30) days to resolve the dispute. Either board may appeal the commissioner's decision to the Kentucky Board of Education.

4. The commissioner and the Kentucky Board of Education shall consider the factors affecting the districts, including but not limited to academic performance and the impact on programs, school facilities, transportation, and staffing of the districts.
5. The Kentucky Board of Education shall have sixty (60) days to approve or amend the decision of the commissioner; and
- (b) A nonresident pupil who attends a district in which a parent of the pupil is employed. All tuition fees required of a nonresident pupil may be waived for a pupil who meets the requirements of this paragraph.

This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital and pupils who have been expelled for behavioral reasons who shall be counted in average daily attendance under KRS 157.320;

- (5) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same program for girls;
- (6) Any school district which fails to comply with subsection (5) of this section shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the Department of Education after a hearing requested by any person within the school district. The hearing shall be conducted in accordance with KRS Chapter 13B. A district under this subsection shall, at the hearing, have an opportunity to show inability to comply.

➔Section 5. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the state assessment program between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in KRS 158.6453. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.
- (3) Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.
- (5) By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
 - (a) Curriculum alignment within the school and with schools that send or receive the school's students;

- (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
- (c) Professional development to address the goals of the plan;
- (d) Parental communication and involvement;
- (e) Attendance improvement and dropout prevention; and
- (f) Technical assistance that will be accessed.

Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.

- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340.
- (7) Based on the disaggregated assessment results, the local board shall determine if each school achieved its targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8)(9), if a local board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the school improvement plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) consecutive years. The school's improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

➔Section 6. (1) Notwithstanding any other statute or administrative regulation to the contrary, for the 2013-2014 school year, students shall receive a minimum of 1,062 instructional hours, less the amount of instructional time waived as provided in this section and any waiver provided in accordance with KRS 158.070(4)(f), in effect on the effective date of this section, and 702 KAR 7:140.

(2) A school district may reach 1,062 instructional hours by adding time to the day. A day shall not exceed seven hours of instructional time, unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar. A school district shall not schedule any instructional days on Saturdays. A local board of education may submit a plan to the Department of Education demonstrating how 1,062 instructional hours will be completed, and the plan shall be approved.

(3) If a school district desires to complete 1,062 instructional hours by June 6, 2014, but is unable to under its current school calendar, the district shall request assistance from the commissioner of education by May 1, 2014, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 6, 2014. If, after providing planning assistance to the school district, the commissioner of education determines the school district has maximized instructional time but cannot complete 1,062 hours by June 6, 2014, the commissioner shall waive the remaining instructional hours required.

(4) A school district may schedule graduation ceremonies before the final instructional day.

(5) Notwithstanding any other statute or administrative regulation to the contrary, for the 2013-2014 school year, school district certified and classified personnel shall complete all contract days by participating in instructional activities or professional development or by being assigned additional work responsibilities.

(6) Notwithstanding any other statute or administrative regulation to the contrary, for the 2013-2014 school year, a district may be open on the day of a primary election if no school in the district is used as a polling place.

(7) The Kentucky Department of Education shall make a report to the Interim Joint Committee on Education by October 15, 2014, on how school districts completed the 1,062 instructional hours.

➔Section 7. Whereas the provisions of Section 6 of this Act apply to the 2013-2014 school year and school districts need to implement the provisions before the 2013-2014 school year expires, an emergency is declared to exist, and the provisions of Section 6 take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 31, 2014.

CHAPTER 15

(HB 318)

AN ACT relating to military affairs and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

The Bluegrass Station Division exists to support, retain, and attract primarily defense and homeland security agencies, contractors, and associated and compatible operations, including the jobs which they bring to Kentucky. Agency contracts, leases, and accounting procedures may additionally reflect the needs of these customers. Bluegrass Station Division shall be headed by a director experienced with federal contracts, construction, and installation operations, and maintenance funding requirements.

➔Section 2. KRS 56.820 is amended to read as follows:

- (1) This section shall apply when the built-to-suit process involves the construction of a building on state-owned land.
- (2) Upon the execution of a lease awarded under this section, the Commonwealth shall convey to the individual or firm to whom such lease has been awarded, in fee simple with covenant of general warranty of title, the real estate upon which the building is to be constructed under this lease. The lease shall provide for an initial lease term commencing on the date the building is accepted for occupancy by the Commonwealth, but not later than thirty (30) days after the owner's architect has certified that construction of the building has been completed, and ending June 30 of the second year of the then current fiscal biennium of the Commonwealth, with an option in the Commonwealth, as lessee, to extend the term of the lease for a term of two (2) years from the expiration of the original term of the lease and for two (2) years from the expiration of each extended term of the lease, until the original term of the lease has been extended for a total number of years to be agreed upon by the parties at a rental which, if paid for the original term and for each of the full number of years for which the term of the lease may be extended, will amortize the total cost of the erection of the building and appurtenances. The rent shall be paid at such times as the parties to the lease agreed upon. The lease shall provide that the lessee may, at the expiration of the original or any extended term, purchase the leased premises at a stated price, which shall be the balance of the total cost of erection of the building and appurtenances not amortized by the payments of rent previously made by the lessee. The lease shall provide that in the event of the exercise of the option to purchase the leased premises or in the event the lease has been extended for the full number of years which it is agreed the same may be extended, and all rents and payments provided for in the lease have been made, the lessor shall convey the premises to the lessee in fee simple with covenant of general warranty of title. The lease may provide that the lessee shall, as additional rent for the leased premises, pay all taxes assessed against the leased premises, and the cost of insuring the building erected thereon against loss or damage by fire and windstorm in such sum as may be agreed by the parties thereto.
- (3) For buildings located in Fayette County, the commissioner of the Department for Facilities Management on behalf of the Department for Military Affairs may award a built-to-suit lease for built-to-suit projects without the conveyance of title required in subsection (2) of this section. Any lease agreement under this subsection shall be awarded in accordance with the provisions of KRS Chapter 45A. The provisions of KRS 56.8163, 56.8165, 56.8167, 56.8169, 56.8171, and 56.8173 shall not apply to built-to-suit leases awarded under this

subsection. Any lease agreement established under this subsection shall provide that title to all improvements shall vest in the Commonwealth upon completion of the term of the lease.

- (4) *For buildings located in Fayette County, procured pursuant to this section and leased from the Commonwealth by an agency of the federal government, the following provisions shall apply:*
- (a) *Notwithstanding KRS 56.813(2) to the contrary, the secretary of the Finance and Administration Cabinet, on behalf of the Department of Military Affairs, may approve modifications to existing buildings if the source of the payments by the Department of Military Affairs for the improvements are made through an agreement with an agency of the United States government, or through an increase in the term of the lease, provided that the improvements are procured by the Department of Military Affairs pursuant to the provisions of KRS Chapter 45A; and*
 - (b) *Any lease modification approved by the secretary of the Finance and Administration Cabinet pursuant to this subsection shall be reported by the cabinet to the Legislative Research Commission for referral to an appropriate legislative committee within thirty (30) days of the execution of the lease modification.*

➔Section 3. Whereas certain federally occupied facilities may need to be immediately modified to meet changing world wide and homeland security conditions, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 2, 2014.

CHAPTER 16

(HB 349)

AN ACT relating to workers' compensation reporting requirements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 342.012 is amended to read as follows:

- (1) For the purposes of this chapter, an owner or owners of a business, including qualified partners of a partnership owning a business, or qualified members of a limited liability company, whether or not employing any other person to perform a service for hire, shall be included within the meaning of the term employee if the owner, owners, qualified partners, or qualified members of a limited liability company elect to come under the provisions of this chapter and provide the insurance required thereunder. Nothing in this section shall be construed to limit the responsibilities of the owners, partners, or members of a limited liability company to provide coverage for their employees, nonqualified partners, or nonqualified members, if any, required under this chapter.
- (2) When an owner, owners, qualified partners, or qualified members of a limited liability company have elected to be included as employees, this inclusion shall be accomplished by the issuance of an appropriate endorsement to a workers' compensation insurance policy.
- (3) For the purpose of this section, "qualified partner" or "qualified member or members" means, respectively, a partner who has entered into a meaningful partnership agreement or a member who has entered into meaningful articles of organization or a meaningful operating agreement of a limited liability company, which document shows on its face that the partner will substantially participate in the profit or loss of the business engaged in by the partnership or limited liability company and that the partner or member has made some contribution to the partnership or limited liability company which entitles him or her to participate in the profits of the business as well as to participate in the decision-making process of the partnership or limited liability company.
- (4) For the purposes of this section, "nonqualified partner" or "nonqualified member" means, respectively, a person who has entered into a partnership agreement, or articles of organization or operating agreement of a limited liability company, which document shows on its face that this person will receive regular payments in exchange for work for the business engaged in by the partnership or limited liability company; that the person

will not participate in the decision-making of the partnership or limited liability company and will not participate in the profits and losses of the business engaged in by the partnership or limited liability company.

- (5) ***Every partnership and limited liability company shall provide, upon the request of the commissioner or his or her representative, a copy of its partnership agreement or articles of organization for purposes of demonstrating compliance with this section and KRS 342.340.*** ~~Every partnership filing a partnership agreement and every limited liability company filing articles of organization or an operating agreement for the purpose of exemption pursuant to the provisions of KRS 342.340 shall, on or before April 15 of each year, file with the commissioner the employer identification number assigned to the partnership or limited liability company by the Internal Revenue Service. On or before April 15 of each year, each partnership and each limited liability company having a partnership agreement, operating agreement, or articles of organization on file with the commissioner shall file a copy of the tax return of the partnership or limited liability company with the commissioner. Failure to comply with the provisions of this subsection shall be prima facie evidence that the partnership agreement or limited liability company articles of organization filed with the commissioner is composed, respectively, of "nonqualified partners" or "nonqualified members", respectively, as defined in this section, and the commissioner shall promptly notify interested government agencies of the failure of the filed partnership agreement or limited liability company articles of organization or operating agreement to indicate compliance with KRS 342.340.]~~ With particular reference to employers engaged in coal mining, the commissioner shall promptly report the failure to comply with the provisions of this subsection to the Energy and Environment Cabinet, Department for Natural Resources, Office of Mine Safety and Licensing, so that appropriate action may be undertaken pursuant to KRS 351.175.
- (6) For purposes of this section, a "limited liability company" means an entity defined in KRS 275.015 and organized under the provisions of KRS Chapter 275.

Signed by Governor April 2, 2014.

CHAPTER 17

(HB 367)

AN ACT relating to nonpartisan elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 83A.045 is amended to read as follows:

- (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be governed by the following provisions, regardless of the form of government or classification of the city:
- (a) A candidate for party nomination to city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January before the day fixed by KRS Chapter 118 for holding a primary election for the office sought. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.
 - (b) An independent candidate for nomination to city office shall not participate in a primary, but shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.
 - (c) A candidate for city office who is defeated in a partisan primary election shall be ineligible as a candidate for the same office in the regular election. However, if a vacancy occurs in the party

nomination for which he or she was an unsuccessful candidate in the primary, his or her name may be placed on the voting machines for the regular election as a candidate of that party if he or she has been duly made the party nominee after the vacancy occurs, as provided in KRS 118.105.

- (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions, regardless of the form of government or classification of the city:
 - (a) A candidate for city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January before the day fixed by KRS Chapter 118 for holding a primary for nominations for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed;
 - (b) Any city of the fourth to sixth class may by ordinance provide that the nomination and election of candidates for city office in a nonpartisan election shall be conducted pursuant to the provisions of this subsection:
 1. A city may forgo conducting a nonpartisan primary election for the nomination of candidates to city office, regardless of the number of candidates running for each office, and require all candidates to file their nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot.
 2. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.
 3. If a city does not conduct a primary pursuant to this subsection, the election of candidates to city office shall be governed by the provisions of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to 121.
 4. In the absence of a primary pursuant to this subsection, the number of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.
 5. Candidates shall be subject to all other applicable election laws pursuant to this chapter and KRS Chapters 116 to 121.
 6. If a vacancy occurs in a candidacy for city office in any city which has not held a primary pursuant to this subsection after the expiration of time for filing nomination papers, or if there are fewer candidates than there are offices to be filled, the vacancy in candidacy shall be filled by write-in voting.
 7. ***At the regular election, the voters shall be instructed to vote for one (1) candidate, except when there is more than one (1) candidate for which voters may vote, the instruction "vote for up to candidates" shall be used on the ballot.***
 - (c) A candidate for city office who is defeated in a nonpartisan primary election shall be ineligible as a candidate for the same office in the regular election.

➔Section 2. KRS 83A.170 is amended to read as follows:

- (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required nonpartisan city elections, or in any city of the second class operating under the city manager form of government pursuant to KRS 83A.150, no person shall be elected to city office except as provided in this section or as otherwise provided in this chapter relating to nonpartisan elections.
- (2) No person shall be elected to city office without being nominated in the manner provided in this section at a nonpartisan primary to be held at the time prescribed by KRS Chapters 116 to 121, except as otherwise

provided in this chapter. Nonpartisan primaries shall be conducted by the same officers, chosen and acting in the same manner, with the same rights and duties as in regular elections.

- (3) Each applicant for nomination shall, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing notification and declaration forms with the county clerk as provided in KRS 83A.047, file a petition of nomination, which shall be in the form prescribed by the State Board of Elections signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (4) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) Immediately upon expiration of the time for filing petitions, the county clerk shall have published in accordance with KRS Chapter 424 the names of the applicants as they will appear before the voters at the primary.
- (6) Subsection (5) of this section shall not apply if it appears, immediately upon expiration of the time for filing petitions, that there are not more than two (2) applicants for nomination for each city office to be filled, or, when the nominations are for city legislative body members in cities electing legislative body members at large, and there are no more than twice the number of applicants for nomination for the number of offices to be filled. In that case, the applicants for nomination shall thereby be nominated and no drawing for ballot position nor primary election shall be held for that office.
- (7) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (8) If, before the time of certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the nomination, the clerk shall not cause the candidate's name to be printed on the ballot.
- (9) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
 - (a) Neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct officers fail to post the notices at the polling place, the officers shall be guilty of a violation;
 - (c) In a primary, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate or candidates and send a copy to the remaining candidate or candidates.
- (10) Names of applicants for each nomination shall be placed before the voters of the city. ***The voters shall be instructed to vote for one (1) candidate, except when there is more than one (1) candidate for which voters may vote, the instruction "vote for up to candidates" shall be used on the ballot.*** ~~[The voters shall be instructed to vote for one (1) candidate, except that they shall be instructed to vote for the number of legislative body members to be elected in cities nominating legislative body members at large.]~~ No party designation or emblem of any kind nor any sign indicating any applicant's political belief or party affiliation shall be used.
- (11) Persons qualified to vote at a regular election shall be qualified to vote at a nonpartisan primary and the law applicable to challenges made at a regular election shall be applicable to challenges made at a nonpartisan primary.

- (12) Votes shall be counted as provided in general election laws, pursuant to KRS Chapters 116 to 121, and the result shall be published as provided in KRS Chapter 424.
- (13) The two (2) applicants receiving the highest number of votes for nomination for each city office shall be nominated; or where the nominations are for city legislative body members in cities electing legislative body members at large, there shall be nominated the number of applicants receiving the highest number of votes equal to twice the number of offices to be filled. If two (2) candidates are tied for the second highest number of votes in a mayoral election, the names of those two (2) candidates, plus the name of the candidate receiving the highest number of votes, shall be placed upon the ballot.
- (14) At the regular election following a nonpartisan primary, the names of the successful nominees and candidates who have filed a petition of candidacy as provided in this chapter to fill a vacancy shall be placed before the voters.
- (15) The nominee or candidate receiving the greater number of votes cast for each city office shall be elected.
- (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public officers in the conduct of elections shall be applicable in all respects to nonpartisan city elections, except no election officer or other person within a polling place shall tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of any candidate for city office.

➔Section 3. KRS 83A.100 is amended to read as follows:

- (1) The legislative body of a city may by ordinance divide the city into the same number of wards as the number of legislative body members. Wards shall be as nearly equal in population as practicable and their boundaries shall be fixed by the ordinance.
- (2) The populations of wards shall be reviewed as necessary to insure that populations are as nearly equal as practicable, but the populations of wards shall be reviewed for equalization at least as often as each regular federal census.
- (3) Wards may be abolished by repeal of the ordinance creating them. No creation, alteration or abolition of wards shall occur within two hundred forty (240) days preceding a regular election.
- (4) If a city is divided into wards, legislative body members shall be nominated and elected in the following manner:
 - (a) Members shall be elected in the regular November election at large, but each candidate shall reside in the ward he seeks to represent and shall be elected in such a manner that each ward is equally represented on the legislative body. The names shall be presented in the election to show for which ward each candidate is seeking election and voters shall be instructed to "vote for one candidate in each ward." The candidate receiving the highest number of votes cast in each ward shall be deemed to be elected from such ward.
 - (b) Persons seeking the nomination of a political party for the office of legislative body member where a primary election is required for the political party, shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent.
 - (c) *Except as provided by paragraph (d) of this subsection, persons seeking nomination for the office of legislative body member in a nonpartisan election where a primary is conducted pursuant to Section 2 of this Act shall be voted upon at large by the voters of the city and the two (2) candidates receiving the highest number of votes cast in each ward shall be deemed to be nominated from that ward.*
 - (d) *The city may provide specifically in the ordinance required by subsection (1) of this section that persons seeking nomination for the office of legislative body member in a nonpartisan primary conducted pursuant to Section 2 of this Act shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent.*
- (5) *Any city enacting or amending an ordinance to establish or abolish wards, modify ward boundaries, or to establish the manner of elections under subsection (4) of this section shall be completed within the time specified by subsection (3) of this section and the city shall forward a copy of the ordinance to the county clerk or county clerks of the county or counties in which the city is located.*

➔Section 4. The following KRS section is repealed:

83A.110 Staggered terms for legislative body members.

Signed by Governor April 2, 2014.

CHAPTER 18

(HB 388)

AN ACT relating to best system emission reduction for existing electric generating units.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

The Kentucky General Assembly hereby finds and declares that:

- (1) *The United States Environmental Protection Agency intends to adopt guidelines to reduce carbon dioxide emissions from existing fossil fuel-fired electric generating units under 42 U.S.C. sec. 7411(d);*
- (2) *The United States Congress charges states, rather than the United States Environmental Protection Agency, with establishing standards of performance under 42 U.S.C. sec. 7411(d) for existing stationary sources including fossil fuel-fired electric generating units as a means of furthering the scheme of cooperative federalism under the federal Clean Air Act and with ensuring that the states have the primary role in managing their own economic and environmental resources; and*
- (3) *Providing reliable and affordable electricity through using various energy feedstocks for electric generation including coal, natural gas, nuclear, and renewable resources, as well as using energy efficiently will provide economic and environmental benefits for the citizens of the Commonwealth of Kentucky;*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) *In developing and implementing any plan to control emissions of carbon dioxide the cabinet shall establish separate standards of performance for carbon dioxide emissions in accordance with:*
 - (a) *Section 3 of this Act for existing coal-fired electric generating units; and*
 - (b) *Section 4 of this Act for existing natural gas-fired electric generating units.*
- (2) *Performance standards shall be adjusted on a case-by-case basis in accordance with Section 5 of this Act and shall be implemented in accordance with Section 6 of this Act.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Except for adjustments of the performance standard on a case-by-case basis under Section 5 of this Act, the performance standard that shall be established for existing coal-fired electric generating units shall be based on the following:

- (1) *The best system of emission reduction which has been adequately demonstrated for coal-fired electric generating units subject to the performance standard. Best system of emission reduction shall take into account the cost of:*
 - (a) *Achieving the emission reduction;*
 - (b) *Impacting non-air quality health and the environment; and*
 - (c) *Maintaining energy requirements needed to serve the load on the electric generating unit;*
- (2) *Reductions in emissions of carbon dioxide that can reasonably be achieved through measures undertaken at each coal-fired electric generating unit; and*
- (3) *Efficiency and other measures that can be undertaken at each coal-fired electric generating unit to reduce its carbon dioxide emissions without doing the following:*
 - (a) *Switching from coal to other fuels;*
 - (b) *Co-firing other fuels with coal; or*
 - (c) *Limiting the utilization of the electric generating unit.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

Except for adjustments of the performance standard on a case-by-case basis under Section 5 of this Act, the performance standard that shall be established for existing gas-fired electric generating units shall be based on the following:

- (1) *The best system of emission reduction which has been adequately demonstrated for gas-fired electric generating units subject to the performance standard. Best system of emission reduction shall take into account the cost of:*
 - (a) *Achieving the emission reduction;*
 - (b) *Impacting non-air quality health and the environment; and*
 - (c) *Maintaining energy requirements needed to serve the load of the electric generating unit;*
- (2) *Reductions in emissions of carbon dioxide that can reasonably be achieved through measures undertaken at each gas-fired electric generating unit; and*
- (3) *Efficiency and other measures that can be undertaken at the unit to reduce carbon dioxide emissions from the unit without switching from natural gas to other fuels that emit less carbon dioxide than natural gas or by limiting the utilization of the electric generating unit.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

In establishing a performance standard for any existing fossil fuel-fired electric generating unit, the cabinet shall consider, in all cases, whether to adopt less stringent performance standards or longer compliance schedules for those units than are established in applicable federal rules or guidelines. The decision to adopt a less stringent performance standard or longer compliance schedules shall be based on the following:

- (1) *Consumer impacts including any disproportionate energy price increases on lower income populations;*
- (2) *Unreasonable costs of reducing emissions of carbon dioxide resulting from the age, location, or basic process design of the electric generating unit;*
- (3) *Physical difficulties with or the impossibility of implementing emission reduction measures for carbon dioxide;*
- (4) *The absolute cost of applying the performance standard to the electric generating unit;*
- (5) *The expected remaining useful life of the electric generating unit;*
- (6) *The economic impacts of closing the electric generating unit, including expected job losses, if the unit is unable to comply with the performance standard; and*
- (7) *Any other factors specific to the electric generating unit that make application of a less stringent performance standard or longer compliance schedule more reasonable.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

To the maximum extent permissible, the cabinet may develop a method for electric generating units to implement the performance standards that gives the electric generating units flexibility to comply with the performance standards.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall not propose or submit to the United States Environmental Protection Agency any plan establishing performance standards for existing fossil fuel-fired electric generating units unless the plan is:*
 - (a) *Consistent with Sections 1 to 7 of this Act; and*
 - (b) *Prepared in consultation with the Kentucky Public Service Commission to:*
 1. *Ensure that the plan minimizes the impacts on current and future industrial, commercial, and residential consumers; and*
 2. *Does not threaten the affordability of Kentucky's rates or the reliability of electricity service.*
- (2) *The cabinet shall promulgate administrative regulations for the establishment and implementation of any state plan to regulate emissions of carbon dioxide from existing fossil fuel-fired electric generating units under 42 U.S.C. sec. 7411(d).*

- (3) *Any state plan established by the cabinet to regulate emissions of carbon dioxide pursuant to Sections 1 to 7 of this Act shall have no legal effect if:*

(a) *The United States Environmental Protection Agency:*

1. *Fails to issue federal rules or guidelines for reducing carbon dioxide emissions from existing fossil fuel-fired electric generating units under 42 U.S.C. sec. 7411(d); or*
2. *Withdraws its federal rules or guidelines for reducing carbon dioxide emissions from existing fossil fuel-fired electric generating units; or*

- (b) *A court of competent jurisdiction invalidates the United State Environmental Protection Agency's federal rules or guidelines issued to regulate emissions of carbon dioxide from existing fossil fuel-fired electric generating units.*

Signed by Governor April 2, 2014.

CHAPTER 19

(HB 448)

AN ACT relating to destruction of crops on farms by wildlife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 150.170 is amended to read as follows:

- (1) Except as provided in the following subsections of this section, and subject to administrative regulations promulgated under this chapter, no person, resident or nonresident, shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to wildlife unless he holds the kind of license or permit, resident or nonresident, that authorizes the act. It shall be the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for in KRS 150.175, except to the extent as may be otherwise provided in this section.
- (2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip net.
- (3) A person under twelve (12) years of age shall be exempt from being required to obtain a sport hunting or sport trapping license as required by this chapter.
- (4) The resident owner of farmlands, his *or her* spouse, or dependent children, shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on the farmlands of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.
- (5) Residents or nonresidents observing and participating in field trials, training exercises, or other competitions as authorized by the department may observe and participate without obtaining a hunting or guide's license so long as game is not taken.
- (6) Any resident serviceman on furlough of more than three (3) days in this state may, without any Kentucky sport hunting or sport fishing licenses, do any act authorized by the licenses, but while so doing he shall carry on his person proper identification and papers showing his furlough status.
- (7) ~~Resident~~ Landowners, their spouses, ~~for~~ dependent children, *or their designee who must be approved by the commissioner* who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species *without a tag and dispose of the carcass on-site*. Tenants, *their spouses,* ~~or~~ their dependent children ~~residing upon the lands~~, or other persons approved by the commissioner, shall also have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to *a* ~~the department or the resident~~ conservation officer *within twenty-four (24) hours of the kill.* ~~for the proper disposition of the carcass.~~ Individuals wishing to *transport* ~~use~~ the carcass *from the property upon which it was killed* shall contact personnel of the department to request a

disposal tag or other ~~authorization~~~~[authorizing document]~~. *Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield. The department shall promulgate regulations establishing procedures for the designee appointment process, including request and approval deadlines.*

- (8) If a reciprocal agreement is entered into by the commissioner, with the approval of the commission, and promulgated as an administrative regulation by the department and similar action is taken by the appropriate authority in Missouri, Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or nonresident fishing or a resident or nonresident hunting license issued in these states shall be permitted to perform the acts authorized by the license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the State of Kentucky. A resident of the State of Kentucky shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.

Signed by Governor April 2, 2014.

CHAPTER 20

(HB 475)

AN ACT relating to local option elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 241.010 is amended to read as follows:

As used in this chapter and in KRS Chapters 242 and 243, unless the context requires otherwise:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced;
- (2) "Alcoholic beverage" means every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
 - (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
 - (b) Patented, patent, and proprietary medicines;
 - (c) Toilet, medicinal, and antiseptic preparations and solutions;
 - (d) Flavoring extracts and syrups;
 - (e) Denatured alcohol or denatured rum;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes; and
 - (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3)
 - (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
 - (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;

- (4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;
- (5) "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;
- (6) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (7) "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent;
- (8) "Brewery" means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- (9) "Building containing licensed premises" means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- (10) "Caterer" means a corporation, partnership, or individual that operates the business of a food service professional by preparing food in a licensed and inspected commissary, transporting the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests;
- (11) "Charitable organization" means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- (12) "Cider" means any fermented fruit-based beverage containing more than one-tenth of one percent (0.1%) alcohol by volume and includes hard cider and perry cider;
- (13) "City administrator" means city alcoholic beverage control administrator;
- (14) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- (15) "Convention center" means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- (16) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- (17) "County administrator" means county alcoholic beverage control administrator;
- (18) "Department" means the Department of Alcoholic Beverage Control;
- (19) "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;
- (20) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- (21) "Distiller" means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;
- (22) "Distillery" means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- (23) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;

- (24) "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales by a KRS 242.050, KRS 242.125, or other local option election;
- (25) "Election" means:
 - (a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242; or
 - (b) Any other election not pertaining to alcohol;
- (26) "Field representative" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes;
- (27) "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (28) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (29) "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (30) "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (31) "Limited restaurant" means:
 - (a) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons for dining, and which is located in a wet or moist territory under KRS 242.1244(2); or
 - (b) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244;
- (32) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt;
- (33) "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (34) "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (35) "Minor" means any person who is not twenty-one (21) years of age or older;
- (36) "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS 242.123, 242.1238, 242.124, 242.1242, 242.1244, **Section 2 of this Act**, or 242.1292;
- (37) "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998 shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;
- (38) "Private club" means a nonprofit social, fraternal, military, or political organization, club, or entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;
- (39) "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;
- (40) "Qualified historic site" means a contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of

Historic Places, or a site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served. Notwithstanding the provisions of this subsection:

- (a) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; and
 - (b) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- shall be deemed a "qualified historic site" under this section;
- (41) "Rectifier" means any person who rectifies, purifies, or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;
 - (42) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
 - (43) "Restaurant" means a facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food;
 - (44) "Retail container" means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery to the consumer or not;
 - (45) "Retail outlet" means retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers;
 - (46) "Retail sale" means any sale where delivery is made in Kentucky to any consumers;
 - (47) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required;
 - (48) "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state;
 - (49) "Sale" means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;
 - (50) "Service bar" means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar. A service bar shall be located in an area where the general public, guests, or patrons are prohibited;
 - (51) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;
 - (52) "Small farm winery" means a winery producing wines, in an amount not to exceed fifty thousand (50,000) gallons in a calendar year;
 - (53) "Souvenir package" means a special package of Kentucky straight bourbon whiskey available for retail sale at a licensed Kentucky distillery where the whiskey was produced or bottled that is available from a licensed retailer;
 - (54) "State director" means the director of the Division of Distilled Spirits or the director of the Division of Malt Beverages, or both, as the context requires;
 - (55) ***"State park" means a state park that has a:***
 - (a) Nine (9) or eighteen (18) hole golf course; or***
 - (b) Full-service lodge and dining room, and may include a nine (9) or eighteen (18) hole golf course;***
 - (56) "Supplemental bar" means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional

locations other than the main bar. A supplemental bar shall be continuously constructed and accessible to patrons for distilled spirits or wine sales or service without physical separation by walls, doors, or similar structures;

- (57)~~((56))~~ "Territory" means a county, city, district, or precinct;
- (58)~~((57))~~ "Vehicle" means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
- (59)~~((58))~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;
- (60)~~((59))~~ "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050, 242.125, or 242.1292 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- (61)~~((60))~~ "Wholesale sale" means a sale to any person for the purpose of resale;
- (62)~~((61))~~ "Wholesaler" means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
- (63)~~((62))~~ "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It includes ciders, perry, or sake; and
- (64)~~((63))~~ "Winery" means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *To promote economic development and tourism in any dry or moist county or city in which a state park is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in a city or county precinct where the state park's qualifying lodge or golf course is located, notwithstanding any other provision of the Kentucky Revised Statutes.*
- (b) *A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under this section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at the state park located in (name of precinct)'?"*
- (2) *A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020; 242.030(1), (2), and (5); 242.040; and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at the state park located in the (name of precinct)?"*
- (3) *When a majority of the votes cast at an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the entire state park shall become moist in the manner specified in KRS 242.200.*

➔Section 3. KRS 243.082 is amended to read as follows:

- (1) A "Nonquota type 1" or "NQ1" retail drink license may be issued to *an applicant operating as, or in:*
 - (a) A convention center or a convention hotel complex;
 - (b) A horse racetrack;
 - (c) An automobile racetrack;
 - (d) A railroad system;~~[-or]~~
 - (e) A commercial airlines system or charter flight system; *or*
 - (f) *A state park.*
- (2) (a) The department may issue an NQ1 retail drink license to a railroad company operating a railroad system in the state upon the payment of the required fee. This license tax shall be in lieu of all license and

excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, and malt beverages.

- (b) Notwithstanding KRS Chapter 242, an NQ1 retail drink issued to a railroad system shall authorize the holder to sell distilled spirits, wine, and malt beverages at retail by the drink or by the package upon any train, that includes a dining car, operated by the licensee in the state. Sales shall be made only while the train is in motion. Notwithstanding any other law, holders of such licenses may retail alcoholic beverages in unbroken packages smaller than two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine and may purchase alcoholic beverages from nonresidents.
- (3) (a) The department may issue an NQ1 retail drink license to a commercial airlines system or charter flight system upon the payment of the required fee. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, or malt beverages, and the license may be renewed annually.
- (b) An NQ1 retail drink license issued to a commercial airlines system or charter flight system shall authorize the holder to sell distilled spirits and wine by the drink and by miniature bottle, and malt beverages, upon regularly scheduled or charter flights of the licensee, in and out of Kentucky. The license shall authorize the licensee to store distilled spirits, wine, and malt beverages for retail sale at a location or locations, if operating from more than one (1) airport in Kentucky, as designated on the license application.
- (4) An NQ1 retail drink license issued to a convention center or convention hotel complex shall authorize the retail sale of distilled spirits, wine, and malt beverages for consumption on the premises of the convention center or hotel. The license shall permit all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses, except that a separate hotel in-room service license shall be required, where applicable. An NQ1 retail drink license issued to a convention center or convention hotel complex license shall not be transferable to other premises. This subsection shall not apply to an NQ1 retail drink license issued to or renewed for a convention center, other than those in a city of the first class or a county containing a city of the first class or a consolidated local government, if the original license was issued prior to July 15, 1998.
- (5) An NQ1 retail drink license issued to an automobile racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of an automobile racetrack. The license permits all distilled spirits, wine, and malt beverage sales on the premises without additional supplemental licenses.
- (6) An NQ1 retail drink license issued to a horse racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of a horse racetrack. The license permits all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses.
- (7) ***An NQ1 retail drink license may be issued to any qualifying applicant within a state park meeting the criteria established in KRS 241.010 so long as the state park is located, in whole or in part, within:***
 - (a) ***Any wet territory; or***
 - (b) ***Any precinct that has authorized the sale of alcoholic beverages under Section 2 of this Act.***
- (8) ***Any licensee holding an NQ1 retail drink license located in a qualifying state park may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The license shall permit all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses. The licensee shall only purchase distilled spirits, wine, or malt beverages from licensed wholesalers or distributors. The holder of an NQ1 retail drink license under this subsection shall comply with the requirements of KRS 243.250. An NQ1 retail drink license held under this subsection shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package.***

➔Section 4. KRS 243.100 is amended to read as follows:

A natural person shall not become a licensee under KRS 243.020 to 243.670 if he or she:

- (1) (a) Has been convicted of any felony until five (5) years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later;
- (b) Has been convicted of any misdemeanor described under KRS 218A.050, 218A.060, 218A.070, 218A.080, 218A.090, 218A.100, 218A.110, 218A.120, or 218A.130 in the two (2) years immediately preceding the application;

- (c) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two (2) years immediately preceding the application;
 - (d) Is under the age of twenty-one (21) years;
 - (e) Has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction; or
 - (f) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which his or her application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938.
- (2) A partnership, limited partnership, limited liability company, ~~or~~ corporation, **or governmental agency** shall not be licensed if:
- (a) Each member of the partnership or each of the directors, principal officers, or managers does not qualify under subsection (1)(a), (b), (c), and (d) of this section;
 - (b) It has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction; or
 - (c) It is a partnership or corporation, if any member of the partnership or any director, manager, or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of the later of two (2) years from the date of the revocation or two (2) years from the date of conviction.
- (3) The provisions of subsection (1)(a) and (b) shall apply to anyone applying for a new license under this chapter after July 15, 1998, but shall not apply to those who renew a license that was originally issued prior to July 15, 1998, or an application for a supplemental license where the original license was issued prior to July 15, 1998.

Signed by Governor April 2, 2014.

CHAPTER 21

(SB 23)

AN ACT relating to the transportation of household goods.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 281.624 is amended to read as follows:

- (1) The term "household goods certificate" means a certificate granting authority to operate as an irregular route common carrier transporting personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of the dwelling, and similar property if the transportation of the effects or property is:
 - (a) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling; or
 - (b) Arranged and paid for by another party.
- (2) ***A household goods certificate shall be issued to any qualified applicant, authorizing operation covered by the application, if the applicant conforms to the provisions of this chapter and the requirements of the administrative regulations promulgated pursuant to this chapter.***
- (3) The department, in granting a motor carrier authority under KRS 281.630(1), shall have the right to designate the situs of the motor carrier's office and terminal facilities from which the carrier may operate. A designation shall not deny the motor carrier the use of its offices and terminal facilities in existence at the time of the grant of the authority. Any subsequent change of situs or additional situs shall only be granted after application by

the motor carrier to the department in the same manner as other applications made under *this section* [~~KRS 281.625~~].

- (4) *The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish requirements and to set forth standards for household goods carriers, including but not limited to the:*
- (a) *Determination of weights;*
 - (b) *Establishment of rates for accessorial services;*
 - (c) *Types of discounts prohibited;*
 - (d) *Prohibition against a carrier acting as an agent for another carrier;*
 - (e) *Insurance provisions;*
 - (f) *Information required on a receipt or bill of lading;*
 - (g) *Information required on a freight bill;*
 - (h) *Liability of carriers;*
 - (i) *Estimation of charges;*
 - (j) *Absorption or advancement of dock charges;*
 - (k) *Information for prospective shippers;*
 - (l) *Minimum weight shipments; and*
 - (m) *Filing of tariffs.*

➔Section 2. KRS 281.625 is amended to read as follows:

- (1) (a) *Except for applications involving a household goods certificate*, upon the filing of an application for a certificate or permit or for amendment or for sale, transfer, or lease, or for change in route, or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing.
- (b) A person who intends to file an application under paragraph (a) of this subsection shall publish notice of the application in accordance with KRS 281.6251.
- (2) *Except as provided in subsection (8) of this section*, if a protest is filed, the department shall hold an administrative hearing on the application. The department, in its discretion, may hold a hearing if no protest is filed. Hearings conducted under this section shall be conducted in accordance with KRS Chapter 13B. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.
- (3) If the application is for a nonprofit bus certificate and no protest is filed, the department may grant the certificate without a hearing, provided the provisions of subsection (3) of KRS 281.630 or KRS 281.801 are met.
- (4) The department may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.
- (5) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if the persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, the persons shall apply to the department for a permit or certificate restricted to interstate commerce and the permit or certificate may be issued without a hearing.
- (6) If an applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.
- (7) The department may grant a permit, upon application, to operate a U-drive-it without the holding of a hearing.

- (8) *The provisions of subsection (2) of this section shall not apply to an applicant for a household goods certificate. The department shall grant a household goods certificate to an applicant who meets the requirements of Section 1 of this Act.*

➔Section 3. KRS 281.630 is amended to read as follows:

- (1) A certificate of public convenience and necessity for the transportation of persons ~~or household goods~~ shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements and the administrative regulations of the department promulgated thereunder, and further that the existing transportation service is inadequate, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity, and that the proposed operation, to the extent authorized by the certificate, will be consistent with the public interest and the transportation policy declared in this chapter; otherwise the application shall be denied, provided, however, that nothing in this section shall be construed so as to require the department to give, to any existing carrier authorized to render service to, from or between any point on the route proposed to be served by the applicant, any notice regarding the quality or quantity of its service to, from or between these points or to require the department to give to an existing carrier any opportunity to improve its existing service or to render the service found to be needed before the issuance of a certificate to the applicant.
- (2) In granting a certificate of public convenience and necessity, the order, among other things, shall specify the route or routes of service and territory to be served, if applicable, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all the certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.
- (3) A nonprofit bus certificate shall be issued to any qualified applicant therefor authorizing in whole or in part the operations covered by the application if it appears from the application and any hearing held thereon that the applicant is fit, willing, and able properly to render the proposed service and to conform to the applicable provisions of this chapter and the administrative regulations of the department promulgated thereunder, that the proposed service, to the extent authorized by the certificate, will not unreasonably compete with or divert business from any authorized carrier of passengers then adequately serving the same area, and further that the proposed operation, to the extent authorized by the certificate, will serve the public interest; otherwise the application shall be denied. If no protest to the application is filed, it shall be taken to mean that no unreasonable competition or diversion will occur, and the commissioner may, if satisfied from the application that the applicant is a fit one and that the proposed operation will serve the public interest, issue a nonprofit bus certificate without a hearing.
- (4) A carrier shall be entitled to have issued to it by the department as many certificates, and of appropriate types, as will cover its entire authorized operation.
- (5) A permit for the transportation of persons shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements and the administrative regulations of the department promulgated thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory, and if it further appears that the existing transportation service is inadequate, and that it appears that the proposed service is needed; otherwise the application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, any reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the department.
- (6) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

- (7) A certificate of compliance for the transportation of property except household goods shall be issued to any qualified applicant therefor, authorizing operation covered by the application, if it is found that the applicant conforms to the provisions of this chapter and the requirements and the administrative regulations of the department thereunder.
- (8) Any ~~household goods or~~ passenger certificate or permit, or portion thereof, where applicable, may be sold, assigned, leased, or transferred, after a hearing and notice to interested parties as provided for in KRS 281.625 and subject to terms, conditions, and modifications as the department shall find to be just and reasonable, provided the transferee is fit, willing, and able to render the proposed service and the proposed transaction, subject to the terms, conditions, and modifications as the department may impose, will not be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate or permit, or portion thereof, without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the administrative regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.
- (9) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of a certificate or permit.
- (10) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chapter 271B, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits, authorizations, licenses, rights, privileges, franchises, and properties owned or possessed by each of such motor carriers; and if the merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises, and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to any indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in a manner as may be fair and equitable.
- (11)
 - (a) Notwithstanding the provisions of subsection (4) of this section, where a motor carrier has been granted two (2) or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two (2) or more of the certificates or permits, the carrier shall be deemed to possess only one (1) operating authority over that portion of the routes common to the certificates or permits.
 - (b) The department is authorized to recall any certificates and to reissue one or more certificates covering the exact authority.
- (12) Hearings conducted under authority of this section shall be conducted in the same manner as provided in KRS 281.625.

➔Section 4. KRS 281.620 is amended to read as follows:

- (1) Every applicant for a certificate or permit or for amendment or transfer or sale or change in route or abandonment of a certificate or permit shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.
- (2) For the filing of such application the department shall receive a fee of twenty-five dollars (\$25), ***except for the filing of an application for a household goods certificate, for which the department shall receive a fee of two hundred fifty dollars (\$250).***

➔Section 5. KRS 281.650 is amended to read as follows:

- (1) Every certificate or permit shall be renewed before January 1 of each year. Application for renewal shall be in such form as the department may require.
- (2) No motor vehicle shall be operated after January 1 of each year unless the requisite fee as hereinafter provided for is paid.
- (3) A certificate or permit not renewed within one (1) calendar year after renewal date shall automatically become null and void and cannot be reinstated. Nothing herein contained shall prohibit the filing of a new application.
- (4) The department shall not renew any certificate or permit if such certificate or permit has been revoked, or if suspended, during the period of suspension. A certificate or permit shall not be considered as revoked or suspended when an appeal is pending in the Franklin Circuit Court or in the Court of Appeals from an order of revocation or suspension until said appeal has been decided by the courts.

- (5) For the renewal of any intrastate certificate or permit the department shall receive a fee of twenty-five dollars (\$25), *except for the renewal of a household goods certificate, for which the department shall receive a fee of two hundred fifty dollars (\$250).*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *A person granted a household goods certificate under the provisions of Section 1 of this Act shall obtain and retain for a period of at least three (3) years a criminal background check of each employee whose duties may require contact with the public or entry into a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods.*
- (2) *A household goods certificate holder shall not employ any person to perform any of the duties outlined in subsection (1) of this section if that person has been convicted of any of the following offenses:*
- (a) *A Class A felony;*
 - (b) *A Class B felony; or*
 - (c) *A sex crime as defined in KRS 17.500.*
- (3) *Criminal background checks under this section shall be:*
- (a) *Performed at the expense of the household goods certificate holder;*
 - (b) *Completed prior to the employment of an applicant; and*
 - (c) *Completed using an entity from an approved list issued by the cabinet.*
- (4) *The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.*

Signed by Governor April 2, 2014.

CHAPTER 22

(SB 83)

AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 241.010 is amended to read as follows:

As used in this chapter and in KRS Chapters 242 and 243, unless the context requires otherwise:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced;
- (2) "Alcoholic beverage" means every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
 - (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
 - (b) Patented, patent, and proprietary medicines;
 - (c) Toilet, medicinal, and antiseptic preparations and solutions;
 - (d) Flavoring extracts and syrups;
 - (e) Denatured alcohol or denatured rum;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes; and

- (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
- (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;
- (5) "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;
- (6) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (7) "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent;
- (8) "Brewery" means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- (9) "Building containing licensed premises" means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- (10) "Caterer" means a corporation, partnership, or individual that operates the business of a food service professional by preparing food in a licensed and inspected commissary, transporting the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests;
- (11) "Charitable organization" means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- (12) "Cider" means any fermented fruit-based beverage containing **seven percent (7%) or more** ~~than one tenth of one percent (0.1%)~~ alcohol by volume and includes hard cider and perry cider;
- (13) "City administrator" means city alcoholic beverage control administrator;
- (14) **"Commercial airport" means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually;**
- (15) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- ~~(16)(15)~~ "Convention center" means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- ~~(17)(16)~~ "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- ~~(18)(17)~~ "County administrator" means county alcoholic beverage control administrator;
- ~~(19)(18)~~ "Department" means the Department of Alcoholic Beverage Control;
- ~~(20)(19)~~ "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;

- (21)~~(20)~~ "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- (22)~~(21)~~ "Distiller" means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;
- (23)~~(22)~~ "Distillery" means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- (24)~~(23)~~ "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;
- (25)~~(24)~~ "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales **through a** ~~by a KRS 242.050, KRS 242.125, or other~~ local option election **held under KRS Chapter 242**;
- (26)~~(25)~~ "Election" means:
- (a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242; or
 - (b) Any other election not pertaining to alcohol;
- (27)~~(26)~~ "Field representative" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes;
- (28)~~(27)~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (29)~~(28)~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (30)~~(29)~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (31)~~(30)~~ "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (32)~~(31)~~ "Limited restaurant" means:
- (a) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross ~~receipts~~**income** from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons for dining, and which is located in a wet or moist territory under KRS 242.1244(2); or
 - (b) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross ~~receipts~~**income** from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244;
- (33)~~(32)~~ "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, **and includes weak cider**;
- (34)~~(33)~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (35)~~(34)~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (36)~~(35)~~ "Minor" means any person who is not twenty-one (21) years of age or older;
- (37)~~(36)~~ "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS 242.123, 242.1238, 242.124, 242.1242, 242.1244, or 242.1292;
- (38)~~(37)~~ "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more

separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998 shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;

~~(39)~~~~(38)}~~ "Private club" means a nonprofit social, fraternal, military, or political organization, club, or entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;

~~(40)~~~~(39)}~~ "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;

~~(41)~~~~(40)}~~ "Qualified historic site" means a contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of Historic Places, or a site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served. Notwithstanding the provisions of this subsection:

(a) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; and

(b) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;

shall be deemed a "qualified historic site" under this section;

~~(42)~~~~(41)}~~ "Rectifier" means any person who rectifies, purifies, or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;

~~(43)~~~~(42)}~~ "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;

~~(44)~~~~(43)}~~ "Restaurant" means a facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food;

~~(45)~~~~(44)}~~ "Retail container" means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery to the consumer or not;

~~(46)~~~~(45)}~~ "Retail outlet" means retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers;

~~(47)~~~~(46)}~~ "Retail sale" means any sale where delivery is made in Kentucky to any consumers;

~~(48)~~~~(47)}~~ "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required;

~~(49)~~~~(48)}~~ "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state;

~~(50)~~~~(49)}~~ "Sale" means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;

~~(51)~~~~(50)}~~ "Service bar" means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar. A service bar shall be located in an area where the general public, guests, or patrons are prohibited;

~~(52)~~~~(51)}~~ "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;

~~(53)~~~~(52)}~~ "Small farm winery" means a winery producing wines, in an amount not to exceed fifty thousand (50,000) gallons in a calendar year;

- (54)~~((53))~~ "Souvenir package" means a special package of Kentucky straight bourbon whiskey available for retail sale at a licensed Kentucky distillery where the whiskey was produced or bottled that is available from a licensed retailer;
- (55)~~((54))~~ "State director" means the director of the Division of Distilled Spirits or the director of the Division of Malt Beverages, or both, as the context requires;
- (56)~~((55))~~ "Supplemental bar" means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional locations other than the main bar. A supplemental bar shall be continuously constructed and accessible to patrons for distilled spirits or wine sales or service without physical separation by walls, doors, or similar structures;
- (57)~~((56))~~ "Territory" means a county, city, district, or precinct;
- (58)~~((57))~~ "Vehicle" means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
- (59)~~((58))~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;
- (60) ***"Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;***
- (61)~~((59))~~ "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050, 242.125, or 242.1292 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- (62)~~((60))~~ "Wholesale sale" means a sale to any person for the purpose of resale;
- (63)~~((61))~~ "Wholesaler" means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
- (64)~~((62))~~ "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes *sake*, cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. ***It does not include weak cider***~~[includes ciders, perry, or sake]; and~~
- (65)~~((63))~~ "Winery" means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

➔Section 2. KRS 242.123 is amended to read as follows:

- (1) (a) To promote economic development and tourism in a county containing a wet or moist city, with the exception of a moist territory in accordance with KRS ~~242.1292(1)~~~~[242.1292]~~, a local option election for the limited sale of alcoholic beverages may be held in any precinct containing a nine (9) or an eighteen (18) hole golf course that meets United States Golf Association criteria as a regulation golf course, notwithstanding any other provisions of the Kentucky Revised Statutes.
- (b) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under this section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at (name of golf course) in the (name of precinct)'?"
- (2) A local option election for the limited sale of alcoholic beverages held under subsection (1) of this section shall be conducted in the same manner specified in KRS 242.020 to 242.120, except that the form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at (name of golf course) in the (name of precinct)'?"

➔Section 3. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the director of the Division of Distilled Spirits, the fees for which shall be:

- (1) Distiller's license:

(a) ***Class A***, per annum\$3,090.00

(b) Class B (craft distillery), per annum		\$1,000.00
(2)	Rectifier's license, per annum	\$2,580.00
(3)	Winery license, per annum	\$1,030.00
(4)	Small farm winery license, per annum	\$110.00
	(a) Small farm winery off-premises retail license, per annum	\$30.00
(5)	Wholesaler's license, per annum	\$2,060.00
(6)	Quota retail package license, per annum	\$570.00
(7)	Quota retail drink license, per annum	\$620.00
(8)	Transporter's license, per annum	\$210.00
(9)	Special nonbeverage alcohol license, per annum	\$60.00
(10)	Special agent's or solicitor's license, per annum	\$30.00
(11)	Bottling house or bottling house storage license, per annum \$1,030.00	
(12)	Special temporary license, per event \$90.00	
(13)	Special Sunday retail drink license, per annum	\$520.00
(14)	Caterer's license, per annum	\$830.00
(15)	Special temporary distilled spirits and wine auction license, per event	\$110.00
(16)	Extended hours supplemental license, per annum	\$2,060.00
(17)	Hotel in-room license, per annum	\$210.00
(18)	Air transporter license, per annum	\$520.00
(19)	Sampling license, per annum	\$110.00
(20)	Replacement or duplicate license	\$25.00
(21)	Entertainment destination license, per annum	\$7,730.00
(22)	Limited restaurant license, per annum	\$780.00
(23)	Limited golf course license, per annum	\$720.00
(24)	Small farm winery wholesaler's license, per annum	\$110.00
(25)	Qualified historic site license (includes distilled spirits, wine, and malt beverages by the drink), per annum	\$1,030.00
(26)	Nonquota type 1 license, per annum	\$4,120.00
(27)	Nonquota type 2 license, per annum	\$830.00
(28)	Nonquota type 3 license, per annum	\$310.00
(29)	Distilled spirits and wine storage license, per annum	\$620.00
(30)	Out-of-state distilled spirits and wine supplier's license, per annum	\$1,550.00
(31)	Limited out-of-state distilled spirits and wine supplier's license, per annum	\$260.00
(32)	Micro out-of-state distilled spirits and wine supplier's license, per annum	\$10.00

- (33) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045.
- (34) Other special licenses the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine and provides for by administrative regulation. In establishing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.
- (35) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary retail drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application under this section, except for subsections (4), (8), (9), (10), (12), (15), (19), and (20) of this section. The application fee shall be applied to the licensing fee if the license is issued; otherwise it shall be retained by the department.

➔Section 4. KRS 243.033 is amended to read as follows:

- (1) A caterer's license may be issued as a supplementary license to a caterer that holds a quota retail package license, a quota retail drink license, an NQ1 license, an NQ2 license, or a limited restaurant license.
- (2) The caterer's license may be issued as a primary license to a caterer in any wet territory or in any moist territory ~~established~~ under KRS ~~242.1244~~~~[242.125]~~ for the premises that serves as the caterer's commissary and designated banquet hall. No primary caterer's license shall be issued to a premises that operates as a restaurant. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.
- (3) The caterer's license shall authorize the caterer to:
 - (a) Purchase and store alcoholic beverages in the manner prescribed in KRS ~~243.088~~, 243.250~~[, 243.280]~~, and 244.310;
 - (b) Transport, sell, serve, and deliver malt beverages by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and malt beverages for a customer and his or her guests, in:
 - 1. Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least seventy percent (70%) of the gross receipts from the catering of both food and malt beverages; or
 - 2. All other wet territory if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and malt beverages;
 - (c) Transport, sell, serve, and deliver distilled spirits and wine by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and alcoholic beverages for a customer and his or her guests, in:
 - 1. Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least seventy percent (70%) of the gross receipts from the catering of both food and alcoholic beverages;
 - 2. Cities of the fourth class and counties containing cities of the fourth class established as wet ~~or moist~~ territory permitting distilled spirits and wine drink sales by ordinance under KRS 243.072 if the receipts from the catering of food at any catered event are at least fifty percent (50%) of the gross receipts from the catering of both food and alcoholic beverages; or
 - 3. All other wet territory in which the sale of distilled spirits and wine by the drink is authorized if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and alcoholic beverages;
 - (d) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a catered event; and
 - (e) Receive payment for alcoholic beverages served at a catered event on a by-the-drink or by-the-event basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.

- (4) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverage licenses or special temporary licenses have been issued. A caterer licensee may cater a fundraising event for which a special temporary distilled spirits and wine auction license has been issued under KRS 243.036.
- (5) A caterer licensee shall not cater distilled spirits and wine on Sunday except in territory in which the Sunday sale of distilled spirits and wine is permitted under the provisions of KRS 244.290 and 244.295. A caterer licensee shall not cater malt beverages on Sunday except in territory in which the Sunday sale of malt beverages is permitted under the provisions of KRS 244.480.
- (6) The location at which alcoholic beverages are sold, served, and delivered by a caterer, pursuant to this section, shall not constitute a public place for the purpose of KRS Chapter 222. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from the public place provisions of KRS Chapter 222.
- (7) The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.
- (8) The name and license numbers of the caterer shall be painted or securely attached, in a contrasting color, in a form prescribed by the board by promulgation of an administrative regulation, upon all vehicles used by the caterer to transport alcoholic beverages.
- (9) All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee not inconsistent with this section shall apply to the caterer licensee.
- (10) The caterer licensee shall maintain records as set forth in KRS 244.150 and in administrative regulations promulgated by the board.

➔Section 5. KRS 243.034 is amended to read as follows:

- (1) A limited restaurant license may be issued to an establishment meeting the criteria established in **subsection (32) of Section 1 of this Act**~~[KRS 241.010(31)]~~ as long as the establishment is within:
 - (a) Any wet territory; or
 - (b) Any moist precinct that has authorized the sale of alcoholic beverages under KRS 242.1244.
- (2) A limited restaurant license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, and malt beverages only from licensed wholesalers or distributors. The license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package.
- (3) The holder of a limited restaurant license shall maintain at least seventy percent (70%) of its gross ~~receipts~~~~[income]~~ from the sale of food and maintain the minimum applicable seating requirement required for the type of limited restaurant license.
- (4) (a) A limited restaurant as defined by **subsection (32)(b) of Section 1 of this Act**~~[KRS 241.010(31)(b)]~~ shall:
 1. Only sell distilled spirits, wine, and malt beverages incidental to the sale of a meal; and
 2. Not have an open bar and shall not sell distilled spirits, wine, and malt beverages to any person who has not purchased or does not purchase a meal.
- (b) Distilled spirits, wine, and malt beverages shall be deemed to be purchased in conjunction with a meal if the distilled spirits, wine, and malt beverages are served after the meal is ordered and no more than one-half (1/2) hour after the meal is completed.

➔Section 6. KRS 243.042 is amended to read as follows:

- (1) A qualified historic site license may be issued to any establishment meeting the criteria established in KRS 241.010 as long as the establishment is within:
 - (a) Any wet territory; or
 - (b) Any precinct that has authorized the sale of alcoholic beverages under KRS 242.1242.
- (2) A qualified historic site license shall authorize the licensee to:

- (a) Sell distilled spirits, wine, and malt beverages by the drink at one (1) or more permanent or nonpermanent locations on the premises over which the licensee, by lease or ownership, has exclusive control without obtaining additional supplemental bar licenses prescribed by KRS 243.037;
 - (b) Sell distilled spirits, wine, and malt beverages by the drink to patrons at public or private functions held on the premises; and
 - (c) Purchase and store alcoholic beverages in the manner prescribed in KRS ~~243.088~~, 243.250~~, 243.280~~, and 244.310.
- (3) Nothing in this section exempts the holder of a qualified historic site license from the provisions of KRS Chapters 241, 242, 243, and 244, or from any rules of the board as established by administrative regulations, except as expressly stated in this section.

➔Section 7. KRS 243.050 is amended to read as follows:

- (1) Where it is determined by the department to be in the best interest of promoting tourism, conventions, and the economic development of Kentucky or any part thereof, the department may issue an extended hours supplemental license for the retail sale of alcoholic beverages by the drink to the holder of an NQ1 retail drink license, ~~or~~ a qualified historic site license, **or a license located in a commercial airport**. The department may, by administrative regulation or special conditions of an extended hours supplemental license, establish the days when the supplemental license will be valid, including Sundays after 1 p.m., and establish such restrictions on the use of the license as will ensure that it will be primarily for the benefit of the convention business, the horse racing industry, passengers at large commercial airports and rail systems, the automobile racing industry, and qualified historic sites.
- (2) (a) A licensee located in territory which has authorized Sunday retail distilled spirits and wine drink sales under KRS 244.290 or 244.295, either by local option election or by local government ordinance, shall obtain a Sunday retail drink license in order to sell distilled spirits and wine on Sunday.
- (b) A retail licensee holding a Sunday retail drink license is authorized to remain open and sell distilled spirits and wine by the drink for consumption on the premises only during those times and hours permitted by local government ordinance.

➔Section 8. KRS 243.072 is amended to read as follows:

- (1) This section shall apply to any wet city of the fourth class or county containing a wet city of the fourth class, notwithstanding any other provisions of this chapter relating to the sales of alcoholic beverages by the drink for consumption on the premises.
- (2) Upon a determination by the legislative body that an economic hardship exists within the wet city or county and that the sale of alcoholic beverages by the drink could aid economic growth, the legislative body may enact a comprehensive, regulatory ordinance covering the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink for consumption on the premises.
- (3) Nonquota type 2 (NQ2) retail drink licenses authorizing all types of alcoholic beverage sales shall only be issued to hotels and restaurants having dining facilities for not less than **fifty (50)**~~one hundred (100)~~ persons.
- (4) The city or county legislative body may provide for the issuance of any licenses permitted by KRS ~~243.060~~ or 243.070, or the issuance of any other reasonable administrative regulations as may be necessary for the enforcement or administration of this section, except that any administrative regulation adopted shall conform to the requirements of KRS 241.190.

➔Section 9. KRS 243.075 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS ~~243.060~~ and 243.070, in any city of the third or fourth class **in which the discontinuance of prohibition is effective by virtue of a local option**~~that is wet or moist through an~~ election held under KRS ~~Chapter 242~~~~242.125~~, the governing body of the city and the governing body of the county containing a city of the third or fourth class is authorized to impose a regulatory license fee upon the gross receipts of each establishment therein licensed to sell alcoholic beverages. The regulatory license fee may be levied at the beginning of each budget period at a percentage rate as shall be reasonably estimated to fully reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city and county. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, except:

- (a) A credit against a regulatory license fee in a city shall be allowed in an amount equal to any licenses or fees imposed by the city **or county** pursuant to KRS **243.060 or** 243.070; and
 - (b) In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.
- (2) Notwithstanding any limitations imposed on the city's or county's taxing or licensing power by KRS **243.060 or** 243.070, a city or county that **is moist through a local option election held under KRS 242.1244, or that issues licenses**~~[qualifies]~~ under KRS 243.072 may by ordinance impose a regulatory license fee upon the gross receipts of each establishment located therein and licensed to sell distilled spirits, wine, or malt beverages by the drink for consumption on the premises. The regulatory license fee may be levied annually at a rate as shall be reasonably estimated to fully reimburse the city or county for the estimated costs for any additional policing, regulatory, or administrative related expenses. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to KRS **243.060 or** 243.070.

➔Section 10. KRS 243.082 is amended to read as follows:

- (1) A "Nonquota type 1" or "NQ1" retail drink license may be issued to:
 - (a) A convention center or a convention hotel complex;
 - (b) A horse racetrack;
 - (c) An automobile racetrack;
 - (d) A railroad system; or
 - (e) A commercial airlines system or charter flight system.
- (2) *A qualifying convention center or a convention hotel complex, horse racetrack, or an automobile racetrack holding an NQ1 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The license shall permit all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. The holder of an NQ1 retail drink license under this section shall comply with the requirements of Section 16 of this Act. An NQ1 retail drink license held under this section shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package.*
- (3) *Notwithstanding any other law, a qualifying convention center or a convention hotel complex holding an NQ1 retail drink license may also hold a supplemental hotel in-room service license.*
- (4) *A qualifying railroad system holding an NQ1 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink or by the package, upon any train that includes a dining car and is operated by the licensee in the state. Sales shall be made only while the train is in motion. Notwithstanding any other law, a railroad system holding an NQ1 retail drink license may sell alcoholic beverages in unbroken packages smaller than two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine and may purchase alcoholic beverages from nonresidents.*
- (5) *A qualifying commercial airlines system or charter flight system holding an NQ1 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink, and by miniature bottle, for consumption upon regularly scheduled or charter flights of the licensee, in and out of Kentucky. The license shall authorize the licensee to store distilled spirits, wine, and malt beverages for retail sale at a location or locations, if operating from more than one (1) airport in Kentucky, as designated on the license application.*
- ~~[(2) (a) The department may issue an NQ1 retail drink license to a railroad company operating a railroad system in the state upon the payment of the required fee. This license tax shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, and malt beverages.~~
- ~~(b) Notwithstanding KRS Chapter 242, an NQ1 retail drink issued to a railroad system shall authorize the holder to sell distilled spirits, wine, and malt beverages at retail by the drink or by the package upon any train, that includes a dining car, operated by the licensee in the state. Sales shall be made only while the train is in motion. Notwithstanding any other law, holders of such licenses may retail alcoholic~~

~~beverages in unbroken packages smaller than two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine and may purchase alcoholic beverages from nonresidents.~~

- (3) ~~(a) The department may issue an NQ1 retail drink license to a commercial airlines system or charter flight system upon the payment of the required fee. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, or malt beverages, and the license may be renewed annually.~~
- ~~(b) An NQ1 retail drink license issued to a commercial airlines system or charter flight system shall authorize the holder to sell distilled spirits and wine by the drink and by miniature bottle, and malt beverages, upon regularly scheduled or charter flights of the licensee, in and out of Kentucky. The license shall authorize the licensee to store distilled spirits, wine, and malt beverages for retail sale at a location or locations, if operating from more than one (1) airport in Kentucky, as designated on the license application.~~
- (4) ~~An NQ1 retail drink license issued to a convention center or convention hotel complex shall authorize the retail sale of distilled spirits, wine, and malt beverages for consumption on the premises of the convention center or hotel. The license shall permit all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses, except that a separate hotel in room service license shall be required, where applicable. An NQ1 retail drink license issued to a convention center or convention hotel complex license shall not be transferable to other premises. This subsection shall not apply to an NQ1 retail drink license issued to or renewed for a convention center, other than those in a city of the first class or a county containing a city of the first class or a consolidated local government, if the original license was issued prior to July 15, 1998.~~
- (5) ~~An NQ1 retail drink license issued to an automobile racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of an automobile racetrack. The license permits all distilled spirits, wine, and malt beverage sales on the premises without additional supplemental licenses.~~
- (6) ~~An NQ1 retail drink license issued to a horse racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of a horse racetrack. The license permits all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses.]~~

➔ Section 11. KRS 243.084 is amended to read as follows:

- (1) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:
- (a) A hotel that:
1. Contains at least fifty (50) sleeping units;
 2. Contains dining facilities for at least **fifty (50)**~~one hundred (100)~~ persons; and
 3. Receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food;
- (b) A restaurant with a minimum seating for fifty (50) consumers at tables;
- (c) An airport; or
- (d) A riverboat.
- (2) A qualifying hotel, restaurant ~~with seating for at least one hundred (100) consumers at tables~~, airport, or riverboat holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.
- (3) ~~A restaurant holding an NQ2 retail drink license which has seating for more than fifty (50) but less than one hundred (100) consumers at tables may only purchase, receive, possess, and sell wine and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase wine and malt beverages only from licensed wholesalers or distributors. An NQ2 license shall not authorize the licensee to sell wine and malt beverages by the package.~~

- ~~(4)~~ (a) A riverboat holding an NQ2 license may sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the premises of the riverboat. The riverboat shall have a regular place of mooring in a wet county or city of this state.
- (b) A riverboat that has a regular place of mooring outside this state, may be licensed if the boat has an alternative regular place of mooring that qualifies under paragraph (a) of this subsection.
- (c) An NQ2 license issued under this subsection shall not be transferable to another riverboat, vessel, or other premises.
- (d) If a riverboat moors or makes landfall in a location other than its regular or alternate regular place of mooring, all distilled spirits, wine, and malt beverages shall be kept locked.
- (e) A riverboat licensed under this subsection shall not take on or discharge passengers when mooring or making landfall in dry option territory.
- (f) A riverboat NQ2 licensee shall comply with the license restrictions governing licensed premises in the regular place of mooring or alternative place of mooring.
- (4) *An NQ2 retail drink license shall not be issued to any restaurant or any dining facility in a hotel, unless the applicant can demonstrate to the director or administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total food and alcoholic beverage receipts of the restaurant or dining facility for the license period.***

➔Section 12. KRS 243.120 is amended to read as follows:

- (1)** A distiller's, rectifier's, or winery license shall authorize the licensee to engage in the business of distiller, rectifier, or winery at the premises specifically designated in the license, to maintain aging warehouses, and to transport for himself or herself only any alcoholic beverage which he or she is authorized under the license to manufacture or sell. The licensee shall transport alcoholic beverages only by a vehicle operated by himself or herself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier, unless the owner of the truck or vehicle holds a distributor's license.
- (2) (a) *Distillers that produce more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class A.***
- (b) *Distillers that produce fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class B (craft distillery).***

➔Section 13. KRS 243.170 is amended to read as follows:

- (1)** A wholesaler may sell, deliver, and transport distilled spirits and wine at wholesale, and from the licensed premises only, to:
- (a) Other wholesalers;
- (b) Retailers; or
- (c) A point out of the state to persons authorized by the law of the state of their residence, and by the United States government if located in the United States, to receive the distilled spirits and wine.
- (2)** A wholesaler may purchase distilled spirits and wine at wholesale from licensed distillers, rectifiers, wineries, or other wholesalers and from nonresidents authorized by the law of the states of their residence, and by the United States government if located in the United States, to make the sales. A wholesaler may not transport distilled spirits and wine from any point to his or her own licensed premises, except as provided in subsection **(12)**~~(2)~~ of KRS 243.200.
- (3)** No wholesaler shall sell or contract to sell, give away, or deliver any distilled spirits or wine to any person in Kentucky who is not licensed to receive, possess, distribute, or sell distilled spirits and wine, and no wholesaler shall sell or contract to sell, give away, or deliver any distilled spirits or wine to any consumer. This section does not permit sales or deliveries of distilled spirits in Kentucky by licensed wholesalers to nonresidents who are not licensed by their own states.
- (4)** A wholesaler may extend credit on distilled spirits and wine sold to retail licensees for a period not to exceed thirty (30) days from the date of invoice, with the date of invoice included in the total number of days. When

the thirty (30) day period has passed without payment in full, no wholesaler shall sell to the licensee except for cash on delivery.

➔Section 14. KRS 243.200 is amended to read as follows:

- (1)
 - (a) *A transporter's license may be issued as a primary license to a person engaged in business as a common carrier. A transporter's licensee may transport alcoholic beverages to or from the licensed premises of any licensee under this chapter if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, ship, or receive the alcoholic beverages.*
 - (b) *A transporter's license shall be issued only to persons authorized by proper certificate from the Department of Vehicle Regulation to engage in the business of a common carrier. Holders of a transporter's license issued under this section may transport alcoholic beverages in Kentucky only in conformity with the provisions of their common carrier certificate issued by the Transportation Cabinet. Such licensees are specifically prohibited from transporting alcoholic beverages anywhere within the state except upon the route authorized by their respective common carrier certificates.*
 - (2)
 - (a) *No person, firm, or corporation operating motor vehicles for hire over the highways of this state, under authority of a Certificate of Convenience and Necessity issued by the Transportation Cabinet, covering the same territory or highways designated in the certificate as irregular common carrier issued by the Interstate Commerce Commission shall be authorized or permitted to transport any alcoholic beverages in this state until the carrier has procured an appropriate transporter's license from the department, and filed with the department a statement of the proposed route of the territory over which the carrier proposes to transport alcoholic beverages.*
 - (b) *The statement of route shall be accompanied by an exhibit consisting of a Kentucky road map with the proposed route clearly indicated by suitable marking.*
 - (c) *The proposed route shall be restricted to designated federal highways except as to access side roads to distilleries and terminals. The side roads shall be the nearest and most traveled route from the distillery to the designated federal highway, and shall be no more than seven (7) miles from the federal highway.*
 - (d) *When the carrier has obtained a transporter's license for distilled spirits and wine from the department for transportation over designated routes, pursuant to a regular common carrier certificate, no additional license shall be required upon filing of the designated routes and exhibit required under this section.*
 - (e) *The license shall be issued to a person legally transporting alcoholic beverages to allow transportation of the beverages over numbered Kentucky state highways, or officially prescribed detours from those highways.*
 - (3) *A transporter's license may be issued to a steam, diesel, or gasoline boatline, desiring to haul alcoholic beverages in barrels or in unbroken case lots, if it maintains published river-rail rates, but licensees shall not be restricted to routes covered by such river-rail rates.*
 - (4) *A transporter's license may be issued as a primary or supplementary license to any nonresident distiller, winery, or wholesaler who is authorized by the state of his or her residence and the federal government to receive and transport distilled spirits and wine. The nonresident licensee may transport for himself or herself only, distilled spirits and wine from the licensed premises of a Kentucky manufacturer, distiller, winery, or rectifier to the transporter's licensed premises only, and beverages on which the Kentucky tax has been paid may be transported from the licensed premises of a nonresident distiller, winery, or rectifier to wholesaler licensees within the Commonwealth of Kentucky, if he or she transports the alcoholic beverages in a truck or other vehicle owned and operated by a nonresident licensee. Each truck or vehicle shall have affixed to its side a sign in uniform letters of at least three (3) inches high containing the name of the company and the state and federal permit numbers for the vehicles.*
 - (5) *An application for a transporter's license shall include a statement that the applicant, if granted a license, will allow any authorized field representative of the department to stop and examine the cargo of any truck or vehicle in which alcoholic beverages are being transported within the boundaries of the Commonwealth of Kentucky.*
 - (6) *All persons or entities holding a transporter's license shall be required to file reports with the Department of Revenue on or before the fifteenth of each month, covering the preceding month's transactions. Only one*

- (1) report may be submitted to cover each unit shipment of alcoholic beverages transported into and from the state. Each Department of Revenue report shall show the state license number, the name and address of consignor and consignee, shipping date, delivery date, number of cases according to size contained in each shipment, and shall be signed by an official of the company handling the shipment.*
- (7) *A transporter's license may be issued as a primary license to a person or entity wishing to transport distilled spirits and wine through this state over the public highways. A transporter's license authorizes the holder to transport distilled spirits and wine during the period of the license. The driver of a vehicle so transporting shall be in the possession of a copy of the license and bills of lading, consignment, or other evidence of ownership of the cargo which tally with the cargo. Failure of the driver to be in possession of these documents shall be prima facie evidence of illegal trafficking. The transporting of distilled spirits and wine without a transporter's license shall subject the offending party to the penalties established in KRS 243.990.*
- (8) *A transporter's license may be issued as a primary license to a person wishing to transfer distilled spirits or wine from a licensed transporter to one (1) truck from another. The licensee may receive from and tender to transporters duly licensed under this section those distilled spirits and wine consigned to licensees under KRS 243.020, in the Commonwealth of Kentucky.*
- (9) (a) *A transporter's license may be issued as a primary license to a person or entity wishing to export malt beverages from the licensed premises of a Kentucky brewer or from the warehouse of a licensed Kentucky distributor, or from another state, through Kentucky. A transporter's license may be issued to an applicant who holds a beer wholesaler or distributor's license issued by the state into which malt beverages are to be transported, or who is licensed by the state to transport those malt beverages.*
- (b) *Applicants for the transporter's license under this subsection, and their employees, may be exempt from the residence requirements of KRS 243.100 and 244.090.*
- (c) *A transporter's license shall authorize the holder to transport malt beverages from the licensed premises of a Kentucky brewer or from the warehouse of the licensed Kentucky distributor, or from another state, through Kentucky, if the licensee transports the malt beverages in a truck or other vehicle carrying a transporter's license and owned and operated by its employees.*
- (10) *A transporter's license may be issued as a primary or supplemental license to a person, except a retailer, wishing to transport malt beverages for hire. A transporter's license shall authorize the licensee to transport malt beverages for hire to or from the licensed premises of any licensee, except retailers, if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, ship, or receive the malt beverages. A transporter licensee may transport malt beverages for hire to or from the licensed premises of any licensee under KRS 243.040 in counties containing a population of less than forty thousand (40,000) if both the consignor and consignee in each case are authorized by the laws of the states of their residence to sell, purchase, ship, or receive the malt beverages.*
- (11) No person except a railroad company or railway express company shall transport or cause to be transported any distilled spirits or wine, unless expressly authorized to do so by law.
- ~~(12)(2)~~ Distilled spirits and wine may be transported by the holder of any license authorized to transport distilled spirits and wine to and from express or freight depots and the licensee's premises.
- ~~(13)(3)~~ A licensed alcoholic beverage store operator may move, within the same county, alcoholic beverages from one of the operator's licensed stores to another without a transporter's license. However, the licensed store operator shall keep and maintain, in one (1) of his or her stores in that county, adequate books and records of the transactions involved in transporting alcoholic beverages from one (1) licensed store to another in accordance with standards established in administrative regulations promulgated by the board. The records shall be available to the department and the Department of Revenue upon request.
- ~~(14)(4)~~ Distilled spirits and wine may be transported by any licensed retailer selling distilled spirits or wine, by the package or by the drink, from the premises of a licensed wholesaler to the licensed premises of the retail licensee. Any retailer transporting alcoholic beverages under this subsection shall do so in a vehicle marked in conformity with administrative regulations of the department. Both the wholesaler and the retailer engaging in activity under this subsection shall be responsible for maintaining records documenting the transactions.
- ➔Section 15. KRS 243.230 is amended to read as follows:
- (1) Quota retail drink licenses ~~and NQ2 retail drink licenses~~ may be issued only for premises located within cities of the first, second, or third class, or elsewhere in counties containing a city of the first, second, or third class if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.

(2) ~~Notwithstanding subsection (1) of this section, an NQ2 retail drink license may be issued to a restaurant with seating for fifty (50) patrons at tables in any wet territory, but a license issued under this subsection shall only have the privileges of a license issued under KRS 243.084(3).~~

~~(3)}~~ Notwithstanding subsection (1) of this section, quota retail drink licenses ~~and NQ2 retail drink licenses~~ may be issued for premises located within a city of the fourth class in which the majority of votes cast in the most recent election held under KRS 242.127 and 242.129 were in favor of the proposition voted upon if the city has an adequate police force under KRS 95.710 and 95.760 to 95.787.

~~(3){(4)}~~ Notwithstanding subsection (1) of this section, NQ2 retail drink licenses may be issued to qualifying premises located within a city of the fourth class, or in a county containing a city of the fourth class, if the city or county has enacted an economic hardship ordinance under KRS 243.072.

~~(4){(5)}~~ Quota retail package licenses may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second, or third class if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.

~~(5){(6)}~~ Notwithstanding subsection ~~(4){(5)}~~ of this section, the department may, after a field investigation, issue a quota retail package license to premises not located within any city if:

- (a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor;
- (b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and wine by the package and malt beverages, where applicable, and shall not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store, or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed.

~~(6){(7)}~~ No quota retail package license or quota retail drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

➔ Section 16. KRS 243.250 is amended to read as follows:

A quota retail drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits and wine only from licensed wholesalers, and unless he or she also holds a quota retail package license, he or she shall not buy or possess distilled spirits or wine in containers smaller than two hundred (200) milliliters. A licensee may purchase wine in containers not smaller than one hundred (100) milliliters if the wine does not exceed fourteen percent (14%) alcohol by volume and the quota retail drink license is held by a restaurant or private club which receives a minimum of fifty percent (50%) of its food and beverage ~~receipts~~~~income~~ from the sale of food and has a minimum seating capacity of fifty (50) people at tables. A licensee may buy mixed drinks in containers of a capacity not smaller than three hundred fifty-five (355) milliliters if the mixed drinks contain a substantial proportion of carbonated water. A quota retail drink license shall not authorize the licensee to sell distilled spirits or wine by the package. The holder of a quota retail drink license may also hold a NQ4 retail malt beverage drink license.

➔ Section 17. KRS 243.320 is amended to read as follows:

- (1) A special nonbeverage alcohol license shall authorize the holder to purchase alcohol for nonbeverage purposes only from the holder of a distiller's license, wholesaler's license, or distributor's license and possess alcohol for use in the manufacture and sale of any of the following products, when they are unfit for beverage purposes:
 - (a) Denatured alcohol produced, and sold pursuant to Acts of Congress and regulations promulgated thereunder;
 - (b) Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;
 - (c) Flavoring extracts, syrups, and food products; and
 - (d) Scientific, chemical, mechanical, and industrial products.
- (2) KRS Chapter 242 shall not prevent the issuance of special nonbeverage alcohol licenses to persons located in dry or moist territory nor prevent licensees from exercising the privileges granted in the license.
- (3) A special nonbeverage alcohol license may also be issued to any duly authorized and bona fide hospital, museum, laboratory, charitable, educational, or similar public or private institution, to a drug store employing

a licensed pharmacist, or to a licensed physician. The license shall authorize the licensee to purchase or possess alcohol and to use it only for nonbeverage purposes.

- (4) The holder of a special nonbeverage alcohol license may produce, possess, and use alcohol in the manufacture of ***nonbeverage fuel*** ethanol if the holder also holds a basic permit from the applicable federal agency authorizing ethanol production.

➔Section 18. KRS 243.353 is amended to read as follows:

- (1) A malt beverage storage license may be issued as a supplementary license to a distributor's license, a nonquota retail malt beverage package license, ***or*** a Nonquota type 4 ~~license, or a~~ retail malt beverage drink license. A malt beverage storage license may also be issued as a primary or supplementary license in conformity with administrative regulations promulgated by the department.
- (2) The holder of a malt beverage storage license may:
 - (a) Store malt beverages at the storage licensed premises convenient to his or her regular retail malt beverage licensed premises;
 - (b) Transport the malt beverages as belonging to the holder of the license to and from the warehouse by way of the nearest route to his or her regular licensed retail malt beverage premises, if the licensee sells no malt beverages except at his or her regular malt beverage licensed premises;
 - (c) Transport and store malt beverages belonging to the distributor to, from, and at the storage licensed premises; and
 - (d) Conduct business as authorized by the department through the promulgation of administrative regulations.
- (3) The malt beverage administrator may issue a temporary storage license to a licensed distributor for storage of malt beverages if there is an emergency. The malt beverage administrator shall have sole discretion to determine the existence of any emergency.

➔Section 19. KRS 243.360 is amended to read as follows:

- (1) Any person, corporation, partnership, or any other entity, except an applicant for the same license for the same premises, or an applicant for an out-of-state malt beverage supplier's license, limited out-of-state malt beverage supplier's license, out-of-state distilled spirits and wine supplier's license, limited out-of-state distilled spirits and wine supplier's license, ***micro out-of-state distilled spirits and wine supplier's license***, supplemental bar license, extended hours supplemental license, a special agent or solicitor's license, a ***special nonbeverage alcohol license*** ~~bonded warehouse license, a freight forwarding license, a storage warehouse license, an industrial alcohol license, a nonindustrial alcohol license, a storage warehouse license, a nonbeverage license, a vendor license~~, a transporter's license, a ***special*** Sunday ***drink*** license, or a ***special*** temporary drink license shall, before applying for a license under KRS 243.030 and 243.040, advertise by publication under KRS 424.130(1)(b) his or her intention to apply for a license.
- (2) The notice shall conform in all material respects to the following requirements:
 - (a) The notice shall state: the name and address of the applicant if the applicant is an individual, the name and address of each partner and the name of the business and its address if the applicant is a partnership, and the name and address of each principal officer and director and the name and business address of the corporation if the applicant is a corporation;
 - (b) The notice shall specifically state the location of the premises for which the license is sought and the type of license being requested; and
 - (c) The notice shall state the date the application will be filed and shall contain the following statement: "Any person, association, corporation, or body politic may protest the granting of the license by writing the Department of Alcoholic Beverage Control, 1003 Twilight Trail, ~~Suite A-2,~~ Frankfort, Kentucky 40601, within thirty (30) days of the date of legal publication."
- (3) Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest by the board.

➔Section 20. KRS 243.380 is amended to read as follows:

- (1) Applications for distilled spirit and wine licenses provided for in KRS Chapters 241 to 244 shall be made to the director of the Division of Distilled Spirits. Applications for malt beverage licenses provided for in KRS

Chapters 241 to 244 shall be made to the director of the Division of Malt Beverages. Applications for distilled spirits, wine, and malt beverage licenses provided for in KRS Chapters 241 to 244 shall be made to the director of the Division of Distilled Spirits and to the director of the Division of Malt Beverages.

- (2) All applications shall be on forms furnished by the department. They shall be verified and shall set forth in detail all information concerning the applicant and the premises submitted for licensing as the board requires by administrative regulation. Each application shall be accompanied by payment. Payment of the license fee may be by certified check, ~~cash,~~ a postal or express money order, or any other method of payment approved in writing by both the Finance and Administration Cabinet and the Office of the State Treasurer. Promptly upon receipt of the payment the board shall pay it into the State Treasury, giving the Department of Revenue copies of the pay-in vouchers and any other supporting data as the Department of Revenue requires for revenue control purposes.
- (3) A business entity that owns more than two (2) licensed premises shall initially submit common information about ownership, officers, directors, managerial employees, and shall provide current criminal background checks once for all separately licensed premises in one (1) master file. Any business qualifying under this subsection shall only be required to amend its master file information for material changes under KRS 243.390(2) or ownership transfers under KRS 243.630.

➔Section 21. KRS 244.125 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, no person shall be in possession of a loaded, as defined in KRS 237.060, firearm while actually within the room where alcoholic beverages are being sold by the drink of a building on premises licensed to sell distilled spirits and wine at retail by the drink for consumption on the licensed premises pursuant to KRS Chapter 243.
- (2) This section shall not apply to the owner manager, or employee of licensed premises, law enforcement officers, or special local peace officers commissioned pursuant to KRS 61.360.
- (3) This section shall not apply to a bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and which receives less than fifty percent (50%) of its annual food and beverage ~~receipts~~~~income~~ from the dining facilities by the sale of alcohol.
- (4) Nothing in this section shall be construed as permitting the carrying of a concealed deadly weapon in violation of KRS 527.020.
- (5) Any firearm possessed in violation of this section shall be subject to forfeiture and shall be disposed of pursuant to KRS 237.090.

➔Section 22. KRS 244.290 is amended to read as follows:

- (1) (a) A premises that is licensed to sell distilled spirits or wine at retail shall be permitted to remain open during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city of the first, second, third, or fourth class or an urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city of the first, second, third, or fourth class adopts an ordinance that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open.
- (b) This subsection shall only apply in a *wet or moist* territory ~~where prohibition is no longer in effect in whole or in part~~.
- (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county containing a city of the first, second, third, or fourth class shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city of the first, second, third, or fourth class within that county; or
 2. Impose an action upon a city of the first, second, third, or fourth class within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first or second class in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.

- (3) Except as provided in KRS 243.050, a premise for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:
- (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city of the first, second, third, or fourth class or an urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city of the first, second, third, or fourth class, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any county containing a city of the first, second, or third class or any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:
- (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage ~~receipts~~~~[income]~~ from the dining facilities from the sale of alcohol.
- (5) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a quota retail drink license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (6) Any city of the fourth class or county containing a city of the fourth class which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 243.072, may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
- (a) The special Sunday retail drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 243.072; and
 - (b) The licensed retailers selling distilled spirits and wine by the drink have applied to the state director and meet all other legal requirements for obtaining a special Sunday retail drink license.
- (7) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government, consolidated local government, charter county government, or unified local government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government, consolidated local government, charter county government, or unified local government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government, consolidated local government, charter county government, or unified local government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

➔Section 23. KRS 244.295 is amended to read as follows:

- (1) In any county containing an urban-county government, a premises that has been granted a license for the sale of distilled spirits or wine at retail shall not be permitted to remain open for any purpose between midnight and 6 a.m., or at any time during the twenty-four (24) hours of a Sunday, unless the licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his or her business as a licensee, and the department is kept locked during the time mentioned above. The licensee shall be deemed to have complied with this section; except that the legislative body of an urban-county government in which traffic in distilled spirits and wine is permitted under KRS Chapter 242 shall have the exclusive right and power, by ordinance, to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries. Provided, however, distilled spirits or wine may not be sold in any portion of a county containing an urban-county government during the twenty-four (24) hours between 6 a.m. Sunday and 6 a.m. Monday, except as provided in subsections (2) and (3) of this section; and provided, also, that all stocks of distilled spirits and wine shall be kept locked during the hours in which the licensee is prohibited from selling distilled spirits and wine.

- (2) In any county containing an urban-county government in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS 242.020 to 242.040 and 242.060 to 242.120. In any election, the form of the proposition shall be, "Are you in favor of the sale of distilled spirits and wine by the drink between the hours of one p.m. and midnight on Sunday in (name of county)?"
- (3) In any county containing an urban-county government in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the urban-county government may by resolution or ordinance submit to the electorate a proposal to permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until a closing hour specified in the proposal by hotels, motels, convention centers, convention hotel complexes, restaurants, racetracks, and commercial airports which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive less than fifty percent (50%) of their annual food and beverage ~~receipts~~~~[income]~~ from dining facilities by the sale of alcohol. The proposal to be submitted to the electorate shall be framed so that any voter who wishes to vote in favor of the limited Sunday sales of distilled spirits and wine by the drink may signify his or her approval by voting "yes" and any voter who wishes to vote against the limited Sunday sales of distilled spirits and wine by the drink may do so by voting "no." The election shall be held on a date stipulated by the legislative body, and the cost of the election shall be borne by the urban-county government. The proposal shall be published pursuant to KRS Chapter 424 and shall also be advertised by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before the election. The general election laws, including penalties for violations, shall apply to the election, except where those laws are inconsistent with the provisions of this section. The proposal submitted to the electorate shall be effective immediately if a majority of those voting on the proposal vote "yes."
- (4) In any county containing an urban-county government in which the sale of distilled spirits and wine by the drink is permitted on Sunday as provided in subsections (2) and (3) of this section, licensed retailers selling distilled spirits and wine by the drink may apply to the director of the Division of Distilled Spirits for a special Sunday retail drink license. Upon receipt of an application and payment of the prescribed fee, the director shall issue a license.
- (5) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

➔Section 24. KRS 244.480 is amended to read as follows:

- (1) Except as provided in subsection (4) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
- (2) Except as provided in subsection (4) of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday.
- (3)
 - (a) A retailer may sell malt beverages during the hours the polls are open on a primary, or regular, local option, or special election day unless the retailer is located where the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, or a city of the first, second, third, or fourth class, or the fiscal court of a county containing an urban-county government or a city of the first, second, third, or fourth class, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance that prohibits the sale of alcoholic beverages or limits the hours and times in which alcoholic beverages may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day.
 - (b) This subsection shall only apply in a *wet or moist* territory~~[where prohibition is no longer in effect in whole or in part]~~.
 - (c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the contrary, the fiscal court of a county containing a city of the first, second, third, or fourth class shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city of the first, second, third, or fourth class within that county; or

2. Impose an action upon a city of the first, second, third, or fourth class within that county when that city has taken no formal action pursuant to this subsection.
- (4) The legislative body of an urban-county government, consolidated local government, charter county government, unified local government, or a city of the first, second, third, or fourth class or of a county containing an urban-county government, consolidated local government, charter county government, unified local government, or a city of the first, second, third, or fourth class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday and any primary, or regular, local option, or special election day sales if the hours so fixed shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday.

➔Section 25. KRS 244.585 is amended to read as follows:

- (1) It shall be unlawful for any distributor to sell any brand of malt beverage in the Commonwealth of Kentucky, except in the territory described in a written agreement between the supplier or brewer and distributor, authorizing sale by the distributor of that brand within a designated area, and within that designated area the distributor shall not refuse to sell or offer reasonable service to licensed retailers during the normal business hours of the distributor. Where a supplier or brewer sells several brands, the agreement need not apply to all brands sold by the supplier or brewer and may apply to only one (1) brand. No supplier or brewer shall provide by the written agreement for the distribution of a brand of malt beverages to more than one (1) distributor for all or any part of the designated territory. *Upon request*, all territorial agreements shall be filed with the department.
- (2) Each distributor shall comply with such quality control standards as are specified in writing from time to time by the owner of the trademark of the brand of malt beverage, provided those controls are:
 - (a) Normal industry practice;
 - (b) Reasonably related to the maintenance of quality control;
 - (c) Consistent with the provisions of this chapter and all regulations promulgated pursuant thereto; and
 - (d) The distributor has received written notice of them from such owner.
- (3) A distributor may sell to only those licensed retailers, religious, charitable or fraternal organizations located within his designated geographical territory as provided in this section and to his employees and to other distributors of the same brand. No brand of malt beverage may be sold in the Commonwealth of Kentucky without prior written approval of the brewer and supplier filed with the department.
- (4) A territorial designation in any agreement between a distributor and brewer or supplier pursuant to this section shall be modified only in accordance with all the rights and duties of the distributor and brewer or supplier contained in any written agreement between them or by such other action of the brewer, supplier or distributor that is consistent with the terms of their agreement, and such modification shall be filed pursuant to the provisions of this section. The board shall require each party to verify that the level of service within the designated territory will not be adversely affected by such modification. When a distributor is prevented from selling or servicing retailers within his territory due to natural disasters, labor disputes or other such causes beyond his control, the distributor may allow another distributor of the same brand of malt beverages to sell and service that brand within his territory upon approval of the brewer or supplier.
- (5) No provisions of any agreement shall expressly or impliedly establish or maintain the resale price of any brand of malt beverage by the distributor.

➔Section 26. The following KRS sections are repealed:

243.083 Restrictions on issuance of NQ2 retail drink licenses to certain restaurants or hotel dining facilities.

243.205 Business authorized by transporter's license -- Transportation of distilled spirits, wine, and malt beverages -
 - Entities eligible for license -- Reports to Department of Revenue -- Restrictions upon routes traveled --
 Examination of cargo -- Illegal trafficking -- Exemption from KRS 243.100 and 244.090.

Signed by Governor April 2, 2014.

CHAPTER 23**(SB 105)**

AN ACT relating to newspaper carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 342.640 is amended to read as follows:

The following shall constitute employees subject to the provisions of this chapter, except as exempted under KRS 342.650:

- (1) Every person, including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, express or implied, and all helpers and assistants of employees, whether paid by the employer or employee, if employed with the knowledge, actual or constructive, of the employer;
- (2) Every executive officer of a corporation;
- (3) Every person in the service of the state or any of its political subdivisions or agencies, or of any county, city of any class, school district, drainage district, tax district, public or quasipublic corporation, or other political entity, under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing his official duties shall be considered an employee of the state. Every person who is a member of a volunteer ambulance service, fire, or police department shall be deemed, for the purposes of this chapter, to be in the employment of the political subdivision of the state where the department is organized. Every person who is a regularly-enrolled volunteer member or trainee of an emergency management agency, as established under KRS Chapters 39A to 39E, shall be deemed, for the purposes of this chapter, to be in the employment of this state. Every person who is a member of the Kentucky National Guard, while the person is on state active duty as defined in KRS 38.010(4), shall be deemed, for the purposes of this chapter, to be in the employment of this state; *and*
- (4) Every person performing service in the course of the trade, business, profession, or occupation of an employer at the time of the injury; ~~and~~
- ~~(5) Subject to the provisions in subsection (4) of this section, every person regularly selling or distributing newspapers on the street or to customers at their homes or places of business. For the purposes of this chapter, the person shall be deemed an employee of an independent news agency for whom he is selling or distributing newspapers, or, in the absence of an independent agency, of each publisher whose newspapers he sells or distributes].~~

Signed by Governor April 2, 2014.

CHAPTER 24**(SB 29)**

AN ACT relating to acupuncture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.671 is amended to read as follows:

In order to protect the life, health, and safety of the public, any person practicing or offering to practice as an acupuncturist shall be *licensed*~~certified~~ as provided in KRS 311.671 to 311.686. ~~[After July 12, 2006,]~~It shall be unlawful for any person not *licensed*~~certified~~ under KRS 311.671 to 311.686 to practice acupuncture in this state, or to use any title, sign, card, or device to indicate that he or she is an acupuncturist. The provisions of KRS 311.671 to 311.686 are not intended to limit, preclude, or otherwise interfere with the practice of other health-care providers, working in any setting and certified or licensed by appropriate agencies or committees of the Commonwealth of Kentucky, whose practices and training may include elements of the same nature as the practice of a *licensed*~~certified~~ acupuncturist.

➔Section 2. KRS 311.672 is amended to read as follows:

In KRS 311.671 to 311.686, the following words and phrases shall have the meanings given to them, unless the context clearly indicates otherwise:

- (1) "Acupuncturist" means an individual ~~licensed~~~~[certified]~~ to practice acupuncture by the board;
- (2) "Board" means the State Board of Medical Licensure;
- (3) "Committee" means the Acupuncture Advisory Committee under the State Board of Medical Licensure;
- (4) **"Licensure"**~~["Certification"]~~ means ~~licensure~~~~[certification]~~ by the board to practice acupuncture; and
- (5) "Practice of acupuncture" means the insertion of acupuncture needles, with or without accompanying electrical or thermal stimulation, at certain acupuncture points or meridians on the surface of the human body for purposes of changing the flow of energy in the body and may include acupressure, cupping, moxibustion, or dermal friction. The practice of acupuncture shall not include laser acupuncture, osteopathic manipulative treatment, chiropractic adjustments, physical therapy, or surgery.

➔Section 3. KRS 311.673 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the ~~licensure~~~~[certification]~~ and regulation, including temporary ~~licensure~~~~[certification]~~, of acupuncturists. Regulation of acupuncture includes continuing education requirements and fee schedules.
- (2) The board shall establish an eight (8) member Acupuncture Advisory Committee that shall review and make recommendations to the board regarding matters relating to acupuncturists that come before the board, including but not limited to:
 - (a) Applications for acupuncturist ~~licensure~~~~[certification]~~;
 - (b) ~~Licensure~~~~[Certification]~~ renewal requirements;
 - (c) Fees;
 - (d) Applicable standards of practice for acupuncture practitioners;
 - (e) Continuing education requirements;
 - (f) Rotating appointment of committee members;
 - (g) Disciplinary actions, at the request of a panel of the board; and
 - (h) Promulgation and revision of administrative regulations.
- (3) Members of the Acupuncturist Advisory Committee shall be appointed by the board for four (4) year terms, on a rotating basis to provide for continuity, and shall consist of:
 - (a) One (1) member of the board;
 - (b) Two (2) physicians licensed by the board whose practices include the use of acupuncture;
 - (c) One (1) member of the public who is not associated with or financially interested in the practice of acupuncture; and
 - (d) Four (4) acupuncture practitioners ~~licensed~~~~[certified]~~ by the board.
- (4) The chairperson and secretary of the committee shall be elected by a majority vote of the committee members annually. The president shall be responsible for presiding over meetings that shall be held on a regular basis, but no less than two (2) times each calendar year. Additional meetings may be held each calendar year at the call of the chairperson or by the written request of at least three (3) committee members. The secretary shall keep a record of the minutes of the committee's meetings. Five (5) members of the committee shall constitute a quorum to conduct business.
- (5) Members shall receive reimbursement for expenditures relating to attendance at committee meetings consistent with state policies for reimbursement of travel expenses for state employees.
- (6) The board may remove any member on the member's request or for poor attendance at committee meetings, neglect of duties, or malfeasance in office.

➔Section 4. KRS 311.674 is amended to read as follows:

- (1) To be ~~licensed~~~~[certified]~~ by the board as an acupuncturist, an applicant shall:

- (a) Submit an application approved by the board, with all sections completed, with the required fee;
- (b) Be of good character and reputation;
- (c) Have achieved a passing score on the acupuncture examination administered by the National Commission for Certification of Acupuncture and Oriental Medicine; and
- (d) Have graduated from a course of training of at least one thousand eight hundred (1,800) hours, including three hundred (300) clinical hours, that is approved by the Accreditation Commission for Acupuncture and Oriental Medicine.

~~[Prior to July 1, 2007, a person who is a Kentucky resident who does not meet the requirement of paragraph (d) of this subsection may be certified by the board if he or she meets all the requirements of paragraphs (a) and (b) of this subsection and passes the examination required under paragraph (c) of this subsection. On and after July 1, 2007,]~~ All provisions of this subsection, including graduation from an approved course of training as specified in paragraph (d) of this subsection, must be met by all applicants before initial **licensure**~~[certification]~~ as an acupuncturist may be granted.

- (2) An acupuncturist who is legally authorized to practice acupuncture in another state and who is presently in good standing in that other state may be **licensed**~~[certified]~~ by endorsement from the state of his or her credentialing if that state has standards substantially equivalent to those of this Commonwealth. ~~[An applicant who submits his or her application for certification within the six (6) months immediately following July 12, 2006, shall be certified by the board as an acupuncturist if the applicant meets the requirements of subsection (1)(a) to (c) of this section and has been legally authorized to practice acupuncture in another state for at least two (2) years prior to submission of the application.]~~
- (3) The board may request any reasonable information from the applicant and from collateral sources that is necessary for the board to make an informed decision. The applicant will execute any necessary waiver or release so that the board may obtain necessary information from collateral sources. An application will be considered completed when the applicant has fully answered all sections of the approved application and the board has received all necessary additional information from the applicant and collateral sources.
- (4) An acupuncturist's **license**~~[certificate]~~ shall be renewed every two (2) years upon fulfillment of the following requirements:
 - (a) The applicant has submitted a renewal application approved by the board within the time specified, with all sections completed, with the required fee;
 - (b) The applicant is of good character and reputation; and
 - (c) The applicant has provided evidence of completion of the required continuing education during the previous period of **licensure**~~[certification]~~, including evidence of completion of a continuing education course on the human immunodeficiency virus and acquired immunodeficiency syndrome in the previous ten (10) years that meets the requirements of KRS 214.610.
- (5) The board shall notify each applicant in writing of the action it takes on an application within one hundred twenty (120) days following the board's receipt of a completed application.
- (6) Notwithstanding any of the requirements for **licensure**~~[certification]~~ established in this section, and after providing the applicant with reasonable notice of its intended action and after providing a reasonable opportunity to be heard, the board may deny **licensure**~~[certification]~~ to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provision of this section or is otherwise unfit to practice. If the board denies an application, it shall notify the applicant of the grounds on which the denial is based. Orders denying a **license**~~[certificate]~~ may be appealed pursuant to KRS 311.593.

➔Section 5. KRS 311.675 is amended to read as follows:

- (1) Whenever, in the opinion of the executive director based upon verified information contained in the application, an applicant for a **license**~~[certificate]~~ to practice as an acupuncturist is eligible under the applicable provisions of KRS 311.671 to 311.686, the executive director may issue to the applicant, on behalf of the board, a temporary **license**~~[certificate]~~ which shall entitle the holder to practice as an acupuncturist for a maximum of six (6) months from the date of issuance unless the temporary **license**~~[certificate]~~ is canceled by the executive director. The executive director may cancel the temporary **license**~~[certificate]~~ at any time without a hearing, for reasons deemed sufficient with appropriate consultation with the ~~board~~~~[president]~~, and the executive director shall cancel the temporary **license**~~[certificate]~~ immediately upon direction by the board

or upon the board's denial of the application for a *license*~~[certificate]~~. The temporary *license*~~[certificate]~~ shall not be renewable.

- (2) The executive director shall present to the board the application for *licensure*~~[certification]~~ made by the holder of the temporary *license*~~[certificate]~~. If the board issues a regular *license*~~[certificate]~~ to the holder of a temporary *license*~~[certificate]~~, the fee paid in connection with the temporary *license*~~[certificate]~~ shall be applied to the regular *license*~~[certificate]~~ fee.
- (3) If the executive director cancels a temporary *license*~~[certificate]~~, he or she shall promptly notify, by United States certified mail, the holder of the temporary *license*~~[certificate]~~ at the last known address on file with the board. The temporary *license*~~[certificate]~~ shall be terminated and of no further force or effect three (3) days after the date the notice was sent by certified mail.

➔Section 6. KRS 311.676 is amended to read as follows:

- (1) An acupuncture practitioner shall use the designation "*licensed*~~[certified]~~ acupuncturist" or "*L.Ac.*"~~["C.Ac."]~~ following his or her name in all advertisements, professional literature, and billings used in connection with his or her practice.
- (2) The *license*~~[certification]~~ issued by the board shall be conspicuously displayed in the *licensed*~~[certified]~~ acupuncture practitioner's place of business.
- (3) A person who is not *licensed*~~[certified]~~ under KRS 311.671 to 311.686 shall not use any terms, words, abbreviations, letters, or insignia that indicate or imply that he or she is engaged in the practice of acupuncture.
- (4) Any person who violates this section shall be guilty of a Class A misdemeanor.

➔Section 7. KRS 311.678 is amended to read as follows:

An acupuncturist shall obtain informed consent from each patient in a manner consistent with the acceptable and prevailing standards of practice within this Commonwealth and, at a minimum, the acupuncturist shall disclose to the patient the following written information prior to or during the patient's initial visit:

- (1) The acupuncturist's qualifications, including his or her education, *license*~~[certification]~~ information, and the definition and scope of the practice of acupuncture in the Commonwealth; and
- (2) Possible outcomes of the treatment to be given, including any pain, bruising, infection, needle sickness, or other side effects that may occur.

➔Section 8. KRS 311.680 is amended to read as follows:

- (1) Every *licensed*~~[certified]~~ acupuncturist shall develop a written plan for consultation, emergency transfer, and referral to appropriate health-care facilities or to other health-care practitioners operating within the scope of their authorized practices, which meets the requirements contained in administrative regulations promulgated by the board. The written plan shall be filed with the board and maintained at the acupuncturist's practice location and updated as appropriate to meet current regulatory requirements.
- (2) If, in the course of conducting an interview regarding the patient's medical history, the patient discloses that he or she suffers from one (1) of the potentially serious disorders or conditions listed in subsection (3) of this section, the acupuncturist shall verify that the patient is currently under the care of a physician and consult with the treating physician before providing acupuncture treatment. If the patient refuses to provide a medical history or disclose information regarding any of the conditions listed below, acupuncture treatment shall not be provided.
- (3) For purposes of this section, "potentially serious disorder or condition" means:
 - (a) Hypertension and cardiac conditions;
 - (b) Acute, severe abdominal pain;
 - (c) Undiagnosed neurological changes;
 - (d) Unexplained weight loss or gain in excess of fifteen percent (15%) of the patient's body weight in less than a three (3) month period;
 - (e) Suspected fracture or dislocation;
 - (f) Suspected systemic infections;
 - (g) Serious hemorrhagic disorder;

- (h) Acute respiratory distress without a previous history;
- (i) Pregnancy;
- (j) Diabetes; or
- (k) Cancer.

➔Section 9. KRS 311.681 is amended to read as follows:

- (1) Any person **licensed**~~[certified]~~ as an acupuncturist shall renew his or her **license**~~[certificate]~~ every two (2) years. He or she shall pay to the board a renewal fee established by the board in administrative regulations. The fee shall be paid on or before June 1 of the year in which the **license**~~[certificate]~~ expires. A **license**~~[certificate]~~ that is not renewed within sixty (60) days after June 1 shall expire for failure to renew in a timely manner.
- (2) The board shall notify the **licensed**~~[certified]~~ acupuncturist of the renewal date at the acupuncturist's last known address. The notice shall include an application and notice of renewal fees. The **licensed**~~[certified]~~ acupuncturist's failure to receive the renewal notice shall not be considered an excuse to waive a late-payment fee.
- (3) A sixty (60) day grace period shall be allowed after June 1 of each year, during which the acupuncturist may continue to practice. The acupuncturist may renew his or her **license**~~[certification]~~ upon payment of the renewal fee and a late-renewal fee as established by the board in administrative regulation.
- (4) Any **license**~~[certification]~~ not renewed by the end of the grace period shall terminate, and the acupuncturist shall no longer be eligible to practice acupuncture in the Commonwealth. An individual with a terminated **license**~~[certification]~~ may have his or her **license**~~[certification]~~ reinstated upon payment of the renewal fee and a reinstatement fee as established by the board in administrative regulations. A person who applies for reinstatement shall not be required to take an examination as a condition of reinstatement if the person's reinstatement application is made within five (5) years of the date of termination.
- (5) A suspended **license**~~[certificate]~~ shall expire and terminate if not renewed. Renewal of a suspended **license**~~[certificate]~~ shall not entitle the **licensed**~~[certified]~~ practitioner to practice until the suspension has ended or the right to practice has been restored by the board.
- (6) A revoked **license**~~[certificate]~~ shall terminate and may not be renewed. If a revoked **license**~~[certificate]~~ is reinstated, the **licensed**~~[certified]~~ practitioner shall pay the renewal fee and the reinstatement fee under subsections (1) and (4) of this section.
- (7) If a person fails to reinstate his or her **license**~~[certificate]~~ within five (5) years of its termination, the **license**~~[certificate]~~ shall not be renewed, restored, reissued, or reinstated. The person shall obtain a new **license**~~[certificate]~~ under the conditions established in KRS 311.674.

➔Section 10. KRS 311.682 is amended to read as follows:

- (1) The board shall, by administrative regulation, prescribe continuing education requirements not to exceed thirty (30) hours biennially, as a condition for renewal of a **license**~~[certificate]~~. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profit-making entity, are eligible for approval. The continuing professional education requirements must be in acupuncture or oriental medicine subjects, including but not limited to anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases.
- (2) The board shall have the authority to set a fee for each continuing education provider.
- (3) The **licensed**~~[certified]~~ practitioner shall retain in his or her records the certificates of completion of continuing professional education requirements to prove compliance with this section.
- (4) All national and state acupuncture and oriental medicine organizations and acupuncture and oriental medicine schools are approved to provide continuing professional education in accordance with this section.

➔Section 11. KRS 311.683 is amended to read as follows:

- (1) A person **licensed**~~[certified]~~ under KRS 311.674 and 311.675 may apply for inactive status upon submitting an application and paying an inactive-status fee.

- (2) An inactive **license**~~[certificate]~~ may be reactivated upon application to the board. If a **license**~~[certificate]~~ has been inactive for more than five (5) consecutive years, the **licensed**~~[certified]~~ practitioner shall apply for a new **license**~~[certificate]~~ and shall meet all the requirements in existence for a **license**~~[certification]~~ under KRS 311.674 and 311.675. That application for **licensure**~~[certification]~~ shall require:

- (a) Evidence of the **license**~~[certificate]~~ holder's payment of an inactive-status fee; and
- (b) Payment of the initial **licensure**~~[certification]~~ fee.

➔Section 12. KRS 311.684 is amended to read as follows:

- (1) The board may:

- (a) Revoke a **license**~~[certificate]~~;
- (b) Suspend a **license**~~[certificate]~~ for a period not to exceed five (5) years;
- (c) Deny an application for a **license**~~[certificate]~~;
- (d) Decline to renew a **license**~~[certificate]~~;
- (e) Indefinitely restrict or limit a **license**~~[certificate]~~;
- (f) Issue a fine of up to two thousand dollars (\$2,000) per violation and/or the costs of the proceedings;
- (g) Place a **license**~~[certificate]~~ on probation for a period not to exceed five (5) years;
- (h) Reprimand the acupuncturist; or
- (i) Impose any combination of such sanctions, upon proof that the acupuncturist has:
 1. Knowingly made or presented or caused to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other document relating to an application for **licensure**~~[certification]~~;
 2. Practiced, aided, or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy relating to an examination for **licensure**~~[certification]~~;
 3. Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of committing an act which is or would be a felony under the laws of the Commonwealth of Kentucky or of the United States;
 4. Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of any misdemeanor offense which has dishonesty as a fundamental and necessary element, including but not limited to crimes involving theft, embezzlement, false swearing, perjury, fraud, or misrepresentation;
 5. Become addicted to, or is an abuser of, alcohol, drugs, or any illegal substance;
 6. Developed a physical or mental disability or other condition that presents a danger in continuing to practice acupuncture to patients, the public, or other health-care personnel;
 7. Knowingly made, caused to be made, or aided or abetted in the making of a false statement in any document executed in connection with the practice of acupuncture;
 8. Aided, assisted, or abetted the unlawful practice of medicine or acupuncture;
 9. Willfully violated a confidential communication;
 10. Performed the services of an acupuncturist in an unprofessional, incompetent, or grossly or chronically negligent manner;
 11. Been removed, suspended, expelled, or placed on probation by any health-care facility or professional society for unprofessional conduct, incompetence, negligence, or violation of any provision of this section;
 12. Violated any applicable provision of a statute or administrative regulation relating to acupuncture practice;
 13. Violated any term of a final order or agreed order issued by the board; or
 14. Failed to complete the required number of hours of approved continuing education.

- (2) All disciplinary proceedings against an acupuncturist shall be conducted in accordance with KRS 311.591, 311.592, 311.593, ~~and~~ 311.599, and KRS Chapter 13B and related administrative regulations promulgated under KRS Chapter 311.
- (3) (a) The board may issue a written admonishment to the **licensed**~~certified~~ acupuncturist when, in the judgment of the board:
 1. An alleged violation is not of a serious nature; and
 2. The evidence presented to the board after the investigation, including an appropriate opportunity for the **licensed**~~certified~~ acupuncturist to respond, provides a clear indication that the alleged violation did in fact occur.
- (b) A copy of the admonishment shall be placed in the permanent file of the **licensed**~~certified~~ acupuncturist.
- (c) The **licensed**~~certified~~ acupuncturist shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent **license**~~certification~~ file.
- (d) The **licensed**~~certified~~ acupuncturist may alternatively, within thirty (30) days of the admonishment's receipt, file a request for a hearing with the board.
- (e) Upon receipt of a request for a hearing, the board shall set aside the written admonishment and set the matter for a hearing under the provisions of KRS Chapter 13B.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the **licensed**~~certified~~ acupuncturist which effectively deals with the complaint.
- (5) The board may, upon the agreement of the aggrieved party, use mediation to handle disciplinary matters. The board may appoint any member or members of the board, any staff member, or any other person or combination thereof to serve in the mediation process.
- (6) The board may reconsider, modify, or reverse its disciplinary actions.

➔ Section 13. KRS 311.685 is amended to read as follows:

- (1) The board, before suspending, revoking, imposing probationary or supervisory conditions upon a **licensed**~~certified~~ acupuncturist, imposing an administrative fine, issuing a written reprimand, or any combination of these actions regarding any **licensed**~~certified~~ acupuncturist under KRS 311.671 to 311.686, shall set the matter for a hearing under the provisions of KRS Chapter 13B.
- (2) After denying an application under KRS 311.671 to 311.686 or issuing a written admonishment, the board, at the request of the aggrieved party, shall grant a hearing under the provisions of KRS Chapter 13B.
- (3) Except for final orders denying an initial application or renewal for **license**~~certification~~ or final orders issued pursuant to KRS 13B.125(3), all final orders of the board affecting an acupuncturist's **license**~~certificate~~ shall become effective thirty (30) days after notice is given to the **license**~~certificate~~ holder unless otherwise agreed; however, the board's panels may provide that a final order be effective immediately when, in the panel's opinion, based upon sufficient reasonable cause, the health, welfare, and safety of patients or the general public would be endangered by delay.
- (4) Any acupuncturist who is aggrieved by a final order of the board denying an initial or renewal application for **license**~~certification~~ or rendering disciplinary action against a **license**~~certificate~~ holder may seek judicial review of the order by filing a petition with the Circuit Court of the county in which the board's offices are located in accordance with KRS Chapter 13B. Decisions of the board's panels relating to petitions for reinstatement of revoked **licenses**~~certificates~~ are not final orders for purposes of this statute, and are not subject to judicial review.
- (5) The court shall not award injunctive relief against the board without providing the board with the reasonable opportunity to be heard.
- (6) An acupuncturist whose **license**~~certificate~~ has been revoked may, after five (5) years from the effective date of the revocation order, petition the board to reissue the **license**~~certificate~~ to again practice acupuncture in the Commonwealth of Kentucky.

- (7) The board shall not be required to issue a new ~~license~~~~[certificate]~~, and a decision of the board not to reissue a ~~license~~~~[certificate]~~ shall not be subject to judicial review. A ~~license~~~~[certificate]~~ shall not be reissued following a petition under subsection (6) of this section unless the former ~~license~~~~[certificate]~~ holder satisfies the board that he or she is presently of good moral character and qualified both physically and mentally to resume the practice of medicine without undue risk or danger to patients or the public.
- (8) In the event the board reissues a revoked ~~license~~~~[certificate]~~ under the circumstances as described in this section, the reissued ~~license~~~~[certificate]~~ shall be under probation for a period of not less than two (2) years nor more than five (5) years with conditions fixed by the board, including a condition that any violation of the remaining conditions of probation shall result in automatic revocation of the ~~license~~~~[certificate]~~.

➔Section 14. KRS 311.686 is amended to read as follows:

- (1) At any time when an inquiry panel established under KRS 311.591 has probable cause to believe that an acupuncturist has violated the terms of an agreed order as defined in KRS 311.550(19), or violated the terms of a disciplinary order, or that an acupuncturist's practice constitutes a danger to the health, welfare, or safety of patients or the general public, the inquiry panel may issue an emergency order in accordance with KRS 13B.125 suspending, limiting, or restricting the acupuncturist's ~~license~~~~[certificate]~~.
- (2) For the purposes of a hearing conducted under KRS 311.592 on an emergency order issued under this section, the findings of fact in the emergency order shall constitute a rebuttable presumption of substantial evidence of a violation of law that constitutes immediate danger to the health, welfare, or safety of patients or the general public. For the purposes of this hearing only, hearsay shall be admissible and may serve as a basis of the board's findings.
- (3) An emergency order as described in subsection (1) of this section shall not be issued unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a complaint prior to the date of the emergency hearing or the emergency order shall become void.
- (4) An emergency order suspending, limiting, or restricting a ~~license~~~~[certificate]~~ shall not be maintained after a final order as defined in KRS 311.550(20) is served on the charged acupuncturist pursuant to the proceeding on the complaint. An appeal of an emergency order shall not prejudice the board from proceeding with the complaint.

Signed by Governor April 2, 2014.

CHAPTER 25

(HB 78)

AN ACT relating to trusts and estates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. KRS CHAPTER 386B IS ESTABLISHED, SUBCHAPTER 1 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this chapter, unless the context requires otherwise:

- (1) *"Action" with respect to an act of a trustee, includes a failure to act;*
- (2) *"Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of 26 U.S.C. sec. 2041(b)(1)(A) or 26 U.S.C. sec. 2514(c)(1), as amended;*
- (3) *"Beneficiary" means a person that:*
 - (a) *Has a present or future beneficial interest in a trust, vested or contingent; or*
 - (b) *In a capacity other than that of trustee, holds a power of appointment over trust property;*
- (4) *"Charitable trust" means a trust, or part of a trust, established for a charitable purpose as described in subsection (1) of Section 27 of this Act;*

- (5) *"Conservator" means a person appointed by the court to administer the estate of a minor or adult individual;*
- (6) *"Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment;*
- (7) *"Guardian" means a person appointed by the court, a parent, or a spouse to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual. The term shall not include a guardian ad litem;*
- (8) *"Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust;*
- (9) *"Jurisdiction," with respect to a geographic area, includes a state or country;*
- (10) *"Person" means any individual or entity as defined in KRS 446.010;*
- (11) *"Power of withdrawal" means a presently exercisable general power of appointment other than a power:*
 - (a) *Exercisable by a trustee and limited by an ascertainable standard; or*
 - (b) *Exercisable by another person only on the consent of the trustee or a person holding an adverse interest;*
- (12) *"Property" means anything that may be the subject of ownership, whether legal or equitable, or any interest therein;*
- (13) *"Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:*
 - (a) *Is a distributee or permissible distributee of trust income or principal;*
 - (b) *Would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in paragraph (a) ended on that date without causing the trust to end; or*
 - (c) *Would be a distributee or permissible distributee of trust income or principal if the trust ended on that date;*
- (14) *"Revocable" as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest;*
- (15) *"Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one (1) person creates or contributes property to a trust, each person is a settlor of the part of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that part;*
- (16) *"Spendthrift provision" means a term of a trust which restrains both voluntary and involuntary transfer of a beneficiary's interest;*
- (17) *"State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state;*
- (18) *"Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding;*
- (19) (a) *"Trust" means an express trust established by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both. This definition includes oral trusts.*
 - (b) *"Trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust established by the judgment of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument in which a person is nominee or escrowee for another, a trust established in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;*
- (20) *"Trust instrument" means an instrument signed by the settlor that contains terms of the trust, including any amendments thereto; and*

(21) *"Trustee" includes an original, additional, and successor trustee, and a co-trustee.*

➔SECTION 2. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

(1) *Subject to subsection (2) of this section, a person has knowledge of a fact if the person:*

- (a) *Has actual knowledge of it;*
- (b) *Has received a notice or notification of it; or*
- (c) *From all the facts and circumstances known to the person at the time in question, has reason to know it.*

(2) *An organization that conducts activities through employees has notice or knowledge of a fact involving a trust only from the time the information was received by an employee having responsibility to act for the trust, or would have been brought to the employee's attention if the organization had exercised reasonable diligence. An organization exercises reasonable diligence if it maintains reasonable routines for communicating significant information to the employee having responsibility to act for the trust and there is reasonable compliance with the routines. Reasonable diligence shall not require an employee of the organization to communicate information unless the communication is part of the individual's regular duties or the individual knows a matter involving the trust would be materially affected by the information.*

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

(1) *Except as otherwise provided in the terms of the trust, this chapter governs the duties and powers of a trustee, relations among trustees, and the rights and interests of a beneficiary.*

(2) *The terms of a trust prevail over any provision of this chapter, except:*

- (a) *The requirements for creating a trust;*
- (b) *The duty of a trustee to act in good faith and in the interests of the beneficiaries;*
- (c) *The requirement that a trust and its terms be for the benefit of its beneficiaries, and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;*
- (d) *The power of the court to change or terminate a trust under Subchapter 4 of this chapter;*
- (e) *The effect of a spendthrift provision and the rights of certain creditors and assignees to reach a trust as provided in Subchapter 5 of this chapter;*
- (f) *The power of the court under Section 51 of this Act to require, dispense with, or modify or terminate a bond;*
- (g) *The power of the court under subsection (2) of Section 57 of this Act to adjust a trustee's compensation as specified in the terms of the trust which is unreasonably low or high;*
- (h) *The duty to notify and report under subsection (2) of Section 72 of this Act ;*
- (i) *The effect of an exculpatory term under Section 86 of this Act;*
- (j) *The rights under Sections 88, 89 and 90 of this Act of a person other than a trustee or beneficiary;*
- (k) *Periods of limitation for commencing a judicial proceeding;*
- (l) *The power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice; and*
- (m) *The subject-matter jurisdiction of the court and venue for commencing a proceeding as provided in Sections 15 and 16 of this Act.*

➔SECTION 4. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The common law of trusts and principles of equity supplement this chapter, except to the extent modified by this chapter or another statute of this Commonwealth.

➔SECTION 5. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The meaning and effect of the terms of a trust governed by this chapter are determined by:

- (1) *The law of the jurisdiction designated in the terms unless the designation of that jurisdiction's law is contrary to a strong public policy of the jurisdiction having the most significant relationship to the matter at issue; or*
- (2) *In the absence of a controlling designation in the terms of the trust, the law of the jurisdiction having the most significant relationship to the matter at issue.*

➔SECTION 6. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Without precluding other means for establishing a connection with the designated jurisdiction, terms of a trust designating the principal place of administration are valid and controlling if:*
 - (a) *A trustee's principal place of business is located in or a trustee is a resident of the designated jurisdiction; or*
 - (b) *All or part of the administration occurs in the designated jurisdiction.*
- (2) *A trustee is under a continuing duty to administer the trust at a place appropriate to its purposes, its administration, and the interests of the beneficiaries.*
- (3) *Without precluding the right of the court to order, approve, or disapprove a transfer, the trustee, in furtherance of the duty prescribed by subsection (2) of this section, may transfer the trust's principal place of administration to another state or to a jurisdiction outside of the United States.*
- (4) *The trustee shall notify the qualified beneficiaries of a proposed transfer of a trust's principal place of administration not less than sixty (60) days before initiating the transfer. The notice of proposed transfer shall include:*
 - (a) *The name of the jurisdiction to which the principal place of administration is to be transferred;*
 - (b) *The address and telephone number at the new location at which the trustee can be contacted;*
 - (c) *An explanation of the reasons for the proposed transfer;*
 - (d) *The date on which the proposed transfer is anticipated to occur; and*
 - (e) *The date, not less than sixty (60) days after the giving of the notice, by which the qualified beneficiary shall notify the trustee of an objection to the proposed transfer.*
- (5) *The authority of a trustee under this section to transfer a trust's principal place of administration ends if a qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice.*
- (6) *In connection with a transfer of the trust's principal place of administration, the trustee may transfer some or all of the trust property to a successor trustee designated in the terms of the trust or appointed under Section 53 of this Act.*
- (7) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 7. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Notice to a person under this chapter or the sending of a document to a person under this chapter shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document. Permissible methods of notice or for sending a document include first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, or a properly directed electronic message.*
- (2) *Notice otherwise required under this chapter or a document otherwise required to be sent under this chapter need not be provided to a person whose identity or location is unknown to and not reasonably ascertainable by the trustee.*
- (3) *Notice under this chapter or the sending of a document under this chapter may be waived by the person to be notified or sent the document.*

- (4) *Notice of a judicial proceeding shall be given as provided in the applicable rules of civil procedure and, if notice is made by publication, proof of the giving of notice shall be made on or before the hearing and filed in the proceeding as provided in KRS 424.170.*

➔SECTION 8. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A charitable organization expressly designated to receive distributions under the terms of a charitable trust has the rights of a qualified beneficiary under this chapter if the charitable organization, on the date the charitable organization's qualification is being determined:*
- (a) *Is a distributee or permissible distributee of trust income or principal;*
 - (b) *Would be a distributee or permissible distributee of trust income or principal on the termination of the interests of other distributees or permissible distributees then receiving or eligible to receive distributions; or*
 - (c) *Would be a distributee or permissible distributee of trust income or principal if the trust ended on that date.*
- (2) *A person appointed to enforce a trust established for the care of an animal or another noncharitable purpose under Section 30 or 31 of this Act, has the rights of a qualified beneficiary under this chapter.*
- (3) *Other than those listed in Section 55 of this Act, the Attorney General has the rights of a qualified beneficiary with respect to a charitable trust governed by this chapter.*

➔SECTION 9. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section, "interested persons" means persons whose consent would be required to achieve a binding settlement were the settlement to be approved by the court.*
- (2) *Except as otherwise provided in subsection (3) of this section, interested persons may enter into a binding nonjudicial settlement agreement with respect to any matter involving a trust. This procedure is not intended to foreclose or limit any other avenue of settlement under the laws of this Commonwealth.*
- (3) *A nonjudicial settlement agreement is valid only to the extent it does not violate a material purpose of the trust and includes conditions that could be properly approved by the court under this chapter or other applicable law.*
- (4) *Matters that may be resolved by a nonjudicial settlement agreement include:*
- (a) *The interpretation or construction of the terms of the trust;*
 - (b) *The approval of a trustee's report or accounting;*
 - (c) *Direction to a trustee to refrain from performing a particular act or the grant to a trustee of any necessary or desirable power;*
 - (d) *The resignation or appointment of a trustee and the determination of a trustee's compensation;*
 - (e) *Transfer of a trust's principal place of administration; and*
 - (f) *Liability of a trustee for an action relating to the trust.*
- (5) *Any interested person may request the court to approve a nonjudicial settlement agreement, to determine whether the representation under Subchapter 3 of this chapter was adequate, and to determine whether the agreement contains conditions the court could have properly approved.*
- (6) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 10. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The rules of construction that apply in this Commonwealth to the interpretation of and disposition of property by will also apply as appropriate to the interpretation of the terms of a trust and the disposition of the trust property.

➔SECTION 11. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The doctrine of worthier title and the doctrine of reversions shall not be in force in this Commonwealth as rules of law and as rules of construction. Language in a governing instrument describing the beneficiaries of a disposition as the transferor's "heirs," "heirs at law," "next of kin," "distributees," "relatives," or "family," or language of similar import, shall not create or presumptively create a reversionary interest in the transferor.

➔SECTION 12. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "settlor" means a person that executes a trust instrument. The term includes a person for which a fiduciary or agent is acting.*
- (2) *A trustee of a trust has an insurable interest in the life of an individual insured under a life insurance policy that is owned by the trustee of the trust acting in a fiduciary capacity or that designates the trust itself as the owner if, on the date the policy is issued:*
 - (a) *The insured is:*
 1. *A settlor of the trust; or*
 2. *An individual in whom a settlor of the trust has, or would have had if living at the time the policy was issued, an insurable interest; and*
 - (b) *The life insurance proceeds are primarily for the benefit of one (1) or more trust beneficiaries that have:*
 1. *An insurable interest in the life of the insured; or*
 2. *A substantial interest engendered by love and affection in the continuation of the life of the insured and, if not already included under subparagraph 1. of this paragraph, who are:*
 - a. *Related within the third degree or closer, as measured by the civil law system of determining degrees of relation, either by blood or law, to the insured; or*
 - b. *Stepchildren of the insured.*

➔SECTION 13. SUBCHAPTER 2 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

- (1) *The court may intervene in the administration of a trust to the extent its jurisdiction is invoked by an interested person or as provided by law.*
- (2) *A trust is not subject to continuing judicial supervision unless ordered by the court.*
- (3) *A judicial proceeding involving a trust may relate to any matter involving the trust's administration, including a request for instructions, an action to declare rights, and an action to settle the trustee's accounts.*

➔SECTION 14. A NEW SECTION OF SUBCHAPTER 2 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *By accepting the trusteeship of a trust having its principal place of administration in this Commonwealth or by moving the principal place of administration to this Commonwealth, the trustee submits personally to the jurisdiction of the courts of this Commonwealth regarding any matter involving the trust.*
- (2) *With respect to their interests in the trust, the beneficiaries of a trust having its principal place of administration in this Commonwealth are subject to the jurisdiction of the courts of this Commonwealth regarding any matter involving the trust. By accepting a distribution from such a trust, the recipient submits personally to the jurisdiction of the courts of this Commonwealth regarding any matter involving the trust.*
- (3) *This section shall not preclude other methods of obtaining jurisdiction over a trustee, beneficiary, or other person receiving property from the trust, including trust registration under Section 17 of this Act.*

➔SECTION 15. A NEW SECTION OF SUBCHAPTER 2 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Except with regard to matters otherwise provided for by statute:

- (1) *The District Court and Circuit Court shall have concurrent jurisdiction of any proceedings in this Commonwealth brought by a trustee or beneficiary concerning any trust matter.*

- (2) *If a proceeding is initially brought in District Court concerning any trust matter, the jurisdiction of the District Court shall become exclusive with respect to such matter unless, within twenty (20) days of receipt of notice of such proceeding, a party files an action in Circuit Court relating to the same trust matter, in which event the District Court shall be divested of jurisdiction and the Circuit Court shall have exclusive jurisdiction over such action.*

➔SECTION 16. A NEW SECTION OF SUBCHAPTER 2 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Venue for proceedings under this chapter involving registered trusts is in the place of registration.*
- (2) *Venue for proceedings under this chapter involving trusts not registered in this Commonwealth is in any place where the trust properly could have been registered, and otherwise by the venue statutes of this Commonwealth.*

➔SECTION 17. A NEW SECTION OF SUBCHAPTER 2 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *The trustee of a trust having its principal place of administration in this Commonwealth shall register the trust in the District Court of this Commonwealth at the principal place of administration. Unless otherwise designated in the trust instrument, the principal place of administration of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or at the trustee's residence if he or she has no such place of business. In the case of co-trustees, the principal place of administration, if not otherwise designated in the trust instrument, is:*

- (a) 1. *The usual place of business of the corporate trustee if there is but one (1) corporate co-trustee; or*
2. *The usual place of business or residence of the individual trustee who is a professional fiduciary if there is but one (1) such person and no corporate co-trustee; and*
- (b) *In all other cases, the usual place of business or residence of any of the co-trustees as agreed on by them.*

The duty to register under this section shall not apply to the trustee of a trust if registration would be inconsistent with the retained jurisdiction of a foreign court from which the trustee cannot obtain release, nor does the duty to register under this section apply to any trust, whether testamentary or inter vivos, revocable or irrevocable, unless the settlor of the trust so directs.

- (2) *Registration shall be accomplished by filing a statement indicating the name and address of the trustee in which he or she acknowledges the trusteeship. The statement shall indicate whether the trust has been registered elsewhere. The statement shall identify the trust:*

- (a) *In the case of a testamentary trust, by the name of the testator and the date and place of domiciliary probate;*
- (b) *In the case of a written inter vivos trust, by the name of each settlor and the original trustee and the date of the trust instrument; or*
- (c) *In the case of an oral trust, by information identifying the settlor or other source of funds and describing the time and manner of the trust's creation and the terms of the trust, including the subject matter, beneficiaries, and time of performance.*

If a trust has been registered elsewhere, registration in this Commonwealth is ineffective until the earlier registration is released by order of the court where prior registration occurred, or an instrument signed by the trustee and all beneficiaries is filed with the registration in this state.

- (3) (a) *By registering a trust, or accepting the trusteeship of a registered trust, the trustee submits personally to the jurisdiction of the court in any proceeding under this chapter relating to the trust that may be initiated by any interested person while the trust remains registered. Notice of any proceeding shall be given pursuant to Section 7 of this Act.*
- (b) *To the extent of their interests in the trust, all beneficiaries of a trust properly registered in this Commonwealth are subject to the jurisdiction of the court of registration for the purposes of proceedings under this chapter, provided notice is given pursuant to Section 7 of this Act.*

(c) *The court for good cause shown may provide for a different method or time of giving notice for any hearing.*

- (4) *A trustee who fails to register a trust in a proper place pursuant to this Chapter, for purposes of any proceedings initiated by a beneficiary of the trust prior to registration, is subject to the personal jurisdiction of any court in which the trust could have been registered.*

➔SECTION 18. SUBCHAPTER 3 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

- (1) *Notice to a person who may represent and bind another person under this subchapter has the same effect as if notice were given directly to the other person.*
- (2) *The consent of a person who may represent and bind another person under this subchapter is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.*
- (3) *Except as otherwise provided under Sections 33 and 47 of this Act, a person who under this subchapter may represent a settlor who lacks capacity, may receive notice and give a binding consent on the settlor's behalf.*
- (4) *A settlor may not represent and bind a beneficiary under this Subchapter with respect to the termination or modification of a trust under subsection (1) of Section 33 of this Act.*
- (5) *Provisions of this subchapter shall also be applicable to KRS 386.175 regarding a trustee's power to appoint principal and income in favor of a trustee of a second trust and Section 106 of this Act regarding a trustee's power to adjust between principal and income and conversion to unitrust.*

➔SECTION 19. A NEW SECTION OF SUBCHAPTER 3 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

To the extent there is no conflict of interest between the holder of a general testamentary power of appointment and the persons represented with respect to the particular question or dispute, the holder may represent and bind persons whose interests, as permissible appointees, takers in default, or otherwise, are subject to the power.

➔SECTION 20. A NEW SECTION OF SUBCHAPTER 3 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to a particular question or dispute:

- (1) *A conservator may represent and bind the estate that the conservator controls;*
- (2) *A guardian may represent and bind the ward if a conservator of the ward's estate has not been appointed;*
- (3) *An agent having authority to act with respect to the particular question or dispute may represent and bind the principal;*
- (4) *A trustee may represent and bind the beneficiaries of the trust;*
- (5) *A personal representative of a decedent's estate may represent and bind persons interested in the estate;*
- (6) *A parent may represent and bind the parent's minor or unborn child if a conservator or guardian for the child has not been appointed; and*
- (7) *A curator may represent and bind the estate or person that the curator controls.*

➔SECTION 21. A NEW SECTION OF SUBCHAPTER 3 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented.

➔SECTION 22. A NEW SECTION OF SUBCHAPTER 3 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *If the court determines that an interest is not represented under this subchapter, or that the otherwise available representation might be inadequate because of conflict or otherwise, the court may appoint a guardian ad litem to receive notice, give consent, and otherwise represent, bind, and act on behalf of a*

minor, incapacitated, or unborn individual, or a person whose identity or location is unknown. A guardian ad litem may be appointed to represent several persons or interests.

- (2) *A guardian ad litem may act on behalf of the individual represented with respect to any matter arising under this chapter, whether or not a judicial proceeding concerning the trust is pending.*
- (3) *In making decisions, a guardian ad litem may consider general benefit accruing to the living members of the individual's family.*

➔SECTION 23. SUBCHAPTER 4 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

A trust may be created by:

- (1) *Transfer of property to another person as trustee during the settlor's lifetime or by will or other disposition taking effect on the settlor's death;*
- (2) *Declaration by the owner of property that the owner holds identifiable property as trustee; or*
- (3) *Exercise of a power of appointment in favor of a trustee.*

➔SECTION 24. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trust is created only if:*
 - (a) *The settlor has capacity to create a trust;*
 - (b) *The settlor indicates an intention to create the trust;*
 - (c) *The trust has a definite beneficiary or is:*
 - 1. *A charitable trust;*
 - 2. *A trust for the care of an animal under Section 30 of this Act; or*
 - 3. *A trust for a noncharitable purpose under Section 31 of this Act;*
 - (d) *The trustee has duties to perform; and*
 - (e) *The same person is not the sole trustee and sole beneficiary.*
- (2) *A power in a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.*

➔SECTION 25. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trust not created by will is validly created if its creation complies with the law of the jurisdiction in which the trust instrument was executed, or the law of the jurisdiction in which, at the time of creation:

- (1) *The settlor was domiciled, had a place of abode, or was a national;*
- (2) *A trustee was domiciled or had a place of business; or*
- (3) *Any trust property was located.*

➔SECTION 26. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trust may be created only to the extent its purposes are lawful, not contrary to public policy, and possible to achieve. A trust and its terms shall be for the benefit of its beneficiaries.

➔SECTION 27. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A charitable trust may be created for the relief of poverty, the advancement of education or religion, the promotion of health, governmental or municipal purposes, or other purposes the achievement of which is beneficial to the community.*

- (2) *Except as otherwise provided in KRS 381.260, if the terms of a charitable trust do not indicate a particular charitable purpose or beneficiary, the court may select one (1) or more charitable purposes or beneficiaries. The selection shall be consistent with the settlor's intention to the extent it can be ascertained.*
- (3) *The settlor of a charitable trust, among others, may maintain a proceeding to enforce the trust.*

➔SECTION 28. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trust is void to the extent its creation was induced by fraud, duress, or undue influence.

➔SECTION 29. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Except as required by a statute other than those in this chapter, a trust need not be evidenced by a trust instrument, but the creation of an oral trust and its terms may be established only by clear and convincing evidence.

➔SECTION 30. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates on the death of the animal or, if the trust was created to provide for the care of more than one (1) animal alive during the settlor's lifetime, on the death of the last surviving animal.*
- (2) *A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.*
- (3) *Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use shall be distributed to the settlor, if then living, otherwise to the settlor's successors in interest.*

➔SECTION 31. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Except as otherwise provided in Section 30 of this Act, Section 99 of this Act regarding perpetual care and maintenance trusts for cemeteries, or by another statute, the following rules apply:

- (1) *A trust may be created for a noncharitable purpose without a definite or definitely ascertainable beneficiary or for a noncharitable but otherwise valid purpose to be selected by the trustee;*
- (2) *A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the District Court; and*
- (3) *Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use shall be distributed to the settlor, if then living, otherwise to the settlor's successors in interest.*

➔SECTION 32. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to the methods of termination prescribed by Sections 33, 34, 35, and 36 of this Act, a trust terminates to the extent the trust is revoked or expires pursuant to its terms, no purpose of the trust remains to be achieved, or the purposes of the trust have become unlawful, contrary to public policy, or impossible to achieve.*
- (2) *A proceeding to approve or disapprove a proposed modification or termination under Sections 33, 34, 35, 36, 37, and 38 of this Act, or trust combination or division under Section 39 of this Act, may be commenced by a trustee or beneficiary, and a proceeding to approve or disapprove a proposed modification or termination under Section 33 of this Act may be commenced by the settlor. The settlor of a charitable trust may maintain a proceeding to modify the trust under Section 35 of this Act.*

➔SECTION 33. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in the terms of the trust, a noncharitable irrevocable trust may be modified or terminated upon consent of the settlor and all beneficiaries, without court approval, even if the modification or termination is inconsistent with a material purpose of the trust. A settlor's power to consent to a trust's modification or termination may be exercised:*
 - (a) *By an agent under a power of attorney only to the extent expressly authorized by the power of attorney and not prohibited by the terms of the trust;*
 - (b) *By the settlor's conservator with the approval of the court supervising the conservatorship if an agent is not so authorized and the conservator is not prohibited by the terms of the trust; or*
 - (c) *By the settlor's guardian with the approval of the court supervising the guardianship if an agent is not so authorized and a conservator has not been appointed and the guardian is not prohibited by the terms of the trust.*
- (2) *A noncharitable irrevocable trust may be terminated upon consent of all of the beneficiaries if the court concludes that continuance of the trust is not necessary to achieve any material purpose of the trust. A noncharitable irrevocable trust may be modified upon consent of all of the beneficiaries if the court concludes that modification is not inconsistent with a material purpose of the trust.*
- (3) *A spendthrift provision in the terms of the trust is not presumed to constitute a material purpose of the trust.*
- (4) *Upon termination of a trust under subsection (1) or (2) of this section, the trustee shall distribute the trust property as agreed by the beneficiaries.*
- (5) *If not all of the beneficiaries consent to a proposed modification or termination of the trust under subsection (1) or (2) of this section, the modification or termination may be approved by the court if the court is satisfied that:*
 - (a) *If all of the beneficiaries had consented, the trust could have been modified or terminated under this section; and*
 - (b) *The interests of a beneficiary who does not consent will be adequately protected.*
- (6) *Subsection (1) of this section shall not apply to the following types of trusts:*
 - (a) *First party special needs or supplemental trusts created under KRS 387.855 to 387.910;*
 - (b) *Trusts created under 42 U.S.C. sec. 1396p(d)(4)(A)*
 - (c) *Trusts created under 42 U.S.C. sec. 1396p(d)(4)(C);*
 - (d) *Trusts created under 42 U.S.C. sec. 1396p(c)(2)(B); and*
 - (e) *Third party special needs or supplemental trusts established by a will, trust or similar document and created under the common law or any other law of the Commonwealth.*
- (7) *The District Court shall have exclusive jurisdiction over matters under subsection (2) of this section.*

➔SECTION 34. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *The court may modify the administrative or dispositive terms of a trust or terminate the trust if, because of circumstances not anticipated by the settlor, modification or termination will further the purposes of the trust. To the extent practicable, the modification shall be made in accordance with the settlor's probable intention.*
- (2) *The court may modify the administrative terms of a trust if continuation of the trust on its existing terms would be impracticable or wasteful or impair the trust's administration.*
- (3) *Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.*
- (4) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 35. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in subsection (2) of this section, if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve, or wasteful:*

- (a) *The trust shall not fail, in whole or in part;*
 - (b) *The trust property shall not revert to the settlor or the settlor's successors in interest; and*
 - (c) *The court may apply cy pres to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor's charitable purposes.*
- (2) *A provision in the terms of a charitable trust that would result in distribution of the trust property to a noncharitable beneficiary prevails over the power of the court under subsection (1) of this section to apply cy pres to modify or terminate the trust only if, when the provision takes effect:*
- (a) *The trust property is to revert to the settlor and the settlor is still living; or*
 - (b) *Fewer than twenty-one (21) years have elapsed since the date of the trust's creation.*
- (3) *The Circuit Court shall have exclusive jurisdiction over actions to identify a charitable beneficiary of a trust.*

➔SECTION 36. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property or a personal representative holding or controlling an amount directed by will to be held in trust, having a total value less than one hundred thousand dollars (\$100,000) may terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration.*
- (2) *The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.*
- (3) *Upon termination of a trust under this section, the trustee or personal representative shall distribute the trust property in a manner consistent with the purposes of the trust.*
- (4) *This section does not apply to an easement for conservation or preservation.*
- (5) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 37. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The court may reform the terms of a trust, even if unambiguous, to conform the terms to the settlor's intention if it is proved by clear and convincing evidence what the settlor's intention was and that the terms of the trust were affected by a mistake of fact or law, whether in expression or inducement.

➔SECTION 38. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

To achieve the settlor's tax objectives, the court may modify the terms of a trust in a manner that is not contrary to the settlor's probable intention. The court may provide that the modification has retroactive effect. The District Court shall have exclusive jurisdiction over matters under this section.

➔SECTION 39. A NEW SECTION OF SUBCHAPTER 4 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *After notice to the qualified beneficiaries, a trustee may combine two (2) or more trusts into a single trust or divide a trust into two (2) or more separate trusts, if the result does not impair rights of any beneficiary or adversely affect achievement of the purposes of the trust.*
- (2) *Any division of a trust shall be made on a fractional basis, and may be funded by a non-pro rata distribution of assets to the separate trusts.*
- (3) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 40. SUBCHAPTER 5 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

- (1) *To the extent a beneficiary's interest is not subject to a spendthrift provision, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary or other means.*

(2) *The court may limit the award to such relief as is appropriate under the circumstances.*

➔SECTION 41. A NEW SECTION OF SUBCHAPTER 5 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, unless the context otherwise requires, "spendthrift trust" means a trust in which by the terms of the instrument creating it a valid restraint on the voluntary and involuntary alienation of the interest of a beneficiary is imposed.*
- (2) *Estates of every kind held or possessed in trust shall be subject to the debts and charges of the beneficiaries thereof the same as if the beneficiaries also owned the similar legal interest in the property, unless the trust is a spendthrift trust.*
- (3) *Specific language shall not be necessary to create a spendthrift trust, and it shall be sufficient if the instrument creating the trust manifests an intention to create a spendthrift trust.*
- (4) *If an instrument creating a trust provides that a beneficiary is entitled to receive income of the trust and that his interest shall not be alienable by him and shall not be subject to alienation by operation of law or legal process, the restraint on the voluntary and involuntary alienation of his right to income due and to accrue shall be valid.*
- (5) *If an instrument creating a trust provides that a beneficiary is entitled to receive principal of the trust at a future time and that his interest shall not be alienable by him and shall not be subject to alienation by operation of law or legal process, the restraint on the voluntary and involuntary alienation of his right to principal shall be valid.*
- (6) *Although a trust is a spendthrift trust, the interest of the beneficiary shall be subject to the satisfaction of an enforceable claim against the beneficiary:*
 - (a) *By the spouse or child of the beneficiary for support, or by the spouse for maintenance;*
 - (b) *If the trust is not a trust described in subsection (7)(b) of this section, by providers of necessary services rendered to the beneficiary or necessary supplies furnished to him; and*
 - (c) *By the United States or this Commonwealth for taxes due from him or her on account of his or her interest in the trust or the income therefrom.*
- (7) *(a) If a person creates for his or her own benefit a trust with a provision restraining the voluntary or involuntary alienation of his or her interest, his or her interest nevertheless shall be subject to alienation by operation of law or legal process.*
 - (b) *This subsection shall not be construed to subject to alienation any interest in an individual retirement account or annuity, tax-sheltered annuity, simplified employee pension, pension, profit-sharing, stock bonus, or other retirement plan described in the Internal Revenue Code of 1986, as amended, which qualifies for the deferral of current income tax until the date benefits are distributed.*
 - (c) *For purposes of this subsection, a person has not created a trust for such person's own benefit solely because a trustee who is not such person is authorized under the trust instrument to pay or reimburse such person for, or pay directly to the taxing authorities, any tax on trust income or principal that is payable by such person under the law imposing the tax.*
- (8) *(a) For the purposes of this section, amounts and property contributed to the following trusts are not deemed to have been contributed by the settlor of the trust, and a person who would otherwise be treated as a settlor or a deemed settlor of the following trusts shall not be treated as a settlor:*
 1. *An irrevocable inter vivos marital trust that is treated as qualified terminable interest property under 26 U.S.C. sec. 2523(f), as amended, if the settlor is a beneficiary of the trust after the death of the settlor's spouse;*
 2. *An irrevocable inter vivos marital trust that is treated as a general power of appointment trust under 26 U.S.C. sec. 2523(e), as amended, if the settlor is a beneficiary of the trust after the death of the settlor's spouse;*
 3. *An irrevocable inter vivos trust for the spouse of the settlor that does not qualify for the gift tax marital deduction if the settlor is a beneficiary of the trust only after the death of the settlor's spouse;*

4. *A special needs trust as defined in KRS 387.860, including a trust established pursuant to judicial action under KRS 387.855;*
 5. *A trust created under 42 U.S.C. sec. 1396p(d)(4)(A) or (C); and*
 6. *A trust created under 42 U.S.C. sec. 1396p(c)(2)(B).*
- (b) *For the purposes of this subsection, a person is a beneficiary whether so named under the initial trust instrument or through the exercise by that person's spouse or by another person of a limited or general power of appointment.*
- (c) *For the purposes of this section, the settlor shall be any person who:*
1. *Created the trust;*
 2. *Contributed property to the trust; or*
 3. *Is deemed to have contributed property to the trust.*

➔SECTION 42. A NEW SECTION OF SUBCHAPTER 5 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "child" includes any person for whom an order or judgment for child support has been entered in this Commonwealth or another state.*
- (2) *Except as otherwise provided in subsection (3) of this subsection, whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution that is subject to the trustee's discretion, even if:*
 - (a) *The discretion is expressed in the form of a standard of distribution; or*
 - (b) *The trustee has abused the discretion.*
- (3) *To the extent a trustee has not complied with a standard of distribution or has abused a discretion:*
 - (a) *A distribution may be ordered by the court to satisfy a judgment or court order against the beneficiary for support or maintenance of the beneficiary's child or spouse; and*
 - (b) *The court shall direct the trustee to pay to the child or spouse such amount as is equitable under the circumstances, but not more than the amount the trustee would have been required to distribute to or for the benefit of the beneficiary had the trustee complied with the standard or not abused the discretion.*
- (4) *This section shall not limit the right of a beneficiary to maintain a judicial proceeding against a trustee for an abuse of discretion or failure to comply with a standard for distribution.*
- (5) *If the trustee's or co-trustee's discretion to make distributions for the trustee's or co-trustee's own benefit is limited by an ascertainable standard, a creditor may not reach or compel distribution of the beneficial interest, except to the extent the interest would be subject to the creditor's claim were the beneficiary not acting as trustee or co-trustee.*

➔SECTION 43. A NEW SECTION OF SUBCHAPTER 5 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to the statutory provisions of KRS Chapter 396 regarding claims against decedents' estates, whether or not the terms of a trust contain a spendthrift provision, the following rules apply:*
 - (a) *During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's creditors;*
 - (b) *With respect to an irrevocable trust, a creditor or assignee of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one (1) settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution; and*
 - (c) *After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities shall paid, the property of a trust that was revocable at the settlor's death is subject to claims of the settlor's creditors, costs of administration of the settlor's estate, the expenses of the settlor's funeral and disposal of remains, and statutory allowances to a surviving spouse and children to the extent the settlor's probate estate is inadequate to satisfy those claims, costs, expenses, and allowances, but no*

property added to a revocable trust on account of the settlor's death from a source other than the settlor's estate or another revocable trust created by the settlor shall subject to claims of the settlor's creditors, costs of administration of the settlor's estate, the expenses of the settlor's funeral and disposal of remains, and statutory allowances to a surviving spouse and children.

(2) *For purposes of this section:*

- (a) *During the period the power may be exercised, the holder of a power of withdrawal is treated in the same manner as the settlor of a revocable trust to the extent of the property subject to the power; and*
- (b) *Upon the lapse, release, or waiver of the power, the holder is not treated as the settlor of the trust.*

➔SECTION 44. A NEW SECTION OF SUBCHAPTER 5 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, "mandatory distribution" means a distribution of income or principal which the trustee is required to make to a beneficiary under the terms of the trust, including a distribution on termination of the trust. The term shall not include a distribution subject to the exercise of the trustee's discretion even if:*

- (a) *The discretion is expressed in the form of a standard of distribution; or*
- (b) *The terms of the trust authorizing a distribution couple language of discretion with language of direction.*

(2) *Whether or not a trust contains a spendthrift provision, a creditor or assignee of a beneficiary may reach a mandatory distribution of income or principal, including a distribution on termination of the trust, if the trustee has not made the distribution to the beneficiary within a reasonable time after the designated distribution date.*

➔SECTION 45. A NEW SECTION OF SUBCHAPTER 5 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Trust property is not subject to personal obligations of the trustee, even if the trustee becomes insolvent or bankrupt.

➔SECTION 46. SUBCHAPTER 6 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The capacity required to create, amend, revoke, or add property to a revocable trust, or to direct the actions of the trustee of a revocable trust, is the same as that required to make a will.

➔SECTION 47. A NEW SECTION OF SUBCHAPTER 6 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

(1) *Unless the terms of a trust expressly provide that the trust is irrevocable, the settlor may revoke or amend the trust. This subsection shall not apply to a trust created under an instrument signed before the effective date of this Act.*

(2) *If a revocable trust is created or funded by more than one (1) settlor:*

- (a) *To the extent the trust consists of community property, the trust may be revoked by either spouse acting alone but may be amended only by joint action of both spouses;*
- (b) *To the extent the trust consists of property other than community property, each settlor may revoke or amend the trust with regard the portion of the trust property attributable to that settlor's contribution; and*
- (c) *On the revocation or amendment of the trust by fewer than all of the settlors, the trustee shall promptly notify the other settlors of the revocation or amendment.*

(3) *The settlor may revoke or amend a revocable trust:*

- (a) *By substantial compliance with a method provided in the terms of the trust; or*
- (b) *If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:*
 - 1. *A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or*

2. *Any other method manifesting clear and convincing evidence of the settlor's intent.*

- (4) *Upon revocation of a revocable trust, the trustee shall deliver the trust property as the settlor directs.*
- (5) *A settlor's powers with respect to revocation, amendment, or distribution of trust property may be exercised by an agent under a power of attorney only to the extent expressly authorized by the terms of the trust or the power.*
- (6) *Except as otherwise provided in the terms of the trust, a conservator of the settlor or, if no conservator has been appointed, a guardian of the settlor or, if neither a conservator nor guardian has been appointed, a curator may exercise a settlor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the conservatorship, guardianship, or curatorship.*
- (7) *A trustee who does not know that a trust has been revoked or amended is not liable to the settlor or settlor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.*

➔SECTION 48. A NEW SECTION OF SUBCHAPTER 6 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *While a trust is revocable and, in the reasonable belief of the trustee, the settlor has capacity to revoke the trust, rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.*
- (2) *During the period the power may be exercised, the holder of a power of withdrawal has the rights of a settlor of a revocable trust under this section to the extent of the property subject to the power.*

➔SECTION 49. A NEW SECTION OF SUBCHAPTER 6 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A person may commence a judicial proceeding to contest the validity of a trust that was revocable at the settlor's death within the earlier of:*
 - (a) *Two (2) years after the settlor's death; or*
 - (b) *Ninety (90) days after the trustee sent the person a copy of the trust instrument and a notice informing the person of the trust's existence, of the trustee's name and address, and of the time allowed for commencing a proceeding.*
- (2) *Upon the death of the settlor of a trust that was revocable at the settlor's death, the trustee may proceed to distribute the trust property in accordance with the terms of the trust. The trustee is not subject to liability for doing so unless:*
 - (a) *The trustee knows of a pending judicial proceeding contesting the validity of the trust; or*
 - (b) *A potential contestant has notified the trustee of a possible judicial proceeding to contest the trust and a judicial proceeding is commenced within sixty (60) days after the contestant sent the notification.*
- (3) *A beneficiary of a trust that is determined to have been invalid is liable to return any distribution received.*

➔SECTION 50. SUBCHAPTER 7 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in subsection (3) of this section, a person designated as trustee accepts the trusteeship:*
 - (a) *By substantially complying with a method of acceptance provided in the terms of the trust; or*
 - (b) *If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by accepting delivery of the trust property, exercising powers or performing duties as trustee, or otherwise indicating acceptance of the trusteeship.*
- (2) *A person designated as trustee who has not yet accepted the trusteeship may reject the trusteeship. A designated trustee who does not accept the trusteeship within a reasonable time after knowing of the designation is deemed to have rejected the trusteeship.*
- (3) *A person designated as trustee, without accepting the trusteeship, may:*

- (a) *Act to preserve the trust property if, within a reasonable time after acting, the person sends a rejection of the trusteeship to the settlor or, if the settlor is dead or lacks capacity, to a qualified beneficiary; and*
- (b) *Inspect or investigate trust property to determine potential liability under environmental or other law or for any other purpose.*

➔SECTION 51. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee shall give bond to secure performance of the trustee's duties only if the court finds that a bond is needed to protect the interests of the beneficiaries or is required by the terms of the trust and the court has not dispensed with the requirement.*
- (2) *The court may specify the amount of a bond, its liabilities, and whether sureties are necessary. The court may modify or terminate a bond at any time.*
- (3) *A regulated financial institution qualified to do trust business in this Commonwealth need not give bond, even if required by the terms of the trust.*

➔SECTION 52. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Co-trustees who are unable to reach a unanimous decision may act by majority decision.*
- (2) *If a vacancy occurs in a co-trusteeship, the remaining co-trustees may act for the trust.*
- (3) *A co-trustee shall participate in the performance of a trustee's function unless the co-trustee is unavailable to perform the function because of absence, illness, disqualification under other law, or other temporary incapacity or the co-trustee has properly delegated the performance of the function to another trustee.*
- (4) *If a co-trustee is unavailable to perform duties because of absence, illness, disqualification under other law, or other temporary incapacity, and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining co-trustee or a majority of the remaining co-trustees may act for the trust.*
- (5) *A trustee may not delegate to a co-trustee the performance of a function the settler reasonably expected the trustees to perform jointly. Unless a delegation was irrevocable, a trustee may revoke a delegation previously made.*
- (6) *Except as otherwise provided in subsection (7) of this section, a trustee who does not join in an action of another trustee is not liable for the action.*
- (7) *Each trustee shall exercise reasonable care to:*
 - (a) *Prevent a co-trustee from committing a breach of trust; and*
 - (b) *Compel a co-trustee to redress a breach of trust.*
- (8) *A dissenting trustee who joins in an action at the direction of the majority of the trustees and who notified any co-trustee of the dissent at or before the time of the action is not liable for the action unless the action is a breach of trust.*

➔SECTION 53. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A vacancy in a trusteeship occurs if:*
 - (a) *A person designated as trustee rejects the trusteeship;*
 - (b) *A person designated as trustee cannot be identified or does not exist;*
 - (c) *A trustee resigns;*
 - (d) *A trustee is disqualified or removed;*
 - (e) *A trustee dies; or*
 - (f) *A guardian, conservator, or curator is appointed for an individual serving as trustee.*

- (2) *If one (1) or more co-trustees remain in office, a vacancy in a trusteeship need not be filled. A vacancy in a trusteeship shall be filled if the trust has no remaining trustee.*
- (3) *A vacancy in a trusteeship of a noncharitable trust that is required to be filled shall be filled in the following order of priority:*
 - (a) *By a person designated in the terms of the trust to act as successor trustee;*
 - (b) *By a person appointed by unanimous agreement of the qualified beneficiaries; or*
 - (c) *By a person appointed by the court.*
- (4) *A vacancy in a trusteeship of a charitable trust that is required to be filled shall be filled in the following order of priority:*
 - (a) *By a person designated in the terms of the trust to act as successor trustee;*
 - (b) *By a person selected by the charitable organizations expressly designated to receive distributions under the terms of the trust if the Attorney General concurs in the selection; or*
 - (c) *By a person appointed by the court.*
- (5) *Whether or not a vacancy in a trusteeship exists or is required to be filled, the court may appoint an additional trustee or special fiduciary if the court considers the appointment necessary for the administration of the trust.*

➔SECTION 54. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee may resign:*
 - (a) *Upon at least thirty (30) days' notice to the qualified beneficiaries and all co-trustees; or*
 - (b) *With the approval of the court.*
- (2) *In approving a resignation, the court may issue orders and impose conditions reasonably necessary for the protection of the trust property.*
- (3) *Any liability of a resigning trustee or of any sureties on the trustee's bond for acts or omissions of the trustee shall not be discharged or affected by the trustee's resignation.*

➔SECTION 55. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *The settlor, a co-trustee, or a beneficiary may request the court to remove a trustee, or a trustee may be removed by the court on its own initiative.*
- (2) *The court may remove a trustee if:*
 - (a) *The trustee has committed a breach of trust;*
 - (b) *Lack of cooperation among co-trustees substantially impairs the administration of the trust;*
 - (c) *Because of unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the beneficiaries;*
 - (d) *There has been a substantial change of circumstances or removal is requested by all of the qualified beneficiaries, the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a suitable co-trustee or successor trustee is available; or*
 - (e) *For a wholly charitable trust, removal is requested by all of the qualified beneficiaries, notice is given to the Attorney General, and the court finds that removal of the trustee best serves the interests of all of the beneficiaries. This provision shall not limit the rights of the Attorney General under any common law statutory law of this Commonwealth.*
- (3) *Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order such appropriate relief under subsection (2) of Section 79 of this Act as may be necessary to protect the trust property or the interests of the beneficiaries.*

➔SECTION 56. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Unless a co-trustee remains in office or the court otherwise orders, and until the trust property is delivered to a successor trustee or other person entitled to it, a trustee who has resigned or been removed has the duties of a trustee and the powers necessary to protect the trust property.*
- (2) *A trustee who has resigned or been removed shall proceed expeditiously to deliver the trust property within the trustee's possession to the co-trustee, successor trustee, or other person entitled to it.*

➔SECTION 57. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *If the terms of a trust do not specify the trustee's compensation, a trustee is entitled to compensation that is reasonable under the circumstances.*
- (2) *If the terms of a trust specify the trustee's compensation, the trustee is entitled to be compensated as specified, but the court may allow more or less compensation if:*
 - (a) *The duties of the trustee are substantially different from those contemplated when the trust was created; or*
 - (b) *The compensation specified by the terms of the trust would be unreasonably low or high.*

➔SECTION 58. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee is entitled to be reimbursed out of the trust property, with interest as appropriate, for:*
 - (a) *Expenses that were properly incurred in the administration of the trust; and*
 - (b) *To the extent necessary to prevent unjust enrichment of the trust, expenses that were not properly incurred in the administration of the trust.*
- (2) *An advance by the trustee of money for the protection of the trust gives rise to a lien against trust property to secure reimbursement with reasonable interest.*

➔SECTION 59. A NEW SECTION OF SUBCHAPTER 7 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The District Court shall have exclusive jurisdiction over matters under this subchapter relating to the office of the trustee.

➔SECTION 60. SUBCHAPTER 8 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Upon acceptance of a trusteeship, the trustee shall administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, and in accordance with this chapter.

➔SECTION 61. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee shall administer the trust solely in the interests of the beneficiaries.*
- (2) *Subject to the rights of persons dealing with or assisting the trustee as provided in Section 89 of this Act, a sale, encumbrance, or other transaction involving the investment or management of trust property entered into by the trustee for the trustee's own personal account or which is otherwise affected by a conflict between the trustee's fiduciary and personal interests is voidable by a beneficiary affected by the transaction unless:*
 - (a) *The transaction was authorized by the terms of the trust;*
 - (b) *The transaction was approved by the court;*
 - (c) *The beneficiary did not commence a judicial proceeding within the time allowed by Section 83 of this Act;*
 - (d) *The beneficiary consented to the trustee's conduct, ratified the transaction, or released the trustee in compliance with Section 87 of this Act; or*

- (e) *The transaction involves a contract entered into or claim acquired by the trustee before the person became or contemplated becoming trustee.*
- (3) *A sale, encumbrance, or other transaction involving the investment or management of trust property is presumed to be affected by a conflict between personal and fiduciary interests if it is entered into by the trustee with:*
 - (a) *The trustee's spouse;*
 - (b) *The trustee's descendants, siblings, parents, or their spouses;*
 - (c) *An agent or attorney of the trustee; or*
 - (d) *A corporation or other person or enterprise in which the trustee, or a person that owns a significant interest in the trustee, has an interest that might affect the trustee's best judgment.*
- (4) *A transaction between a trustee and a beneficiary that does not concern trust property but that occurs during the existence of the trust or while the trustee retains significant influence over the beneficiary and from which the trustee obtains an advantage is voidable by the beneficiary unless the trustee establishes that the transaction was fair to the beneficiary.*
- (5) *A transaction not concerning trust property in which the trustee engages in the trustee's individual capacity involves a conflict between personal and fiduciary interests if the transaction concerns an opportunity properly belonging to the trust.*
- (6) *An investment by a trustee in securities of an investment company or investment trust to which the trustee, or its affiliate, provides services in a capacity other than as trustee is not presumed to be affected by a conflict between personal and fiduciary interests if the investment otherwise complies with KRS 286.3-272 regarding investments in an associated company or trust. In addition to its compensation for acting as trustee, the trustee may be compensated by the investment company or investment trust for providing those services out of fees charged to the trust. If the trustee receives compensation from the investment company or investment trust for providing investment advisory or investment management services, the trustee shall at least annually notify the persons entitled under Section 72 of this Act to receive a copy of the trustee's annual report of the rate and method by which that compensation was determined.*
- (7) *In voting shares of stock or in exercising powers of control over similar interests in other forms of enterprise, the trustee shall act in the best interests of the beneficiaries. If the trust is the sole owner of a corporation or other form of enterprise, the trustee shall elect or appoint directors or other managers who will manage the corporation or enterprise in the best interests of the beneficiaries.*
- (8) *This section shall not preclude the following transactions, if fair to the beneficiaries:*
 - (a) *An agreement between a trustee and a beneficiary relating to the appointment or compensation of the trustee;*
 - (b) *Payment of reasonable compensation to the trustee;*
 - (c) *A transaction between a trust and another trust, decedent's estate, or conservatorship of which the trustee is a fiduciary or in which a beneficiary has an interest;*
 - (d) *A deposit of trust money in a regulated financial institution operated by the trustee;*
 - (e) *An advance by the trustee of money for the protection of the trust; or*
 - (f) *Any transaction authorized by any other statute under the laws of this Commonwealth.*
- (9) *The court may appoint a special fiduciary to make a decision with respect to any proposed transaction that might violate this section if entered into by the trustee.*

➔SECTION 62. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

If a trust has two (2) or more beneficiaries, the trustee shall act impartially in investing, managing, and distributing the trust property, giving due regard to the beneficiaries' respective interests.

➔SECTION 63. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee shall administer the trust as a prudent person would, by considering the purposes, terms, distributional requirements, and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.

➔SECTION 64. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

In administering a trust, the trustee may incur only costs that are reasonable in relation to the trust property, the purposes of the trust, and the skills of the trustee.

➔SECTION 65. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, shall use those special skills or expertise.

➔SECTION 66. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee may delegate duties and powers that a prudent trustee of comparable skills could properly delegate under the circumstances. The trustee shall exercise reasonable care, skill, and caution in:*
 - (a) *Selecting an agent;*
 - (b) *Establishing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and*
 - (c) *Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the terms of the delegation.*
- (2) *In performing a delegated function, an agent owes a duty to the trust to exercise reasonable care to comply with the terms of the delegation.*
- (3) *A trustee who complies with subsection (1) of this section is not liable to the beneficiaries or to the trust for an action of the agent to whom the function was delegated.*
- (4) *By accepting a delegation of powers or duties from the trustee of a trust that is subject to the law of this Commonwealth, an agent submits to the jurisdiction of the courts of this state.*

➔SECTION 67. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.*
- (2) *If the terms of a trust confer upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of the power unless the attempted exercise is manifestly contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.*
- (3) *The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.*
- (4) *A person, other than a beneficiary, who holds a power to direct is presumptively a fiduciary who, as such, is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty.*

➔SECTION 68. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee shall take reasonable steps to take control of and protect the trust property.

➔SECTION 69. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee shall keep adequate records of the administration of the trust.*
- (2) *A trustee shall keep trust property separate from the trustee's own property.*

- (3) *Except as otherwise provided in subsection (4) of this section, a trustee shall cause the trust property to be designated so that the interest of the trust, to the extent feasible, appears in records maintained by a party other than a trustee or beneficiary.*
- (4) *If the trustee maintains records clearly indicating the respective interests, a trustee may invest as a whole the property of two (2) or more separate trusts.*

➔SECTION 70. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee shall take reasonable steps to enforce claims of the trust and to defend claims against the trust.

➔SECTION 71. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee shall take reasonable steps to compel a former trustee or other person to deliver trust property to the trustee, and to redress a breach of trust known to the trustee to have been committed by a former trustee.

➔SECTION 72. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in the terms of the trust:*

- (a) *A trustee shall keep the qualified beneficiaries of the trust reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. Unless unreasonable under the circumstances, a trustee shall promptly respond to a qualified beneficiary's request for information related to the administration of the trust;*

- (b) *A trustee:*

1. *Within sixty (60) days after accepting a trusteeship, shall notify the qualified beneficiaries of the acceptance and of the trustee's name, address, and telephone number;*
2. *Within sixty (60) days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, shall notify the qualified beneficiaries of the trust's existence, of the identity of the settlor or settlors, of the right to request a copy of the trust instrument, and of the right to a trustee's report as provided in paragraph (c) of this subsection; and*
3. *Shall notify the qualified beneficiaries in advance of any change in the method or rate of the trustee's compensation;*

- (c) *A trustee, upon request of a qualified beneficiary, shall:*

1. *Promptly furnish to the qualified beneficiary a copy of the trust instrument; and*
2. *Send to the qualified beneficiary, at least annually and at the termination of the trust, a report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the trustee's compensation, a listing of the trust assets and, if feasible, their respective market values. Upon a vacancy in a trusteeship, unless a co-trustee remains in office, a report shall be sent to the qualified beneficiary by the former trustee. A personal representative, conservator, guardian or curator may send the qualified beneficiary a report on behalf of a deceased or incapacitated trustee; and*

- (d) *A qualified beneficiary may waive the right to a trustee's report or other information otherwise required to be furnished under this section. A qualified beneficiary, with respect to future reports and other information, may withdraw a waiver previously given; and*

- (2) *Notwithstanding subsection (1) of this section and regardless of the terms of the trust, the trustee shall have a duty to notify and to report to at least one (1) qualified beneficiary of an irrevocable trust who has attained twenty-five (25) years of age, or a designated person having a fiduciary relationship to a qualified beneficiary, of the existence of the trust, of the identity of the trustee, and of his or her right to request trustee's reports. If the terms of the trust mandate a trustee to notify no one, then the trustee may designate a qualified beneficiary or person having a fiduciary relationship to a qualified beneficiary to notify and report to, and such designation by the trustee is not subject to any liability for breach of trust or otherwise.*

- (3) *Subsections (1)(b)1. and 2. and (2) of this section do not apply to a trustee who accepts a trusteeship before the effective date of this Act, to an irrevocable trust created before the effective date of this Act, or to a revocable trust that becomes irrevocable before the effective date of this Act.*
- (4) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 73. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *The judicial standard of review for a discretionary power is that the trustee shall exercise the power reasonably, in good faith, and in accordance with the terms and purposes of the trust and the interests of the beneficiaries, except that a reasonableness standard shall not be applied to the exercise of discretion by the trustee if the terms of the trust so provide. The words "sole," "absolute," "uncontrolled," or words of similar import in the absence of any standards to guide the trustee in exercising its discretion mean that a reasonableness standard will not apply. The greater the grant of discretion by the settlor to the trustee, the broader the range of permissible conduct by the trustee in exercising it.*
- (2) *Subject to subsection (4) of this section, and unless the terms of the trust expressly indicate that a rule in this subsection shall not apply:*
- (a) *A person other than a settlor who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions to or for the trustee's personal benefit may exercise the power only in accordance with an ascertainable standard; and*
- (b) *A trustee may not exercise a power to make discretionary distributions to satisfy a legal obligation of support that the trustee personally owes another person.*
- (3) *A power whose exercise is limited or prohibited by subsection (2) of this section may be exercised by a majority of the remaining trustees whose exercise of the power is not so limited or prohibited. If the power of all trustees is so limited or prohibited, the court may appoint a special fiduciary with authority to exercise the power.*
- (4) *Subsection (2) of this section shall not apply to:*
- (a) *A power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as defined in 26 U.S.C. sec. 2056(b)(5) or 2523(e), as in effect on the effective date of this Act, or as later amended, was previously allowed;*
- (b) *Any trust during any period that the trust may be revoked or amended by its settlor; or*
- (c) *A trust if contributions to the trust qualify for the annual exclusion under 26 U.S.C. sec. 2503(c), as in effect on the effective date of this Act, or as later amended.*

➔SECTION 74. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee, without authorization by the court, may exercise:*
- (a) *Powers conferred by the terms of the trust; and*
- (b) *Except as limited by the terms of the trust:*
1. *All powers over the trust property which an unmarried competent owner has over individually owned property;*
 2. *Any other powers appropriate to achieve the proper investment, management, and distribution of the trust property; and*
 3. *Any other powers conferred by this chapter.*
- (2) *The exercise of a power is subject to the fiduciary duties prescribed by this subchapter.*

➔SECTION 75. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

Without limiting the authority conferred by Section 74 of this Act, a trustee may:

- (1) *Collect trust property and accept or reject additions to the trust property from a settler or any other person;*
- (2) *Acquire or sell property, for cash or on credit, at public or private sale;*

- (3) *Exchange, partition, or otherwise change the character of trust property, including acquiring an undivided interest;*
- (4) *Deposit trust money in an account in a regulated financial institution;*
- (5) *Borrow money, with or without security, and mortgage or pledge trust property for a period within or extending beyond the duration of the trust, advance money for the protection of the trust, and for all expenses, losses, and liability sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;*
- (6) *With respect to an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or other form of business or enterprise, continue the business or other enterprise and take any action that may be taken by shareholders, members, or property owners, including merging, dissolving, or otherwise changing the form of business organization or contributing additional capital;*
- (7) *With respect to stocks or other securities, exercise the rights of an absolute owner, including the right to:*
 - (a) *Vote, or give proxies to vote, with or without power of substitution, or enter into or continue a voting trust agreement;*
 - (b) *Hold a security in the name of a nominee or in other form without disclosure of the trust so that title may pass by delivery;*
 - (c) *Pay calls, assessments, and other sums chargeable or accruing against the securities, and sell or exercise stock subscription or conversion rights;*
 - (d) *Deposit the securities with a depository or other regulated financial institution;*
 - (e) *Sell or exchange stock subscription or conversion rights; and*
 - (f) *Consent directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;*
- (8) *With respect to an interest in real property, construct, or make ordinary or extraordinary repairs to, alterations to, or improvements in, buildings or other structures, demolish improvements, raze existing or erect new party walls or buildings, subdivide or develop land, dedicate land to public use or grant public or private easements, and make or vacate plats and adjust boundaries;*
- (9) *Enter into a lease for any purpose as lessor or lessee, including a lease or other arrangement for exploration and removal of natural resources, with or without the option to purchase or renew, for a period within or extending beyond the duration of the trust;*
- (10) *Grant an option involving a sale, lease, or other disposition of trust property or acquire an option for the acquisition of property, including an option exercisable beyond the duration of the trust, and exercise an option so acquired;*
- (11) *Insure the property of the trust against damage or loss and insure the trustee, the trustee's agents, and beneficiaries against liability arising from the administration of the trust;*
- (12) *Abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration;*
- (13) *With respect to possible liability for violation of environmental law:*
 - (a) *Inspect or investigate property the trustee holds or has been asked to hold, or property owned or operated by an organization in which the trustee holds or has been asked to hold an interest, for the purpose of determining the application of environmental law with respect to the property;*
 - (b) *Take action to prevent, abate, or otherwise remedy any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, whether taken before or after the assertion of a claim or the initiation of governmental enforcement;*
 - (c) *Decline to accept property into trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;*
 - (d) *Compromise claims against the trust which may be asserted for an alleged violation of environmental law; and*

- (e) Pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law;*
- (14) Pay or contest any claim, settle a claim by or against the trust, and release, in whole or in part, a claim belonging to the trust;*
- (15) Pay taxes, assessments, compensation of the trustee and of employees and agents of the trust, and other expenses incurred in the administration of the trust;*
- (16) Exercise elections with respect to federal, state, and local taxes;*
- (17) Select a mode of payment under any employee benefit or retirement plan, annuity, or life insurance payable to the trustee, exercise rights thereunder, including exercise of the right to indemnification for expenses and against liabilities, and take appropriate action to collect the proceeds;*
- (18) Make loans out of trust property, including loans to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances, and the trustee has a lien on future distributions for repayment of those loans;*
- (19) Pledge trust property to guarantee loans made by others to the beneficiary;*
- (20) Appoint a trustee to act in another jurisdiction with respect to trust property located in the other jurisdiction, confer upon the appointed trustee all of the powers and duties of the appointing trustee, require that the appointed trustee furnish security, and remove any trustee so appointed;*
- (21) Pay an amount distributable to a beneficiary who is under a legal disability or who the trustee reasonably believes is incapacitated, by paying it directly to the beneficiary or applying it for the beneficiary's benefit, or by:*
 - (a) Paying it to the beneficiary's conservator or, if the beneficiary does not have a conservator, the beneficiary's guardian;*
 - (b) Paying it to the beneficiary's custodian under KRS 385.022 to 385.242, the Kentucky Uniform Transfers to Minors Act or custodial trustee under the Uniform Custodial Trust Act, if that Act is subsequently adopted by the Commonwealth, and, for that purpose, creating a custodianship or custodial trust;*
 - (c) If the trustee does not know of a conservator, guardian, custodian, or custodial trustee, paying it to an adult relative or other person having legal or physical care or custody of the beneficiary, to be expended on the beneficiary's behalf; or*
 - (d) Managing it as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution;*
- (22) On distribution of trust property or the division or termination of a trust, make distributions in divided or undivided interests, allocate particular assets in proportionate or disproportionate shares, value the trust property for those purposes, and adjust for resulting differences in valuation;*
- (23) Resolve a dispute concerning the interpretation of the trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution;*
- (24) Prosecute or defend an action, claim, or judicial proceeding in any jurisdiction to protect trust property and the trustee in the performance of the trustee's duties;*
- (25) Sign and deliver contracts and other instruments that are useful to achieve or facilitate the exercise of the trustee's powers;*
- (26) Take such actions as are necessary to cause gains from the sale or exchange of trust assets, as determined for federal income tax purposes, to be taxed for federal income tax purposes as a part of a distribution of income, including the power to:*
 - (a) Allocate such gains to income for the purpose of making discretionary distributions; and*
 - (b) Allocate such gains to income that has been increased by an adjustment from principal to income pursuant to Section 106 of this Act, to a unitrust distribution, or to a distribution of principal to a beneficiary;*
- (27) Invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;*

- (28) *Allocate items of income or expense to either trust income or principal, as provided by law;*
- (29) *In addition to the power to delegate under Section 66 of this Act, employ persons, including attorneys, auditors, investment advisors, or agents, to:*
 - (a) *Advise or assist the trustee in the performance of his administrative duties;*
 - (b) *Act without independent investigation upon their recommendations; and*
 - (c) *Instead of acting personally, to employ one (1) or more agents to perform any act of administration, whether or not discretionary; and*
- (30) *On termination of the trust, exercise the powers appropriate to wind up the administration of the trust and distribute the trust property to the persons entitled to it within a reasonable amount of time.*

➔SECTION 76. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Upon termination or partial termination of a trust, the trustee may send to the beneficiaries a proposal for distribution. The right of any beneficiary to object to the proposed distribution terminates if the beneficiary does not notify the trustee of an objection within thirty (30) days after the proposal was sent, but only if the proposal informed the beneficiary of the right to object and of the time allowed for objection.*
- (2) *Upon the occurrence of an event terminating or partially terminating a trust, the trustee shall proceed expeditiously to distribute the trust property to the persons entitled to it, subject to the right of the trustee to retain a reasonable reserve for the payment of debts, expenses, and taxes.*
- (3) *A release by a beneficiary of a trustee from liability for breach of trust is invalid to the extent:*
 - (a) *It was induced by improper conduct of the trustee; or*
 - (b) *The beneficiary, at the time of the release, did not know of the beneficiary's rights or of the material facts relating to the breach.*

➔SECTION 77. A NEW SECTION OF SUBCHAPTER 8 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) (a) *When a trust terminates pursuant to the terms of the trust, and within a reasonable amount of time after such termination, the trustee:*
 - 1. *Shall provide to the qualified beneficiaries a statement showing the fair market value of the net assets to be distributed and the amount of any fees, including trustee fees, remaining to be paid, and notice that the trust is terminating; and*
 - 2. *May provide such statement and notice to any other person whom the trustee reasonably believes may have an interest in the trust.*
- (b) *The trustee shall distribute the assets as provided in the trust within forty-five (45) days after sending the statement and notice unless within such time the trustee has received an objection in writing from a person receiving notice, in which case the trustee may file an accounting with the District Court and charge the expense of such accounting to the trust.*
- (c) *The trustee may rely upon the written statement of a person receiving notice that such person does not object.*
- (2) (a) *When a trustee is removed or resigns pursuant to the terms of the trust, and within a reasonable time after such removal or resignation, the trustee:*
 - 1. *Shall provide to the successor trustee a statement showing the net assets to be distributed and the amount of any fees, including trustee fees, remaining to be paid, and notice that the trustee has been removed; and*
 - 2. *May provide such statement and notice to any other person whom trustee reasonably believes may have an interest in the trust.*
- (b) *The trustee shall distribute the assets to the successor trustee within forty-five (45) days after sending the statement and notice unless within such time the trustee has received an objection in writing from a person receiving notice, in which case trustee may file an accounting with the District Court and charge the expense of such accounting to the trust.*

- (c) *The trustee may rely upon the written statement of a person receiving notice that such person does not object.*
- (3) *When a trustee distributes assets of the trust pursuant to subsection (1) or (2) of this section, the limitations in Sections 49 and 83 of this Act are waived by each person who received notice and either consented or failed to object to the under this section, and any such person is barred from bringing a claim against the trustee for breach of trust.*
- (4) *Notice provided under subsection (1) or (2) of this section shall clearly warn of the impending bar of claims against a trustee under Sections 49 and 83 of this Act that will result if an objection is not timely made.*
- (5) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 78. SUBCHAPTER 9 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

All trustees acting under this chapter with respect to investments shall have the authority and duties as set forth in KRS 286.3-277 to act as a prudent investor.

➔SECTION 79. SUBCHAPTER 10 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

- (1) *A violation by a trustee of a duty the trustee owes to a beneficiary is a breach of trust.*
- (2) *To remedy a breach of trust that has occurred or may occur, the court may:*
 - (a) *Compel the trustee to perform the trustee's duties;*
 - (b) *Enjoin the trustee from committing a breach of trust;*
 - (c) *Compel the trustee to redress a breach of trust by paying money, restoring property, or other means;*
 - (d) *Order a trustee to account;*
 - (e) *Appoint a special fiduciary to take possession of the trust property and administer the trust;*
 - (f) *Suspend the trustee;*
 - (g) *Remove the trustee under Section 55 of this Act;*
 - (h) *Reduce or deny compensation to the trustee;*
 - (i) *Subject to Section 89 of this Act, void an act of the trustee, impose a lien or a constructive trust on trust property, or trace trust property wrongfully disposed of and recover the property or its proceeds; or*
 - (j) *Order any other appropriate relief.*

➔SECTION 80. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee who commits a breach of trust is liable to the beneficiaries affected for the greater of:*
 - (a) *The amount required to restore the value of the trust property and trust distributions to what they would have been had the breach not occurred; or*
 - (b) *The profit the trustee made by reason of the breach.*
- (2) *Except as otherwise provided in this subsection, if more than one (1) trustee is liable to the beneficiaries for a breach of trust, a trustee is entitled to contribution from the other trustee or trustees. A trustee is not entitled to contribution if the trustee was substantially more at fault than another trustee or if the trustee committed the breach of trust in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries. A trustee who received a benefit from the breach of trust is not entitled to contribution from another trustee to the extent of the benefit received.*

➔SECTION 81. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A trustee is accountable to an affected beneficiary for any profit made by the trustee arising from the administration of the trust, except the reasonable fee charged by the trustee, even absent a breach of trust.*

- (2) *Absent a breach of trust, a trustee is not liable to a beneficiary for a loss or depreciation in the value of trust property or for not having made a profit.*

➔SECTION 82. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

In a judicial proceeding involving the administration of a trust, the court, as justice and equity may require, may award costs and expenses, including reasonable attorney's fees, to any party, to be paid by another party or from the trust that is the subject of the controversy.

➔SECTION 83. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A beneficiary may not commence a proceeding against a trustee for breach of trust more than one (1) year after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.*
- (2) *A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.*
- (3) *If subsection (1) of this section does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust shall be commenced within five (5) years after the first to occur of:*
- (a) *The removal, resignation, or death of the trustee;*
 - (b) *The termination of the beneficiary's interest in the trust; or*
 - (c) *The termination of the trust.*

➔SECTION 84. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee who acts in reasonable reliance on the terms of the trust as expressed in the trust instrument is not liable to a beneficiary for a breach of trust to the extent the breach resulted from the reliance.

➔SECTION 85. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

If the happening of an event, including marriage, divorce, performance of educational requirements, or death, affects the administration or distribution of a trust, a trustee who has exercised reasonable care to ascertain the happening of the event is not liable for a loss resulting from the trustee's lack of knowledge.

➔SECTION 86. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A term of a trust relieving a trustee of liability for breach of trust is unenforceable to the extent that it:*
- (a) *Relieves the trustee of liability for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries; or*
 - (b) *Was inserted as the result of an abuse by the trustee of a fiduciary or confidential relationship to the settlor.*
- (2) *An exculpatory term drafted or caused to be drafted by the trustee is invalid as an abuse of a fiduciary or confidential relationship unless the trustee proves that the exculpatory term is fair under the circumstances and that its existence and contents were adequately communicated to the settlor. The requirements of this subsection are satisfied if the settlor was represented by independent counsel at the time the exculpatory term was drafted or caused to be drafted.*

➔SECTION 87. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

A trustee shall not be liable to a beneficiary for breach of trust if the beneficiary, while having capacity, consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

- (1) *The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or*

- (2) *At the time of the consent, release, or ratification, the beneficiary did not know of the beneficiary's rights or of the material facts relating to the breach.*

➔SECTION 88. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in the contract, a trustee is not personally liable on a contract properly entered into in the trustee's fiduciary capacity in the course of administering the trust if the trustee in the contract disclosed the fiduciary capacity.*
- (2) *A trustee is personally liable for torts committed in the course of administering a trust, or for obligations arising from ownership or control of trust property, including liability for violation of environmental law, only if the trustee is personally at fault.*
- (3) *A claim based on a contract entered into by a trustee in the trustee's fiduciary capacity, on an obligation arising from ownership or control of trust property, or on a tort committed in the course of administering a trust, may be asserted in a judicial proceeding against the trustee in the trustee's fiduciary capacity, whether or not the trustee is personally liable for the claim.*
- (4) *The question of liability as between the trust estate and the trustee individually may be determined in a proceeding for accounting, surcharge, or indemnification or other appropriate proceeding.*

➔SECTION 89. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *A person other than a beneficiary who in good faith assists a trustee, or who in good faith and for value deals with a trustee, without knowledge that the trustee is exceeding or improperly exercising the trustee's powers is protected from liability as if the trustee properly exercised the power.*
- (2) *A person other than a beneficiary who in good faith deals with a trustee is not required to inquire into the extent of the trustee's powers or the propriety of their exercise.*
- (3) *A person who in good faith delivers assets to a trustee need not ensure their proper application.*
- (4) *A person other than a beneficiary who in good faith assists a former trustee, or who in good faith and for value deals with a former trustee, without knowledge that the trusteeship has terminated is protected from liability as if the former trustee were still a trustee.*
- (5) *Comparable protective provisions of other laws relating to commercial transactions or transfer of securities by fiduciaries prevail over the protection provided by this section.*

➔SECTION 90. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Instead of furnishing a copy of the trust instrument to a person other than a beneficiary, the trustee may furnish to the person a certification of trust containing the following information:*
 - (a) *That the trust exists and the date the trust instrument was signed;*
 - (b) *The identity of the settlor;*
 - (c) *The identity and address of the currently acting trustee;*
 - (d) *The powers of the trustee;*
 - (e) *The revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust;*
 - (f) *The authority of co-trustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the trustee; and*
 - (g) *The manner of taking title to trust property.*
- (2) *A certification of trust may be signed or otherwise authenticated by any trustee.*
- (3) *A certification of trust shall state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification of trust to be incorrect.*
- (4) *A certification of trust need not contain the dispositive terms of a trust.*

- (5) *A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments which designate the trustee and confer upon the trustee the power to act in the pending transaction.*
- (6) *A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. Knowledge of the terms of the trust may not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the certification.*
- (7) *A person who in good faith enters into a transaction in reliance upon a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification were correct.*
- (8) *A person making a demand for the trust instrument in addition to a certification of trust or excerpts is liable for damages if the court determines that the person did not act in good faith in demanding the trust instrument.*
- (9) *This section shall not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust.*
- (10) *The District Court shall have exclusive jurisdiction over matters under this section.*

➔SECTION 91. SUBCHAPTER 11 OF KRS CHAPTER 386B IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

In applying and construing the Uniform Trust Code, as enacted in this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

➔SECTION 92. A NEW SECTION OF SUBCHAPTER 11 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

The provisions of this chapter governing the legal effect, validity, or enforceability of electronic records or electronic signatures, and of contracts formed or performed with the use of such records or signatures, conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. sec. 7002, and supersede, modify, and limit the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. secs. 7001 et seq.

➔SECTION 93. A NEW SECTION OF SUBCHAPTER 11 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

➔SECTION 94. A NEW SECTION OF SUBCHAPTER 11 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in this chapter, on the effective date of this Act:*
 - (a) *This chapter applies to all trusts created before, on, or after the effective date of this Act;*
 - (b) *This chapter applies to all judicial proceedings concerning trusts commenced on or after the effective date of this Act;*
 - (c) *This chapter applies to judicial proceedings concerning trusts commenced before the effective date of this Act unless the court finds that application of a particular provision of this chapter would substantially interfere with the effective conduct of the judicial proceedings or prejudice the rights of the parties, in which case the particular provision of this chapter shall not apply and the superseded law applies;*
 - (d) *Any rule of construction or presumption provided in this chapter applies to trust instruments executed before the effective date of the Act unless there is a clear indication of a contrary intent in the terms of the trust; and*
 - (e) *An act done before the effective date of the this Act is not affected by this chapter.*

- (2) *If a right is acquired, extinguished, or barred upon the expiration of a prescribed period that has commenced to run under any other statute before the effective date of this Act, that statute continues to apply to the right even if it has been repealed or superseded.*
- (3) *This chapter shall not apply to trusts created under the following:*
- (a) *KRS 386.510 to 386.590, the Kentucky Fiduciary Investment Company Act;*
 - (b) *KRS 386.370 to 386.440, the Kentucky Business Trusts Act; and*
 - (c) *KRS Chapter 386A, the Kentucky Uniform Statutory Trust Act.*

➔SECTION 95. A NEW SECTION OF SUBCHAPTER 11 OF KRS CHAPTER 386B IS CREATED TO READ AS FOLLOWS:

This chapter may be cited as the Uniform Trust Code.

➔Section 96. KRS 24A.120 is amended to read as follows:

District Court shall have exclusive jurisdiction in:

- (1) Civil cases in which the amount in controversy does not exceed five thousand dollars (\$5,000), exclusive of interest and costs, except matters affecting title to real estate and matters of equity; however, nothing herein shall prohibit execution levy on real estate in enforcement of judgment of District Court;
- (2) Matters involving probate, except matters contested in an adversary proceeding. Such adversary proceeding shall be filed in Circuit Court in accordance with the Kentucky Rules of Civil Procedure and shall not be considered an appeal;~~and~~
- (3) Matters not provided for by statute to be commenced in Circuit Court shall be deemed to be nonadversarial within the meaning of subsection (2) of this section and therefore are within the jurisdiction of the District Court; *and*
- (4) *Matters involving trusts in accordance with Section 15 of this Act.*

➔Section 97. KRS 142.050 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Deed" means any document, instrument, or writing other than a will and other than a lease or easement, regardless of where made, executed, or delivered, by which any real property in Kentucky, or any interest therein, is conveyed, vested, granted, bargained, sold, transferred, or assigned.
 - (b) "Value" means:
 - 1. In the case of any deed not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; and
 - 2. In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated price the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.
- (2) A tax upon the grantor named in the deed shall be imposed at the rate of fifty cents (\$0.50) for each \$500 of value or fraction thereof, which value is declared in the deed upon the privilege of transferring title to real property.
- (3)
 - (a) If any deed evidencing a transfer of title subject to the tax herein imposed is offered for recordation, the county clerk shall ascertain and compute the amount of the tax due thereon and shall collect the amount as prerequisite to acceptance of the deed for recordation.
 - (b) The amount of tax shall be computed on the basis of the value of the transferred property as set forth in the deed.
 - (c) The tax required to be levied by this section shall be collected only once on each transaction and in the county in which the deed is required to be recorded by KRS 382.110(1).
- (4) The county clerk shall collect the amount due and certify the date of payment and the amount of collection on the deed. The county clerk shall retain five percent (5%) as his fee for collection and remit the balance every three (3) months to the county treasurer, who shall deposit the money in the county general fund.

- (5) The Department of Revenue may prescribe regulations necessary to carry out the purposes of this section.
- (6) Any county clerk who willfully shall record any deed upon which a tax is imposed by this section without collecting the proper amount of tax and certifying the date and amount of collection on the deed as required by this section based on the declared value indicated in the affidavit appended to the deed shall, upon conviction, be fined \$50 for each offense.
- (7) The tax imposed by this section shall not apply to a transfer of title:
 - (a) Recorded prior to March 27, 1968;
 - (b) To, in the event of a deed of gift or deed with nominal consideration, or from the United States of America, this state, any city or county within this state, or any instrumentality, agency, or subdivision hereof;
 - (c) Solely in order to provide or release security for a debt or obligation;
 - (d) Which confirms or corrects a deed previously recorded;
 - (e) Between husband and wife, or between former spouses as part of a divorce proceeding;
 - (f) On sale for delinquent taxes or assessments;
 - (g) On partition;
 - (h) Pursuant to:
 - 1. Merger or consolidation between and among corporations, partnerships, limited partnerships, or limited liability companies; or
 - 2. Any conversion of a partnership, limited partnership, corporation, or limited liability company into a partnership, limited partnership, corporation, or limited liability company;
 - (i) Between a subsidiary corporation and its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of either corporation's stock;
 - (j)
 - 1. Under a foreclosure proceeding; or
 - 2. Pursuant to a voluntary surrender under a mortgage in lieu of a foreclosure proceeding;
 - (k) Between a person and a corporation, partnership, limited partnership or limited liability company in an amount equal to the portion of the value of the real property transferred that represents the proportionate interest of the transferor of the property in the entity to which the property was transferred, if the transfer was for nominal consideration;
 - (l) Between parent and child or grandparent and grandchild, with only nominal consideration therefor;
 - (m) By a corporation, partnership, limited partnership, or limited liability company to a person as owner or shareholder of the entity, upon dissolution of the entity, in an amount equal to the portion of the value of the real property transferred that represents the proportionate interest of the person to whom the property was transferred, if the transfer was for nominal consideration;
 - (n) Between a trustee and a successor trustee; and
 - (o) Between a limited liability company and any of its members.
- (8) The tax imposed by subsection (2) of this section shall not apply to transfers to a trustee, to be held in trust, or from a trustee to a beneficiary of the trust if:
 - (a) The grantor is the sole beneficiary of the trust;
 - (b) The grantor is a beneficiary of the trust and a direct transfer from the grantor of the trust to all other individual beneficiaries of the trust would have qualified for an exemption from the tax pursuant to one (1) of the provisions of subsection (7) of this section; or
 - (c) A direct transfer from the grantor of the trust to all other individual beneficiaries of the trust would have qualified for an exemption from the tax pursuant to one (1) of the provisions of subsection (7) of this section.
- (9) As used in this section, "trust" shall have the same definition as contained in *Section 1 of this Act* ~~KRS 386.800~~.

➔Section 98. KRS 286.3-218 is amended to read as follows:

As used in KRS 286.3-219 and 286.3-220:

- (1) "Life beneficiary" means a beneficiary who is a current permissible or mandatory recipient of income or principal from the trust, or, if more than one (1), the beneficiary or beneficiaries of the oldest generation;
- (2) "Remainder beneficiary" means a beneficiary who would have received the trust property in fee but for the continuation of the trust by the corporate trustee;
- (3) "A portion or all of the trust" means a portion, including all, of any remainder beneficiary's share of the trust to which the remainder beneficiary would be entitled in fee following the death of the life beneficiary. The portion of each of the remainder beneficiary's share that is continued shall be held as a separate trust;
- (4) "Trust" has the same meaning as set forth in *Section 1 of this Act* ~~[KRS 386.800]~~; and
- (5) "Corporate trustee" means a trust company or a bank empowered as a fiduciary.

➔Section 99. KRS 367.952 is amended to read as follows:

- (1) Every seller of the items described in subsection (2)(a) of this section shall first provide for the future care and maintenance of such items, and to accomplish this purpose shall cause to be established in a financial institution authorized by law to administer trust funds, or in any other financially sound entity with the prior written approval of the Attorney General, an irrevocable trust fund to be known as a perpetual care and maintenance fund. The income of such funds shall be used solely for the general care, maintenance, and embellishment of the cemetery, except as otherwise provided herein.
- (2) (a) Every seller of the items described in this paragraph shall place the following amounts into the perpetual care and maintenance fund of the cemetery in which the item is located within thirty (30) days after each calendar quarter of operations for each payment of each sale which occurs or contract of sale entered into after July 13, 1984:
 1. Twenty percent (20%) of the gross selling price of each grave space, with a minimum of twenty dollars (\$20) per grave space;
 2. Underground crypt, five percent (5%) of the gross selling price with a minimum of twenty-five dollars (\$25) per crypt;
 3. Mausoleum crypt, five percent (5%) of the gross selling price with a minimum of fifty dollars (\$50) per mausoleum crypt; and
 4. Columbarium niche, ten percent (10%) of the gross selling price with a minimum of fifteen dollars (\$15) per niche.
- (b) For the purposes of this section, "gross selling price" shall not include interest, carrying charges or finance charges.
- (c) Every cemetery company hereinafter established shall create and maintain a perpetual care and maintenance fund, depositing therein an initial deposit as listed below, and shall submit proof thereof to the Attorney General prior to the offering for sale of any burial rights. Any payment required under paragraph (a) of this subsection shall be credited against the initial deposit until the required sum has been reached:
 1. In counties of fewer than 50,000 persons, \$20,000;
 2. In counties of 50,000 to 99,999 persons, \$30,000;
 3. In counties of 100,000 or more persons, \$50,000.
- (3) In the event that a purchaser is in default of a contract purchasing any of the items described in subsection (2)(a) of this section, the financial institution shall release to the depositor the funds, plus interest, deposited on behalf of the defaulted contract upon receiving from the depositor a sworn affidavit stating that the purchaser is in default of the contract, the date of the default, an explanation of the default and that the depositor mailed a copy of the affidavit to the purchaser's last known address at least thirty (30) days prior to said request for release.
- (4) This section does not apply to any cemetery that is owned and operated by a local government. For the purposes of this section, "local government" means cities, counties, urban-county governments, charter county governments, consolidated local governments, and unified local governments.

- (5) Any local government that has established a trust fund pursuant to subsection (1) of this section may petition the Circuit Court pursuant to **Sections 13** [~~KRS 386.675~~] and **15 of this Act** [~~386.680~~] for termination of the trust and distribution of the funds to the local government for use solely for the general care, maintenance, and embellishment of the cemetery.
- (6) Any funds distributed to the local government pursuant to subsection (5) of this section shall be held separately from funds subject to the local government's general power of appropriation.

➔Section 100. KRS 386.010 is amended to read as follows:

As used in KRS 386.010 to **386.175** [~~386.185~~], unless the context requires otherwise:

- (1) "Fiduciary" means any trustee, guardian, executor, administrator, conservator or other individual or corporation holding funds or otherwise acting in a fiduciary capacity.
- (2) "Principal" means any person to whom a fiduciary, as such, owes an obligation.

➔Section 101. KRS 386.020 is amended to read as follows:

- (1) Any fiduciary holding funds for loan or investment may invest them in:
 - (a) Bonds or other interest-bearing obligations of the federal government;
 - (b) Bonds, state warrants, and other interest-bearing obligations of this state;
 - (c) Obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks, and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. sec. 2001 and amendments thereto;
 - (d) Notes and bonds secured by mortgage or trust deed insured by the federal housing administrator, obligations issued or insured by the federal housing administrator, and securities issued by national mortgage associations;
 - (e) Obligations representing loans and advances of credit that are eligible for credit insurance by the federal housing administrator, and the fiduciary may obtain such insurance;
 - (f) Loans secured by real property or leasehold, that the federal housing administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;
 - (g) Real estate mortgage notes, bonds, and other interest-bearing or dividend-paying securities, including securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940 or units of common trust funds managed by the fiduciary, which would be regarded by prudent businessmen as a safe investment. The fact that the fiduciary is providing services to the foregoing investment company or trust as investment advisor, custodian, transfer agent, registrar, or otherwise shall not preclude the fiduciary from investing in the securities of such investment or trust;
 - (h) Real estate, after obtaining the approval of the District Court for such investment;
 - (i) Life insurance, endowment, and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the District Court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment;
 - (j) Notes, other interest-bearing obligations, and purchases of participations in such instruments, that are guaranteed in whole or in part by the United States of America or by any agency or instrumentality thereof;
 - (k) Certificates of deposit and savings accounts of any state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation and whose main office is in this state, including itself, if such fiduciary is a bank. Any portion of such investments that is not insured by the Federal Deposit Insurance Corporation shall be fully secured by:
 - 1. An irrevocable letter of credit issued by the United States of America or by an agency or instrumentality thereof;
 - 2. A pledge of securities named in this subsection as collateral;
 - 3. A surety bond; or

4. A combination of such irrevocable letters of credit, securities, and surety bonds; and
 - (1) United States government securities or United States government agency securities, the payment of the principal and interest on which the full faith and credit of the United States is pledged, said investments being made under the terms of a repurchase agreement between the fiduciary and any state or national bank whose main office is in this state, including itself, if such fiduciary is a bank.
 - (2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) *of this section* as collateral.
 - (3) The fiduciary shall account for all interest or profit received.
 - (4) ***This section shall not apply to trustees.***
 - ➔Section 102. KRS 386.100 is amended to read as follows:
 - (1) Any person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive shall not be responsible for the proper application thereof by the fiduciary, and any right or title acquired from the fiduciary in consideration of the payment or transfer shall not be invalid because of a misapplication by the fiduciary.
 - (2) ***This section shall not apply to trustees.***
 - ➔Section 103. KRS 386.175 is amended to read as follows:
 - (1) For the purposes of this section, the following definitions apply:
 - (a) "Current beneficiary" means a person who is a permissible distributee of trust income or principal;
 - (b) "Original trust" means a trust established under an irrevocable trust instrument pursuant to the terms of which a trustee has discretionary power to distribute principal or income of the trust to or for the benefit of one (1) or more current beneficiaries of the trust; and
 - (c) "Second trust" means a trust established under an irrevocable trust instrument, the current beneficiaries of which are one (1) or more of the current beneficiaries of the original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.
 - (2) A trustee of an original trust may, without authorization by the court, exercise the discretionary power to distribute principal or income to or for the benefit of one (1) or more current beneficiaries of the original trust by appointing all or part of the principal or income of the original trust subject to the power in favor of the trustee of a second trust. The trustee of the original trust may exercise this power whether or not there is a current need to distribute principal or income under any standard provided in the terms of the original trust. The trustee's special power to appoint trust principal or income in further trust under this section includes the power to create the second trust.
 - (3) The second trust may be a trust created or administered under the laws of any jurisdiction, within or without the United States.
 - (4) The terms of the second trust shall be subject to all of the following:
 - (a) The beneficiaries of the second trust may include only beneficiaries of the original trust;
 - (b) A beneficiary who has only a future beneficial interest, vested or contingent, in the original trust cannot have the future beneficial interest accelerated to a present interest in the second trust;
 - (c) The terms of the second trust may not reduce any fixed income, annuity, or unitrust interest of a beneficiary in the assets of the original trust, including an interest which is to take effect in the future;
 - (d) If any contribution to the original trust qualified for a marital or charitable deduction for federal income, gift, or estate tax purposes under the Internal Revenue Code, then the second trust shall not contain any provision that, if included in the original trust, would have prevented the original trust from qualifying for the deduction or that would have reduced the amount of the deduction;
 - (e) If contributions to the original trust have been excluded from the gift tax by the application of Sections 2503(b) and 2503(c) of the Internal Revenue Code, then the second trust shall provide that the beneficiary's remainder interest in the contributions shall vest and become distributable no later than the date upon which the interest would have vested and become distributable under the terms of the original trust;

- (f) If any beneficiary of the original trust has a currently exercisable power of withdrawal over trust property, then either:
 - a. The terms of the second trust shall provide a power of withdrawal in the second trust identical to the power of withdrawal in the original trust; or
 - b. Sufficient trust property shall remain in the original trust to satisfy the currently exercisable power of withdrawal;
 - (g) If the original trust holds stock of an S corporation, the terms of the second trust shall not prevent or eliminate an election to be a qualified subchapter S trust or an electing small business trust or result in the termination of the S election of such corporation;
 - (h) If the power to distribute principal or income in the original trust is subject to an ascertainable standard, then the power to distribute income or principal in the second trust shall be subject to the same or a more restrictive ascertainable standard as in the original trust when the trustee exercising the power described in subsection (2) of this section is a possible beneficiary under the standard; and
 - (i) The second trust may confer a power of appointment upon a beneficiary of the original trust to whom or for the benefit of whom the trustee has the power to distribute principal or income of the original trust. The permissible appointees of the power of appointment conferred upon a beneficiary may include persons who are not beneficiaries of the original or second trust. The power of appointment conferred upon a beneficiary shall be subject to KRS 381.224, 381.225, and 381.226 covering the time at which the permissible period of the rule against perpetuities and suspension of power of alienation begins and the law that determines the permissible period of the rule against perpetuities and suspension of power of alienation of the original trust.
- (5) The court may appoint a special fiduciary with the authority to exercise the power to appoint principal or income under subsection (2) of this section.
- (6) The exercise of the power to appoint principal or income under subsection (2) of this section:
- (a) Shall be considered an exercise of a power of appointment, other than a power to appoint to the trustee, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate;
 - (b) Shall be subject to KRS 381.224, 381.225, and 381.226 covering the time at which the permissible period of the rule against perpetuities and suspension of power of alienation begins and the law that determines the permissible period of the rule against perpetuities and suspension of power of alienation of the original trust; and
 - (c) Is not prohibited by a spendthrift provision or by a provision in the original trust instrument that prohibits amendment or revocation of the trust.
- (7) To effect the exercise of the power to appoint principal or income under subsection (2) of this section, all of the following shall apply:
- (a) The exercise of the power to appoint shall be made by an instrument in writing, signed and acknowledged by the trustee, setting forth the manner of the exercise of the power, including the terms of the second trust and the effective date of the exercise of the power. The instrument shall be filed with the records of the original trust;
 - (b) The trustee shall give written notice of the trustee's intention to exercise the power to all current beneficiaries of the original trust and all beneficiaries of the oldest generation of remainder beneficiaries of the first trust, by certified mail with restricted delivery and return receipt, at least sixty (60) days prior to the effective date of the exercise of the power to appoint. The notice shall include a copy of the instrument described in paragraph (a) of this subsection;
 - (c) If all beneficiaries entitled to notice have received the notice as evidenced by the certified mail return receipt and waive the notice period by a signed written instrument delivered to the trustee, the trustee's power to appoint principal or income shall be exercisable after notice is waived by all such beneficiaries, notwithstanding the effective date of the exercise of the power;
 - (d) A current beneficiary or a beneficiary who is not a current beneficiary but is a member of the oldest generation of the remainder beneficiaries of the original trust may, no later than thirty (30) days from the date of receiving notice under paragraph (b) of this subsection, commence a judicial proceeding ~~in District Court~~ pursuant to **Section 13 of this Act** ~~[KRS 386.675]~~ to object to the proposed exercise of

the power under subsection (2) of this section. In such case the proposed exercise of the power shall require consent of the ~~the District court as defined by KRS 386.450(3). Any determination of the District Court shall be subject to KRS 386.454(5);~~ and

- (e) In the event that a beneficiary did not receive the notice as evidenced by the certified mail return receipt, and no other beneficiary has commenced a proceeding under paragraph (d) of this subsection, the trustee may seek the approval of the District Court to exercise the power.
- (8) Nothing in this section shall be construed to create or imply a duty of the trustee to exercise the power to distribute principal or income, and no inference of impropriety shall be made as a result of a trustee not exercising the power to appoint principal or income conferred under subsection (2) of this section. Nothing in this section shall be construed to abridge the right of any trustee who has the power to appoint property in further trust that arises under the terms of the original trust or under any provision of law or under common law.
- (9) This section shall not apply to any charitable remainder trust as defined in 26 U.S.C. sec. 664(d).
- (10) A trustee or beneficiary may commence a judicial proceeding ~~in the District Court~~ pursuant to **Section 13 of this Act** ~~KRS 386.675~~ to approve or disapprove of a proposed exercise of the trustee's special power to appoint to a second trust pursuant to subsection (2) of this section. ~~In such case approval by the District Court shall have the same meaning as provided in KRS 386.450(3) and the approval shall be subject to KRS 386.454(5).]~~

➔Section 104. KRS 386.450 is amended to read as follows:

As used in KRS 386.450 to 386.504:

- (1) "Accounting period" means a calendar year unless another twelve (12) month period is selected by a fiduciary. The term includes a portion of a calendar year or other twelve (12) month period that begins when an income interest begins or ends when an income interest ends;
- (2) "Beneficiary" includes, in the case of a decedent's estate, an heir, legatee, and devisee and, in the case of a trust, an income beneficiary and a remainder beneficiary;
- (3) "District Court approval" means the consent of the District Court having jurisdiction over the fiduciary, with notice of the request for approval being given to all current beneficiaries and all reasonably ascertainable remainder beneficiaries in the oldest generation;
- (4) "Fiduciary" means a personal representative or a trustee. The term includes an executor, administrator, successor personal representative, and public administrator;
- (5) "Income" means money or property that a fiduciary receives as current return from a principal asset. The term includes a portion of receipts from a sale, exchange, or liquidation of a principal asset, to the extent provided in Articles 4 and 5 of the Kentucky Principal and Income Act;
- (6) "Income beneficiary" means a person to whom net income of a trust is or may be payable;
- (7) "Income interest" means the right of an income beneficiary to receive all or part of net income, whether the terms of the trust require it to be distributed or authorize it to be distributed in the trustee's discretion;
- (8) "Mandatory income interest" means the right of an income beneficiary to receive net income that the terms of the trust require the fiduciary to distribute;
- (9) "Net income" means the total receipts allocated to income during an accounting period minus the disbursements made from income during the period, plus or minus transfers under KRS 386.450 to 386.504 to or from income during the period;
- (10) "Notice" means written notice of the time and place for a hearing on the request for District Court approval that is placed postage prepaid in the United States mail at least thirty (30) days prior to the hearing and addressed to the last known address of the party to receive notice, and may be proved by an affidavit of the fiduciary or fiduciary's counsel filed at the hearing stating the name and address to which notice was mailed postage prepaid and the date of the mailing;
- (11) "Principal" means property held in trust for distribution to a remainder beneficiary when the trust terminates;
- (12) "Remainder beneficiary" means a person entitled to receive principal when an income interest ends;

- (13) "Terms of a trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct;
- (14) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by a court; and
- (15) "Unitrust" means both a trust converted into a unitrust KRS 386.454 and a trust initially established as a unitrust. Unless inconsistent with the terms of the trust or will, KRS 386.454(2)(3)(f), (g), (h), (i), and (m) apply to the unitrust initially so established.

➔Section 105. KRS 386.452 is amended to read as follows:

- (1) In allocating receipts and disbursements to or between principal and income, and with respect to any matter within the scope of Articles 2 and 3 of the Kentucky Principal and Income Act, a fiduciary:
 - (a) Shall administer a trust or estate in accordance with the terms of the trust or the will, even if there is a different provision in KRS 386.450 to 386.504;
 - (b) May administer a trust or estate by the exercise of a discretionary power of administration given to the fiduciary by the terms of the trust or the will, even if the exercise of the power produces a result different from a result required or permitted by KRS 386.450 to 386.504;
 - (c) Shall administer a trust or estate in accordance with KRS 386.450 to 386.504 if the terms of the trust or the will do not contain a different provision or do not give the fiduciary a discretionary power of administration; and
 - (d) Shall add a receipt or charge a disbursement to principal to the extent that neither the terms of the trust nor KRS 386.450 to 386.504 provide a rule for allocating the receipt or disbursement to or between principal and income.
- (2) In exercising the power to adjust under KRS 386.454(1) or (2) ~~or (3)~~ or a discretionary power of administration regarding a matter within the scope of KRS 386.450 to 386.504, whether granted by the terms of a trust, a will, or KRS 386.450 to 386.504, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest a contrary intention. Except as provided in this subsection, determination in accordance with KRS 386.450 to 386.504 shall be presumed to be fair and reasonable to all of the beneficiaries.

➔Section 106. KRS 386.454 is amended to read as follows:

- (1)~~Notwithstanding any provision of Kentucky law to the contrary, the fiduciary of a trust or estate to which by law KRS 286.3-277 does not apply may elect to have such provisions apply to the administration of the trust or estate by providing the notice as required under subsection (2)(g) of this section.~~
- (2)~~(1)~~ (a) A fiduciary may, after providing notice as required under paragraph (g) of this subsection, adjust between principal and income to the extent the fiduciary considers necessary~~[if KRS 286.3-277 applies by law or by election made under subsection (1) of this section]~~, the terms of the trust or will describe the amount that may or shall be distributed to a beneficiary by referring to the trust's or estate's income, and the fiduciary determines, after applying the rules in KRS 386.452(1), that the fiduciary is unable to comply with KRS 386.452(2). Additionally, a fiduciary may reserve the right to convert the trust to a unitrust under subsection (2)~~(3)~~ of this section in the future.
- (b) In deciding whether and to what extent to exercise the power conferred by this subsection, a fiduciary shall consider all factors relevant to the trust or estate and its beneficiaries, including the following factors to the extent they are relevant:
 1. The nature, purpose, and expected duration of the trust or estate;
 2. The intent of the settlor or testator;
 3. The identity and circumstances of the beneficiaries;
 4. The needs for liquidity, regularity of income, and preservation and appreciation of capital;
 5. The assets held in the trust or estate and:
 - a. The extent to which they consist of financial assets, interests in closely held enterprises, tangible and intangible personal property, or real property;

- b. The extent to which an asset is used by a beneficiary; and
 - c. Whether an asset was purchased by the fiduciary or received from the settlor or testator;
 - 6. The net amount allocated to income under the other sections in this chapter and the increase or decrease in the value of the principal assets, which the fiduciary may estimate as to assets for which market values are not readily available;
 - 7. Whether and to what extent the terms of the trust or will give the fiduciary the power to invade principal or accumulate income or prohibit the fiduciary from invading principal or accumulating income, and the extent to which the fiduciary has exercised a power from time to time to invade principal or accumulate income;
 - 8. The actual and anticipated effect of economic conditions and market volatility on principal and income and effects of inflation and deflation; and
 - 9. The anticipated tax consequences of an adjustment.
- (c) A fiduciary shall not make an adjustment:
- 1. That diminishes the income interest in a trust that requires all of the income to be paid at least annually to a spouse and for which an estate tax or gift tax marital deduction would be allowed, in whole or in part, if the fiduciary did not have the power to make the adjustment;
 - 2. That reduces the actuarial value of the income interest in a trust to which a person transfers property with the intent to qualify for a gift tax exclusion;
 - 3. That changes the amount payable to the beneficiary as a fixed annuity or a fixed fraction of the value of the trust assets;
 - 4. From any amount that is permanently set aside for charitable purposes under a will or the terms of a trust unless both income and principal are so set aside;
 - 5. If possessing or exercising the power to make an adjustment causes an individual to be treated as the owner of all or part of the trust or estate for income tax purposes, and the individual would not be treated as the owner if the fiduciary did not possess the power to make an adjustment;
 - 6. If possessing or exercising the power to make an adjustment causes all or part of the trust or estate assets to be included for estate tax purposes in the estate of an individual who has the power to remove a fiduciary or appoint a fiduciary, or both, and the assets would not be included in the estate of the individual if the fiduciary did not possess the power to make an adjustment;
 - 7. If the fiduciary is a beneficiary of the trust or estate; or
 - 8. If the fiduciary is not a beneficiary, but the adjustment would benefit the fiduciary directly or indirectly; except that any effect on the fiduciary's compensation shall not preclude an adjustment so long as the fiduciary's fees are reasonable and otherwise comply with the applicable law.
- (d) If paragraph (c)5., 6., 7., or 8. of this subsection applies to a fiduciary and there is more than one (1) fiduciary or an additional fiduciary who is appointed by court order, a binding agreement, or otherwise as provided by law, a co-fiduciary to whom the provision does not apply may make an adjustment unless the exercise of the power by the remaining fiduciary or fiduciaries is not permitted by the terms of the trust or will. If paragraph (c)5., 6., 7., or 8. of this subsection restricts all fiduciaries from possessing or exercising a power under this section, the fiduciary may petition the District Court for the court to effect the intended conversion or action.
- (e) A fiduciary may release the entire power conferred by this subsection or may release only the power to adjust from income to principal or the power to adjust from principal to income if the fiduciary is uncertain about whether possessing or exercising the power will cause a result described in paragraph (c)1. to 6. of this subsection or if the fiduciary determines that possessing or exercising the power will or may deprive the trust or estate of a tax benefit or impose a tax burden not described in paragraph (c) of this subsection. The release may be permanent or for a specified period, including a period measured by the life of an individual. Further, a fiduciary may divide a trust or estate into one (1) or more fractional shares if the division does not change the beneficial interests.

- (f) Terms of a trust or will that limit the power of a fiduciary to make an adjustment between principal and income do not affect the application of this section unless it is clear from the terms of the trust or will that the terms are intended to deny the fiduciary the power of adjustment conferred by this subsection.
- (g) A fiduciary shall not make an election or adjustment under this section unless all of the following apply:
 1. A fiduciary shall give written notice of the fiduciary's intention to make an adjustment, ~~for any intention to make an election to have the provisions of KRS 286.3-277, if applicable, apply to the trust,~~ to each beneficiary, by certified mail with restricted delivery and return receipt, who, on the date the notice is given:
 - a. Is a distributee or permissible distributee of trust income or principal; or
 - b. Would be a distributee or permissible distributee of principal if the interests of the distributees described in subparagraph 1.a. of this paragraph terminated and the trust then terminated immediately before the notice was given and if no powers of appointment were exercised;
 2. There is at least one (1) beneficiary under subparagraph 1.a. of this paragraph and at least one (1) other reasonably ascertainable person who is a remainder beneficiary under subparagraph 1.b. of this paragraph; and
 3. Every beneficiary to whom notice was sent pursuant to subparagraph 1. of this paragraph has received the notice as evidenced by the certified mail return receipt and no beneficiary objects to the adjustment or election in writing delivered to the fiduciary within thirty (30) days after the notice is given under subparagraph 1. of this paragraph.
- (h) The fiduciary may petition the District Court under this subsection to order an adjustment or an election if any of the following apply:
 1. A beneficiary timely objects to the adjustment or the election, or a beneficiary has not received the notice as evidenced by the certified mail return receipt;
 2. There is no reasonably ascertainable beneficiary under paragraph (g)1.a. of this subsection; or
 3. There is no reasonably ascertainable beneficiary under paragraph (g)1.b. of this subsection.
- ~~(2)(3)~~ The following rules shall govern a fiduciary's conversion of a trust to a unitrust:
 - (a) Unless expressly prohibited by the terms of a trust, a fiduciary may release the power to make adjustments under subsection ~~(1)(2)~~ of this section and convert to a unitrust as described in this subsection, if all of the following apply:
 1. The fiduciary determines that the conversion will enable the fiduciary better to carry out the intent of the settlor or testator and the purposes of the trust;
 2. The fiduciary gives written notice of the fiduciary's intention to release the power to adjust and to convert the trust into a unitrust and of how the unitrust will operate, including what initial decisions the fiduciary will make under this subsection, to each beneficiary, by certified mail with restricted delivery and return receipt, who, on the date the notice is given:
 - a. Is a distributee or permissible distributee of trust income or principal; or
 - b. Would be a distributee or permissible distributee of trust principal if the interests of the distributees described in subparagraph 2.a. of this paragraph terminated and the trust then terminated immediately before the notice was given and if no powers of appointment were exercised;
 3. There is at least one (1) beneficiary under subparagraph 2.a. of this paragraph and at least one (1) other reasonably ascertainable person who is a remainder beneficiary under subparagraph 2.b. of this paragraph; and
 4. Every beneficiary to whom notice was sent pursuant to subparagraph 2. of this paragraph has received the notice as evidenced by the certified mail return receipt and no beneficiary objects to the conversion to a unitrust in a writing delivered to the fiduciary within thirty (30) days after the notice is given under subparagraph 2. of this paragraph;

- (b) The fiduciary may petition the District Court under this subsection to order a conversion to a unitrust if any of the following apply:
 - 1. A party timely objects to the conversion to a unitrust, or a beneficiary has not received the notice as evidenced by the certified mail return receipt;
 - 2. There is no reasonably ascertainable beneficiary under paragraph (a)2.a. of this subsection; or
 - 3. There is no reasonably ascertainable beneficiary under paragraph (a)2.b. of this subsection;
- (c) Notwithstanding the provisions of paragraph (h) of this subsection, a beneficiary may request a fiduciary to convert to a unitrust. If the fiduciary does not convert, the beneficiary may petition the District Court to order the conversion. The court shall approve the conversion or direct the requested conversion if the court concludes that the conversion will enable the fiduciary to better carry out the intent of the settlor or testator and the purposes of the trust;
- (d) In deciding whether to exercise a power to convert to a unitrust under this section, a fiduciary may consider, among other things, the factors set forth in subsection ~~(1)(2)~~(b) of this section;
- (e) After a trust is converted to a unitrust, all of the following provisions shall apply:
 - 1. The fiduciary shall follow an investment policy seeking a total return for the investments held by the trust, whether the return is to be derived:
 - a. From appreciation of principal;
 - b. From earnings and distributions from principal; or
 - c. From both;
 - 2. The fiduciary shall make regular distributions in accordance with the terms of the trust, or the terms of the will, as the case may be, construed in accordance with the provisions of this section; and
 - 3. Unless expressly prohibited by the terms of the trust, the term "income" in the terms of a trust or will means an annual distribution, the "unitrust distribution," equal to the percentage, the "payout percentage," that is no less than three percent (3%) and no more than five percent (5%) and that the fiduciary may determine in the fiduciary's discretion from time to time, or, if the fiduciary makes no determination, that shall be four percent (4%), of the net fair market value of the trust's assets, whether such assets would be considered income or principal under other provisions of this chapter, averaged over the lesser of:
 - a. The three (3) preceding years; or
 - b. The period which the trust has been in existence;
- (f) The fiduciary may in the fiduciary's discretion from time to time determine all of the following:
 - 1. The effective date of a conversion to a unitrust;
 - 2. The provisions for prorating a unitrust distribution for a short year in which a beneficiary's right to payments commences or ceases;
 - 3. The frequency of unitrust distributions during the year;
 - 4. The effect of other payments from or contributions to the trust on the trust's valuation;
 - 5. Whether to value the trust's assets annually or more frequently;
 - 6. What valuation dates to use;
 - 7. How frequently to value nonliquid assets and whether to estimate their value;
 - 8. Whether to omit from the calculations trust property occupied or possessed by a beneficiary; and
 - 9. Any other matters necessary for the proper functioning of the unitrust;
- (g) The following provisions regarding unitrust distribution shall apply:
 - 1. Expenses which would be deducted from income if the trust were not a unitrust shall not be deducted from the unitrust distribution;

2. Unless otherwise provided by the terms of the trust, the unitrust distribution shall be paid from net income, as such term would be determined if the trust were not a unitrust. To the extent net income is insufficient, the unitrust distribution shall be paid from the net realized short-term capital gains. To the extent net income and net realized short-term capital gains are insufficient, the unitrust distribution shall be paid from net realized long-term capital gains. To the extent net income and net realized short-term and long-term capital gains are insufficient, the unitrust distribution shall be paid from the principal of the trust; and
 3. To the extent necessary to cause gains from the sale or exchange of unitrust assets to be treated as income under any federal, state, or local income tax, such as section 643 of the Internal Revenue Code and its regulations, including Treasury Regulation sec. 1.643(b)-1, as amended or renumbered, the fiduciary has the discretionary power to allocate the gains to income, so long as the power is reasonably and impartially exercised;
- (h) Notwithstanding any other provision of this section to the contrary, a fiduciary or beneficiary may petition the District Court:
1. To change the payout percentage;
 2. To provide for a distribution of net income, as would be determined if the trust were not a unitrust, in excess of the unitrust distribution if such distribution is necessary to preserve a tax benefit;
 3. To average the valuation of the trust's net assets over a period other than three (3) years; and
 4. To reconvert from a unitrust to the preconversion terms of the trust;
- (i) Upon a reconversion, the power to adjust under subsection (1)~~(2)~~ of this section shall be revived, and a trustee shall not be precluded from seeking a later unitrust conversion;
- (j) A conversion to a unitrust does not affect a provision in the terms of a trust directing or authorizing the fiduciary to distribute principal or authorizing a beneficiary to withdraw a portion or all of the principal of the trust;
- (k) A fiduciary shall not possess or exercise any power under this subsection in any of the following circumstances:
1. The unitrust distribution would be made from any amount that is permanently set aside for charitable purposes under the terms of a trust and for which a charitable deduction from a federal gift or estate tax has been taken unless both income and principal are so set aside;
 2. The possession or exercise of the power would cause an individual to be treated as the owner of all or part of the trust for federal income tax purposes and the individual would not be treated as the owner if the fiduciary did not possess or exercise the power;
 3. The possession or exercise of the power would cause all or any part of the trust estate to be subject to any federal gift or estate tax with respect to the individual and the trust estate would not be subject to such taxation if the fiduciary did not possess or exercise the power;
 4. The possession or exercise of the power would result in the disallowance of a federal gift or estate tax marital deduction which would be allowed if the fiduciary did not have the power; or
 5. The fiduciary is a beneficiary of the trust;
- (l) If paragraph (k)2., 3., or 5. of this subsection applies to a fiduciary and there is more than one (1) fiduciary or an additional fiduciary who is appointed by a court order, binding agreement, or otherwise as provided by law, a co-fiduciary to whom paragraph (k)2., 3., or 5. of this subsection does not apply may possess and exercise the power unless the possession or exercise of the power by the remaining fiduciary or fiduciaries is not permitted by the terms of the trust or will. If paragraph (k)2., 3., or 5. of this subsection restricts all fiduciaries from possessing or exercising a power under this section, the fiduciary may petition the District Court for the court to effect the intended conversion or action; and
- (m) A fiduciary may release any power conferred by this section if any of the following applies:
1. The fiduciary is uncertain about whether possessing or exercising the power will cause a result described in paragraph (k)2., 3., or 5. of this subsection; or

2. The fiduciary determines that possessing or exercising the power will or may deprive the trust of a tax benefit or impose a tax burden not described in paragraph (k) of this subsection.

The release may be permanent or for a specified period, including a period measured by the life of an individual.

- ~~(3)~~~~(4)~~ Unless a beneficiary has requested the fiduciary in writing that the fiduciary consider an adjustment, unitrust conversion, or change in payout percentage, nothing in this section imposes a duty on the fiduciary to make an adjustment, conversion, or change in payout percentage under subsection ~~(2)~~~~(3)~~~~(e)~~3. of this section, and the fiduciary is not liable for not considering whether to make an adjustment, conversion, or change in payout percentage under this section.

~~[(5) If there shall be a District Court order approving or disapproving an election to apply KRS 286.3-277 to a trust or to an estate under subsection (1) of this section or a power to adjust under subsection (2) of this section or converting a trust to a unitrust under subsection (3) of this section, then an aggrieved party, no later than thirty (30) days from the date of such order, may institute an adversary proceeding in Circuit Court pursuant to KRS 24A.120(2).]~~

- ~~(4)~~~~(6)~~ This section is intended to further describe and clarify the powers previously granted under the immediately preceding version of this section. These clarifications and revisions shall apply to and be available for all applicable and qualifying trusts, including any trust which may have previously sought relief under a prior version of this section.

➔Section 107. KRS 386.478 is amended to read as follows:

If a trustee determines that an allocation between principal and income required by KRS 386.480, 386.482, 386.484, or 386.486 is unsubstantial, the trustee may allocate the entire amount to principal~~[unless one (1) of the circumstances described in KRS 386.454(5) applies to the allocation. This power may be exercised by a cotrustee in the circumstances described in KRS 386.454(5) and may be released for the reasons and in the manner described in KRS 386.454(7).]~~ An allocation is presumed to be insubstantial if:

- (1) The amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than ten percent (10%); or
- (2) The value of the asset producing the receipt for which the allocation would be made is less than ten percent (10%) of the total value of the trust's assets at the beginning of the accounting period.

➔Section 108. KRS 386.820 is amended to read as follows:

~~[(1) KRS 386.805 to 386.840 do not affect the power of a court of competent jurisdiction for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on his power that would otherwise be placed upon him by the trust or by this chapter.]~~

- ~~(2)~~ If the duty of the trustee and~~[his individual interest or]~~ his interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by court authorization~~[(except as provided in KRS 386.810, subsections (3)(a), (d), (f), (r), and (x))]~~ upon petition of the trustee.~~[Under this section, personal profit or advantage to an affiliated or subsidiary company or association is personal profit to any corporate trustee.]~~

➔Section 109. KRS 387.880 is amended to read as follows:

The petition shall be docketed with the court and set for hearing unless the court shall otherwise determine. Notice of the hearing shall be given to each interested party not less than fourteen (14) days in advance, in accordance with **Section 7 of this Act**~~[KRS 386.655]~~, unless waived in writing. The court may assign a guardian ad litem to advise the court with respect to the suitability of the special needs trust.

➔Section 110. KRS 387.890 is amended to read as follows:

The court may enter an order modifying an existing trust, whether established by the court under this chapter, or whether the trust has been otherwise established, upon petition demonstrating to the court that there is just cause to modify the trust to preserve the trust purposes of protecting the trust assets for the benefit of the special needs person. Any such petition shall comport with KRS 387.870, 387.875, and 387.880. If the trust is administered or registered in a county other than where the special needs person resides when a petition is brought to modify a trust, jurisdiction and venue shall be determined in accordance with **Section 15 of this Act**~~[KRS 386.690]~~, except that no such order of modification shall limit, modify, or defeat the trustee's duty, where required under 42 U.S.C., sec. 1396p, to reimburse the state from the trust assets for benefits paid on behalf of the special needs person at the death of the

special needs person, or the termination of the trust during the lifetime of the special needs person, as the case may be.

➔Section 111. KRS 395.001 is amended to read as follows:

The term "fiduciary" as used in this chapter:

- (1) Means any person, association, or corporation meeting the requirements of KRS 395.005 (other than assignee or trustee for an insolvent debtor or a guardian under the Uniform Veterans' Guardianship Act) appointed by, or under the control of, or accountable to, the District Court, including executors, administrators, administrators with the will annexed, ~~testamentary trustees,~~ curators, guardians and conservators; **and**
- (2) ***Does not include testamentary trustees.***

➔Section 112. KRS 395.130 is amended to read as follows:

- (1) Every fiduciary, except as provided in KRS 286.3-220 **and Section 51 of this Act**, shall provide surety on his bond unless, on the petition of any interested party, the court upon being satisfied that all interests are adequately protected excuses the requirement of a surety, or unless, by the terms of the will or trust, surety is not required. Subsequent to the qualification of a fiduciary and on motion of any interested party the court may reduce the amount of the bond, release the surety, or permit the substitution of another bond with the same or different sureties. If an executor does not give bond when required to do so, he shall not be permitted to qualify, and, if he has already qualified, he shall be removed.
- (2) Whenever any personal representative, guardian, conservator ~~or other trustee~~ or fiduciary who is required by law to execute a bond for the faithful discharge of his duties or fulfillment of his trust, procures as surety on his bond an incorporated surety company authorized to do business in this state, the necessary and reasonable cost incident to the bond shall be a lawful charge against the estate in the hands of the fiduciary, as other expenses of administration, and in his settlement the fiduciary shall be entitled to credit by the amount actually paid by him for that purpose, subject to the approval of the court which has approved the bond.

➔Section 113. KRS 395.195 is amended to read as follows:

Except as restricted or otherwise provided by the will, or by KRS 395.200, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

- (1) Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment;
- (2) Receive assets from fiduciaries, or other sources;
- (3) Perform, compromise or refuse performance for proper cause of the decedent's contracts that continue as obligations of the estate, as he may determine under the circumstances;
- (4) Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances;
- (5) If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements or other prudent investments which would be reasonable for use by trustees generally;
- (6) Acquire or dispose of an asset, other than land, for cash or on credit, at public or private sale; and manage, exchange, or change the character of an estate asset;
- (7) Enter for any purpose into a lease for personal property as lessor or lessee, with or without option to purchase or renew, for a term within or extending beyond the period of administration;
- (8) Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in such condition that it is of no benefit to the estate;
- (9) Vote stocks or other securities in person or by general or limited proxy;
- (10) Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims;
- (11) Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held;

- (12) Insure the assets of the estate against damage, loss and liability and himself against liability as to third persons;
- (13) Borrow money with or without security to be repaid from the probatable assets or otherwise; and advance money for the protection of the estate;
- (14) Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge or other lien upon property of another person, he may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by lien;
- (15) Pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate;
- (16) Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
- (17) Allocate items of income or expense to either estate income or principal, as permitted or provided by law;
- (18) Employ persons, including attorneys, auditors, investment advisors, or agents, to advise or assist the personal representative in the performance of his administrative duties; act without independent investigation upon their recommendations; and instead of acting personally, employ one (1) or more agents to perform any act of administration, whether or not discretionary;
- (19) Prosecute or defend claims, or proceedings in any jurisdiction for the protection of the estate and of the personal representative in the performance of his duties;
- (20) Sell or mortgage any personal property or any interest therein for cash, credit, or for part cash and part credit, and with or without security for unpaid balances;
- (21) Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate;
- (22) Satisfy, settle or compromise claims and distribute the estate as provided by law; and
- (23) Take such actions as are necessary to cause gains from the sale or exchange of estate assets as determined for federal income tax purposes, to be taxed for federal income tax purposes as a part of a distribution of income, including the power to allocate such gains to income for the purpose of making discretionary distributions and to allocate such gains to income which has been increased by an adjustment from principal to income pursuant to KRS 386.454(1)(2), to a unitrust distribution, or to a distribution of principal to a beneficiary.

➔Section 114. KRS 395.325 is amended to read as follows:

- (1) If any fiduciary resigns or is removed, he shall upon the appointment of his successor settle his accounts.
- (2) If any fiduciary becomes mentally disabled or dies, the personal representative of his estate shall upon the appointment of a successor fiduciary for the mentally disabled fiduciary or decedent settle for his decedent the accounts of the first decedent.
- ~~{(3) In appointing a successor trustee of a trust created by will, the court shall give preference to that person, or those persons, designated in the will as successor trustee. If there be no such designation or if the court finds the person or persons so designated are not best qualified to protect the interests of the beneficiaries, then the court shall give preference to the persons who apply for appointment, preferring the surviving husband or wife, or if the husband or wife does not nominate a suitable trustee, then such others as are next entitled to distribution or one (1) or more of them whom the court deems best qualified.}~~

➔Section 115. KRS 395.600 is amended to read as follows:

The District Court shall make settlements with personal representatives,~~trustees,~~ assignees, conservators, curators and guardians in his county.

➔Section 116. KRS 395.610 is amended to read as follows:

- (1) Two (2) years after appointment and annually thereafter, unless otherwise provided by law, every fiduciary as defined in KRS 395.001, other than~~a testamentary trustee or~~ a guardian or conservator of a mentally disabled person, shall render an account of the execution of his trust to the court by which he was appointed, including in the account an itemized statement of receipts and disbursements supported by vouchers accompanying the account and a statement of all investments on hand and changes in investments since the

filing of his last account. The settlements, when approved and confirmed by the court, shall be recorded and indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by a fiduciary, ~~[including a testamentary trustee,]~~ at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust, the fiduciary shall fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary, except of corporate fiduciaries under the supervision of state or federal banking authorities, shall be approved until there are exhibited to the court, for its examination, the security or securities shown in the account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

- (2) ~~[Testamentary trustees and]~~ Guardians and conservators of mentally disabled persons may be required to render accountings to the court under the provisions of this section. ~~[However, trustees may be required to file accounts pursuant to judicial proceedings under KRS 386.675].~~ Guardians and conservators of mentally disabled persons shall comply with the reporting requirements of KRS Chapter 387.

➔ Section 117. KRS 395.655 is amended to read as follows:

The accounts of committees ~~[and trustees]~~ may be settled in the same manner, and the settlements shall have the same effect, as prescribed by KRS 395.600 and 395.640. The District Court of the county in which the committee is appointed ~~[or in which the deed or will creating the trusts is recorded,]~~ shall have the jurisdiction of making the settlements.

➔ Section 118. The following KRS sections are repealed:

- 381.180 Estates in trust subject to debts of beneficiary -- Spendthrift trusts excepted -- Other exceptions.
- 386.070 Disposition of unauthorized securities.
- 386.185 Distribution of trusts of \$50,000 or less.
- 386.650 "Court" defined.
- 386.651 "Trust" defined.
- 386.653 Applicability of KRS 386.650 to 386.735 to all trusts.
- 386.655 Trust registration -- Duty to register.
- 386.660 Procedures.
- 386.665 Effect of registration -- Notice of proceedings.
- 386.670 Failure to register.
- 386.675 Initiation of judicial proceedings.
- 386.680 Venue.
- 386.685 Proceedings relating to foreign trusts.
- 386.690 Jurisdiction of litigation involving trusts and third parties.
- 386.695 Review of agent's employment and compensation of trustee and employees.
- 386.700 Filing petition -- Notice requirements.
- 386.705 General duties not limited.
- 386.710 Standard of care and performance.
- 386.715 Duty to inform and account to beneficiaries.
- 386.720 Duty to provide surety on bond.
- 386.725 Appropriate place of administration -- Deviation.
- 386.730 Personal liability of trustee to third parties.
- 386.735 Limitations on proceedings against trustees after final account.

- 386.740 Power of fiduciary to use assets to prevent or remedy environmental violations -- Limitation of personal liability of fiduciary.
- 386.800 Definitions.
- 386.805 Powers of trustee conferred by trust or by law.
- 386.810 Powers of trustees conferred by this chapter.
- 386.815 Trustee's office not transferable.
- 386.825 Powers exercisable by joint trustees -- Liability.
- 386.830 Third persons protected in dealing with trustee.
- 386.835 Application of KRS 386.805 to 386.840.
- 386.840 Uniformity of interpretation.
- 386.845 Short title.
- 395.326 Nomination of successor trustee by testamentary trustee.

Signed by Governor April 7, 2014.

CHAPTER 26

(HB 87)

AN ACT relating to transparency in employment rates and earnings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 151B.133 is amended to read as follows:

The duties of the Office for Education and Workforce Statistics shall be to:

- (1) Oversee and maintain the warehouse of education data and workforce data in the Kentucky Longitudinal Data System;
- (2) Develop de-identification standards and processes using modern statistical methods;
- (3) Conduct research and evaluation regarding federal, state, and local education and training programs at all levels;
- (4) Audit and ensure compliance of education and training programs with applicable federal and state requirements as authorized by federal and state law;
- (5) ***Work with public agencies and other entities to*** define statewide education, workforce development, and employment metrics ***and***;
- ~~(6) Work with public agencies and other entities to ensure the integrity and quality of data being collected;~~
- ~~(6)~~~~(7)~~ Link education data and workforce data from multiple sources for consideration in developing broad public policy initiatives;
- ~~(7)~~~~(8)~~ Develop requirements and definitions for data to be provided by any public agency, private institution of higher education, private school, or parochial school, ***as directed by the Board of the Kentucky Center for Education and Workforce Statistics;***
- ~~(8)~~~~(9)~~ Develop a reasonable fee schedule for services provided;
- ~~(9)~~~~(10)~~ Establish data quality standards;
- ~~(10)~~~~(11)~~ Promulgate administrative regulations necessary for the proper administration of the Kentucky Longitudinal Data System;

- (11)~~(12)~~ Ensure compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec 1232g, and all other relevant federal and state privacy laws;
- (12)~~(13)~~ Respond to approved research data requests in accordance with the data access and use policy established by the board;~~and~~
- (13) ***Develop and disseminate, in cooperation with the Council on Postsecondary Education and the Department of Education, information on the employment and earnings of the public postsecondary institution graduates in Kentucky. This information shall be updated at least every three (3) years and shall be:***
- (a) ***Posted on the Web site of the Office for Education Workforce and Statistics;***
 - (b) ***Posted on the Web site of the Council on Postsecondary Education;***
 - (c) ***Posted on the Web site of each public postsecondary institution, with the Web site address published in each institution's catalogue; and***
 - (d) ***Made available to every high school guidance and career counselor, who shall be notified of its availability for the purpose of informing all high school students preparing for postsecondary education.***
- (14) Enter into contracts or other agreements with appropriate entities, including but not limited to federal, state, and local agencies, to the extent necessary to carry out its duties and responsibilities only if such contracts or agreements incorporate adequate protections with respect to the confidentiality of any information to be shared.

➔Section 2. KRS 151B.134 is amended to read as follows:

- (1) The Board of the Kentucky Center for Education and Workforce Statistics is hereby established and attached to the Education and Workforce Development Cabinet, Office of the Secretary.
- (2) The board shall be composed of:
 - (a) The commissioner of the Department of Education or designee;
 - (b) The executive director of the Education Professional Standards Board or designee;
 - (c) The president of the Council on Postsecondary Education or designee;
 - (d) The secretary of the Education and Workforce Development Cabinet or designee; and
 - (e) The executive director of the Kentucky Higher Education Assistance Authority.
- (3) The duties and functions of the board shall be to:
 - (a) Develop a detailed data access and use policy for requests that shall include but not be limited to the following:
 - 1. Direct access to data in the Kentucky Longitudinal Data System shall be restricted to authorized staff of the office;
 - 2. Data or information that may result in any individual or employer being identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the office; and
 - 3. The office may not release data or information if disclosure is prohibited under relevant federal or state privacy laws;
 - (b) Establish the research agenda of the office;
 - (c) Make nominations to the Governor for the appointment of an executive director;
 - (d) Oversee compliance by the office with the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state privacy laws;~~and~~
 - (e) ***Ensure that reports generated by the Office for Education and Workforce Statistics are distributed to appropriate personnel within the agencies represented by the board members; and***
 - (f) Provide general oversight of the office.
- (4) The secretary of the Education and Workforce Development Cabinet shall serve as chair of the board.

- (5) The board shall meet at least semiannually and at other times upon the call of the chair. The meetings shall be subject to the open meetings requirements of KRS 61.800 to 61.850 and 61.991.
- (6) The board may form committees, work groups, or advisory councils to accomplish its purposes.

➔Section 3. KRS 164.020 is amended to read as follows:

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;
- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;
- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;
- (6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;
- (7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;
- (8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;
- (9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;
- (10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;
- (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.

- (b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;
- (12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;
- (13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;
- (14) Establish course credit, transfer, and degree components as required in KRS 164.2951;
- (15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;
- (16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
 - (a) Consistency with the institution's mission and the strategic agenda;
 - (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
 - (c) Elimination of unnecessary duplication of programs within and among institutions; and
 - (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;
- (17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;
- (18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;
- (19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;
- (20) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;
- (21) Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028;
- (22) Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with

individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;

- (23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;
- (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Health and Welfare Committee;
- (25) Develop in cooperation with each state postsecondary educational institution a comprehensive orientation program for new members of the council and the governing boards. The orientation program shall include but not be limited to the information concerning the roles of the council, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget, plans, policies, strengths, and weaknesses;
- (26) Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;
- (27) Select and appoint a president of the council under KRS 164.013;
- (28) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;
- (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;
- (30) Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;
- (31) Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;
- (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;
- (33) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;
- (34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult population. The council shall:
 - (a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;
 - (b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
 - (c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
 - (d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in

conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and

- (e) Administer the adult education and literacy initiative fund created under KRS 164.041;
- (35) Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to ensure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis;
- (36) Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under KRS 158.6453(2)(j);~~and~~
- (37) *Cooperate with the Office for Education and Workforce Statistics and ensure the participation of the public institutions as required in Section 1 of this Act; and*
- (38) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

Signed by Governor April 7, 2014.

CHAPTER 27

(HB 133)

AN ACT relating to recreational vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. KRS CHAPTER 190A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this chapter:

- (1) *"Area of sales responsibility," in relation to new recreational vehicle dealers, means a geographical area agreed to by a new recreational vehicle dealer and the manufacturer in a dealer agreement in which the dealer has the exclusive right to display or sell the new recreational vehicles of a manufacturer of a particular line-make to the public;*
- (2) *"Dealer agreement" means a written agreement or contract entered into between a new recreational vehicle manufacturer and a new recreational vehicle dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer has the exclusive right to sell specific line-makes and models of the manufacturer's new recreational vehicles;*
- (3) *"Established place of business" shall not include tents, temporary stands, lots, or other temporary quarters but shall include the following:*
 - (a) *A paved or gravel lot for customer parking and for the showing and storage of recreational vehicles;*
 - (b) *An indoor office with public areas sufficient to conduct sales transactions with customers;*
 - (c) *Restroom facilities available to the public; and*
 - (d) *A service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs;*
- (4) *"Family member" means a spouse, child, grandchild, parent, sibling, niece or nephew, or the spouse thereof;*

- (5) *"New recreational vehicle dealer" means a recreational vehicle dealer who holds a valid dealer agreement, sales and service agreement, franchise, or contract granted by the manufacturer for the sale of the manufacturer's new recreational vehicles;*
- (6) *"Factory campaign" means an effort by a new recreational vehicle warrantor to contact recreational vehicle owners or recreational vehicle dealers in order to address an issue concerning a recreational vehicle problem, defective part, or equipment;*
- (7) *"Line-make" means a specific series of recreational vehicle products that:*
- (a) Are identified by a common series trade name or trademark;*
 - (b) Are targeted to a particular market segment based on the decor, features, equipment, size, weight, and price range;*
 - (c) Have dimensions and interior floor plans that distinguish the recreational vehicles from recreational vehicles that have substantially the same decor, features, equipment, weight, and price;*
 - (d) Belong to a single, distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction of the chassis, frame, and body; and*
 - (e) Are authorized for sale by the dealer in the dealer agreement;*
- (8) *"Manufacturer" means any person, partnership, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new recreational vehicles, or imports for distribution through distributors of new recreational vehicles, or any partnership, firm, association, joint venture, corporation, or trust, resident or nonresident, which is controlled by the manufacturer. Additionally, the term "manufacturer" shall include the following terms:*
- (a) "Distributor" means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new recreational vehicle to new recreational vehicle dealers, or who maintains factory representatives, or who controls any person, firm, association, corporation, or trust, resident or nonresident, or who in whole or in part offers for sale, sells, or distributes any new recreational vehicle to new recreational vehicle dealers;*
 - (b) "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling, or offering for sale, new recreational vehicles to a distributor, wholesaler, or new recreational vehicle dealer, or for directing or supervising, in whole or in part, factory representatives, and shall further include any sales promotion organization, whether it is a person, firm, or corporation, which is engaged in promoting the sale of new recreational vehicles in this state of a particular line-make to new recreational vehicle dealers; and*
 - (c) "Factory representative" means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting the sale of new recreational vehicles, or for supervising or contracting with dealers, or prospective dealers;*
- (9) *"Proprietary part" means a recreational vehicle part manufactured by or for a recreational vehicle manufacturer and sold exclusively by a recreational vehicle manufacturer;*
- (10) *"Recreational vehicle" means a vehicle that:*
- (a) Is primarily designed as temporary living quarters for noncommercial recreation or camping use;*
 - (b) Has its own motive power or is towed by another vehicle;*
 - (c) Is regulated by the National Highway Traffic Safety Administration as a vehicle; and*
 - (d) Does not require a special highway use permit;*
- The term "recreational vehicle" includes motor homes, travel trailers, fifth-wheel trailers, and folding camping trailers;*
- (11) *"Motor home" means a recreational vehicle built on a self-propelled motor vehicle chassis that must contain at least four (4) of the following permanently installed independent life support systems:*
- (a) A cooking facility with an onboard fuel source;*
 - (b) A potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;*

- (c) *A toilet with exterior evacuation;*
- (d) *A gas or electric refrigerator;*
- (e) *A heating or air conditioning system with an onboard power or fuel source separate from the vehicle engine; or*
- (f) *A 110-125 volt electric power supply;*
- (12) *"Travel trailer" means a recreational vehicle designed to be towed by a motorized vehicle;*
- (13) *"Fifth-wheel trailer" means a recreational vehicle designed to be towed by a motorized vehicle by means of a towing mechanism that is mounted above or forward of the tow vehicle's rear axle;*
- (14) *"Folding camping trailer" means a recreational vehicle constructed with partially collapsible side walls that fold for travel and unfold and extend in the set-up mode, which is designed to be towed by a motorized vehicle;*
- (15) *"New recreational vehicle" means a recreational vehicle that is in the possession of the manufacturer, distributor, or wholesaler, or has been sold to the holder of a valid dealer agreement, granted by the manufacturer, or distributor for the sale of the line-make of new recreational vehicle, and on which the original title has not been issued from the franchised dealer;*
- (16) *"Recreational vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new recreational vehicle for any new recreational vehicle dealer to any one (1) or more third parties;*
- (17) *"Supplier" means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicle parts, accessories, or components;*
- (18) *"Transient customer" means a person who is temporarily traveling through the area of sales responsibility of a recreational vehicle dealer; and*
- (19) *"Warrantor" means any person, firm, corporation, or business entity, including any manufacturer or supplier, which provides a written warranty to the consumer in connection with a new recreational vehicle or parts, accessories, or components thereof. The term does not include a person that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration by a dealer or other person not controlled by a warrantor.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *The Motor Vehicle Commission shall, under administrative regulations promulgated by it, issue the licenses provided for by KRS 190.010 to 190.080 to recreational vehicle dealers and manufacturers and shall have supervision over licensees in respect to this chapter and all the provisions of KRS 190.010 to 190.080 that are applicable to recreational vehicle manufacturers and dealers.*
- (2) *New recreational vehicle dealers shall also be subject to the provisions of KRS 190.090 to 190.140 and 190.270 to 190.320.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *The following conditions shall apply to the area of sales responsibility of a new recreational vehicle dealer included in a dealer agreement between a new recreational vehicle manufacturer and a dealer:*
 - (a) *A manufacturer or distributor shall not sell a recreational vehicle in this state to or through a dealer without first having entered into a written dealer agreement with a dealer which has been signed by both parties;*
 - (b) *The new recreational vehicle manufacturer shall designate in the dealer agreement the area of sales responsibility in which the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a line-make included in the dealer agreement;*
 - (c) *The manufacturer shall not contract with another dealer for the sale of the same line-make included in the designated area for the duration of the agreement; and*
 - (d) *The area of sales responsibility shall not be reviewed or changed without the consent of both parties until one (1) year after the execution of the dealer agreement.*

- (2) *A new recreational vehicle dealer shall not conduct sales activity or display for sale recreational vehicles outside of its designated area of sales responsibility except as provided in subsection (7) of Section 16 of this Act and the laws of this state.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *A recreational vehicle manufacturer, directly or through any officer, agent, or employee, may terminate or not renew a new recreational vehicle dealer's agreement with good cause.*
- (2) *A recreational vehicle manufacturer has the burden of showing good cause when terminating or not renewing a dealer agreement for cause. For the purpose of determining whether there is good cause for the proposed action, any of the following factors may be considered:*
- (a) *The extent of the penetration of the dealer in the area of sales responsibility;*
 - (b) *The extent and quality of the service of the dealer under recreational vehicle warranties;*
 - (c) *The nature and extent of the investment of the dealer in the business of the dealer;*
 - (d) *The adequacy of the service facilities, equipment, parts, supplies, and personnel of the dealer;*
 - (e) *The effect of the proposed action on the community;*
 - (f) *Whether the dealer fails to follow agreed-upon procedures or standards related to the overall operation of the dealership; and*
 - (g) *The performance by the dealer under the terms of the dealer agreement.*
- (3) *Except as provided in paragraph (c) or (d) of this subsection, the manufacturer shall provide written notice at least ninety (90) days before the effective date of the termination or nonrenewal of the dealer agreement in the event the dealer is being terminated for good cause.*
- (a) *The notice shall state all of the reasons for the termination or nonrenewal of the dealer agreement;*
 - (b) *The notice shall state that if the dealer provides to the manufacturer within thirty (30) days after the dealer receives the original notice a written notification of the intent of the dealer to cure all claimed deficiencies, the dealer shall have ninety (90) days from the receipt of the original notice to correct the claimed deficiencies. If all of the deficiencies are corrected within the ninety (90) day time period, the notice shall be deemed void and the manufacturer shall not terminate or not renew the dealer agreement because of the claimed deficiencies stated in the notice. If the dealer does not provide a notification of intent to cure deficiencies within the thirty (30) day time period, the termination or nonrenewal of the dealer agreement shall take effect thirty (30) days from the dealer's receipt of the original notice;*
 - (c) *A manufacturer may reduce the notice period of this subsection from ninety (90) days to thirty (30) days if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer are any of the following factors:*
 - 1. *A conviction of a felony or a plea of guilty or nolo contendere to a felony by a dealer or an owner of a dealership of a crime that was committed during the time frame of the current dealer agreement; provided there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;*
 - 2. *The abandonment or closing of the business operations of the dealer for ten (10) consecutive business days without contacting the manufacturer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;*
 - 3. *A misrepresentation to the manufacturer by the dealer that materially affects the business relationship between the dealer and the manufacturer;*
 - 4. *A suspension or revocation of the dealer's license, or refusal to renew the dealer's license, by the Motor Vehicle Commission; or*
 - 5. *A material violation of this chapter which is not cured within thirty (30) days after the written notice by the manufacturer;*

- (d) *A manufacturer shall not be required to provide notice or an opportunity to correct deficiencies under this subsection if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer include one (1) of the following:*
1. *The dealer becomes insolvent;*
 2. *The dealer is bankrupt; or*
 3. *The dealer makes an assignment for the benefit of creditors.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *A new recreational vehicle dealer may terminate a dealer agreement with a recreational vehicle manufacturer with or without good cause. If the dealer terminates or does not renew the dealer agreement with good cause, the manufacturer shall comply with the provisions of subsection (5) of this section. If the dealer terminates or does not renew the dealer agreement without good cause, the provisions of subsection (5) of this section shall not apply. A dealer that terminates a dealer agreement for good cause shall provide the manufacturer with written notice at least ninety (90) days prior to the effective date of the termination of the dealer agreement.*
- (2) *All of the following conditions shall apply to a termination of a dealer agreement under this section for good cause:*
- (a) *The notice described in subsection (1) of this section shall state all reasons for the proposed termination; and*
 - (b) *The notice described in subsection (1) of this section shall state that if the manufacturer provides to the dealer within thirty (30) days after the manufacturer receives the notice of termination a written notification of intent to cure all claimed deficiencies, the manufacturer shall have ninety (90) days after the manufacturer's receipt of the original notice to correct the deficiencies. If all of the deficiencies are corrected within the ninety (90) day period, the notice shall be deemed void and the dealer shall not terminate the dealer agreement because of the claimed deficiencies stated in the notice. If the manufacturer does not provide a notification of intent to cure deficiencies within thirty (30) days of receiving the original notice, the termination shall take effect thirty (30) days from the manufacturer's receipt of the original notice.*
- (3) *The dealer has the burden of showing good cause. Any of the following factors shall be considered good cause for the proposed termination of a dealer agreement by a dealer:*
- (a) *A conviction of a felony or a plea of guilty or nolo contendere to a felony by a manufacturer of a crime that was committed during the time frame of the current dealer agreement; provided there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into the dealer agreement;*
 - (b) *Abandonment or permanent closing of the business operations of the manufacturer for ten (10) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control;*
 - (c) *A misrepresentation to the dealer by the manufacturer that materially affects the business relationship between the dealer and manufacturer;*
 - (d) *A material violation of any of the provisions of this chapter by the manufacturer;*
 - (e) *A material breach of the dealer agreement by the manufacturer; or*
 - (f) *The manufacturer becomes insolvent, is bankrupt, or makes an assignment for the benefit of the creditors.*
- (4) *A dealer is not required to provide notice or an opportunity to correct deficiencies under this section if the grounds for termination or nonrenewal of the dealer agreement by the dealer includes one (1) of the following:*
- (a) *The manufacturer becomes insolvent;*
 - (b) *The manufacturer is bankrupt; or*
 - (c) *The manufacturer makes an assignment for the benefit of creditors.*

(5) *If the manufacturer fails to provide the notice of intent to cure or fails to cure any claimed deficiencies pursuant to subsection (2) of this section, the manufacturer shall, at the election of the dealer and within forty-five (45) days after termination or nonrenewal, repurchase as follows:*

- (a) *All new, untitled recreational vehicles that were acquired from the manufacturer within the twelve (12) months prior to the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes, and that have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer. In the event any of the vehicles repurchased pursuant to this paragraph are damaged, but do not trigger a consumer disclosure requirement, the amount due the dealer shall be reduced by the cost to repair the vehicle. Damage prior to delivery to the dealer that is disclosed at the time of delivery shall not disqualify repurchase of that vehicle under this section;*
- (b) *All current and undamaged accessories and proprietary parts sold to the dealer for resale by the manufacturer or distributor within the twelve (12) months prior to the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and*
- (c) *Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery at one hundred percent (100%) of the dealer's net cost plus freight, destination, delivery, and distribution charges and sales taxes, if any, shall be repurchased if it was purchased by the dealer upon the manufacturer's request within five (5) years before termination, cancellation, or nonrenewal, and it can no longer be used in the normal course of the dealers' ongoing business. The manufacturer or distributor shall pay the dealer within thirty (30) days after receipt of the returned items.*

(6) *The dealer shall show clear title to vehicle inventory and promptly return or arrange for the return of all the items the manufacturer is required to repurchase under subsection (5) of this section at the expense of the manufacturer.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

The Motor Vehicle Commission shall not prohibit a new recreational vehicle dealer from selling the remaining in-stock recreational vehicles of a line-make subject to a dealer agreement after that dealer agreement has been terminated or not renewed pursuant to the provisions of Section 4 or 5 of this Act. If recreational vehicles of a line-make that was subject to a terminated dealer agreement are not repurchased or required to be repurchased by the manufacturer, the dealer may continue to sell all recreational vehicles that were subject to the terminated dealer agreement and were in the dealer's inventory on the effective date of the termination until those recreational vehicles are no longer in the dealer's inventory.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

(1) *All of the following conditions shall apply to a proposed sale of the business assets, transfer of stock, or other transaction that will result in a change of ownership of a new recreational vehicle dealer, except a transaction described in subsection (2) of this section:*

- (a) *The dealer shall provide written notice to the manufacturer at least ninety (90) days prior to the proposed closing of the transaction;*
- (b) *If the dealer is not in breach of the dealer agreement or in violation of the provisions of this chapter at the time the dealer provides the notice described in paragraph (a) of this subsection, the manufacturer shall not object to the proposed transaction, unless:*
 - 1. *The prospective transferee was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated;*
 - 2. *In the proceeding ten (10) years, the prospective transferee was convicted of a felony crime or any crime of fraud, deceit, or moral turpitude;*
 - 3. *The prospective transferee does not have an application for a recreational vehicle dealer license pending with the Motor Vehicle Commission or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state relative to the sale or transfer of the dealership;*

4. *The prospective transferee does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement; or*
5. *In the preceding ten (10) years, the prospective transferee was bankrupt or insolvent, made a general assignment for the benefit of creditors, or a receiver, trustee, or conservator was appointed to take possession of the business or property of the prospective transferee;*
- (c) *If the manufacturer objects to the proposed transaction, the manufacturer shall give written notice of its objection including the reasons for the objection to the dealer within thirty (30) days after receiving the notice described in paragraph (a) of this subsection. If the manufacturer does not give notice of an objection within the thirty (30) day time period, the proposed transaction shall be considered approved by the manufacturer; and*
- (d) *For purposes of paragraph (c) of this subsection, the manufacturer has the burden of demonstrating why the manufacturer objects to the proposed transaction.*
- (2) *All of the following conditions apply concerning the death, incapacity, or retirement of the designated principal of a dealer:*
 - (a) *A dealer agreement shall include a designated principal of the dealer. A dealer agreement may identify a family member as the successor to the principal in the event of the death, incapacity, or retirement of the designated principal or include a succession plan of the dealer. A dealer may at any time change a designation or succession plan by providing written notice to the manufacturer;*
 - (b) *The manufacturer shall not prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal of that dealer unless the manufacturer previously provided written notice to the dealer of any objections to the succession plan of the dealer within thirty (30) days after receiving the succession plan of the dealer or any modification of the succession plan of the dealer;*
 - (c) *Except as provided in paragraph (e) of this subsection, unless the dealer is in breach of the dealer agreement, a manufacturer shall not object to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal, unless:*
 1. *In the preceding ten (10) years, the successor was convicted of a felony crime or any crime of fraud, deceit, or moral turpitude;*
 2. *In the preceding ten (10) years, the successor was bankrupt, insolvent, or made an assignment for the benefit of creditors;*
 3. *The successor was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated for a breach of a dealer agreement;*
 4. *The successor does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement; or*
 5. *The successor does not have an application for a recreational vehicle dealer license pending before the Motor Vehicle Commission or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state;*
 - (d) *The manufacturer has the burden of proof regarding any objection to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal; and*
 - (e) *The consent of the manufacturer shall be required for the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal if the succession involves a relocation of the business or an alteration of the terms and conditions of the dealer agreement.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *A warrantor has all the following obligations to each new recreational vehicle dealer engaged in the sale of products that are covered by a warranty from that warrantor:*
 - (a) *To specify in writing to the dealer the obligations of the dealer, if any, for preparation, delivery, and warranty service on its products;*
 - (b) *To compensate the dealer for warranty service required of the dealer by the warrantor;*

- (c) *To provide the dealer with a schedule of compensation the warrantor will pay for warranty work and service, and the time allowances of the warrantor for the performance of that work and service. All of the following conditions apply to the schedule of compensation required under this paragraph:*
 - 1. *Time allowances for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed;*
 - 2. *In the determination of what constitutes reasonable compensation under this section, the principal factors to be considered are the actual wage rates paid by the dealer, and the actual retail labor rate charged by dealers in the community in which the dealer is doing business; and*
 - 3. *The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like non-warranty labor, as long as those rates are reasonable;*
- (d) *To reimburse the dealer for any warranty part, accessory, or complete component at actual wholesale cost plus a minimum thirty percent (30%) handling charge up to a maximum of one hundred fifty dollars (\$150) and the cost, if any, of freight to return such parts, components, or accessories to the warrantor; and*
- (e) *To deny dealer claims for warranty compensation only for cause, including but not limited to performance of nonwarranty repairs, material noncompliance with the published policies and procedures of the warrantor, lack of material documentation of claims, fraud, or misrepresentation.*
- (2) *A warrantor may conduct audits of the records of a dealer that sells its warranted products on a reasonable basis.*
- (3) *A dealer shall submit warranty claims to a warrantor within forty-five (45) days after completing all warranty work on a warranted product.*
- (4) *A dealer is not obligated to store defective warranty parts for more than thirty (30) days from the time the warranty work is paid by the warrantor, if the defective parts, components, or accessories are not immediately returned to the warrantor.*
- (5) *A dealer shall immediately notify the warrantor in writing if the dealer is unable to perform any warranty repair within ten (10) days of receipt of a written complaint from a consumer.*
- (6) *A warrantor shall approve or disapprove a warranty claim on a warranted product in writing within thirty (30) days after the date the dealer submits the claim, if the claim is submitted in the manner and in the form prescribed by the warrantor. If a claim that is properly submitted is not specifically disapproved in writing by a warrantor within the thirty (30) day time period, the claim shall be considered approved by the warrantor, and the warrantor shall pay the amount of the claim to the dealer within sixty (60) days after the dealer submitted the claim.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section and Section 8 of this Act:*
 - (a) *"Products" means new recreational vehicles or parts, accessories, or components of new recreational vehicles; and*
 - (b) *"Warranted products" means products subject to a written warranty to the consumer from a specific warrantor.*
- (2) *A warrantor shall not do any of the following:*
 - (a) *Fail to perform all of its warranty obligations with respect to a warranted product;*
 - (b) *In any written notice of a factory campaign to recreational vehicle owners and dealers, fail to include the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, if required, will be available to the dealer to perform the factory campaign work. The warrantor shall provide sufficient parts to the dealer to perform the factory campaign work. If the number of parts provided to the dealer pursuant to this paragraph exceeds the requirements of the dealer to perform the factory campaign work, the dealer may return unused, undamaged, parts to the warrantor for credit after completion of the factory campaign;*

- (c) *Subject to the provisions of Section 8 of this Act, fail to compensate a dealer for authorized repairs of warranted products damaged during the manufacturing process or damaged while in transit to the dealer if the warrantor selected the carrier;*
- (d) *Fail to compensate a dealer for authorized warranty service under this section in accordance with the applicable schedule of compensation provided to the dealer pursuant to Section 8 of this Act if the warranty service is performed in a timely and competent manner;*
- (e) *Intentionally misrepresent in any way to a purchaser of a warranted product that any warranty concerning the manufacture, performance, or design of the warranted product is made by the dealer either as a warrantor or co-warrantor; or*
- (f) *Require a dealer to make warranties to customers in any manner related to the manufacture of a warranted product.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

A recreational vehicle dealer shall not do any of the following:

- (1) *Fail to perform any warranty service work authorized by a warrantor in a reasonably competent and timely manner if a transient customer requests service work on a recreational vehicle of a line-make that the dealer is authorized to display and sell;*
- (2) *Make a fraudulent warranty claim to a warrantor;*
- (3) *Misrepresent the terms of any warranty;*
- (4) *Fail to perform any pre-delivery inspection functions as specified by the warrantor in a competent and timely manner;*
- (5) *Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single recreational vehicle, and the number of repair attempts for the same repair conducted on a single recreational vehicle;*
- (6) *Fail to notify the warrantor within ten (10) days subsequent to the second repair attempt on a defect which impairs the use, value, or safety of a recreational vehicle; or*
- (7) *Fail to maintain written records, including a customer's signature, regarding the amount of time a recreational vehicle is stored for the consumer's convenience during a repair.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

Notwithstanding the terms of any manufacturer-dealer agreement, it is a violation of this chapter for:

- (1) *A warrantor to fail to indemnify and hold harmless its new recreational vehicle dealer against any losses or damages to the extent that the losses or damages are caused by the negligence or willful misconduct of the warrantor. A new recreational vehicle dealer may not be denied indemnification for failing to discover, disclose, or remedy a defect in the design or manufacturing of a new recreational vehicle. A new recreational vehicle dealer may be denied indemnification if the new recreational vehicle dealer fails to remedy a known and announced defect in accordance with the written instructions of a warrantor for whom the new recreational vehicle dealer is obligated to perform warranty service. A new recreational vehicle dealer shall provide to a warrantor a copy of any pending lawsuit in which allegations are made that are covered by the provisions of this subsection within ten (10) days after receiving such suit. Notwithstanding anything to the contrary, this paragraph shall continue to apply even after the new recreational vehicle is titled; or*
- (2) *A new recreational vehicle dealer to fail to indemnify and hold harmless its warrantor against any losses or damages to the extent that the losses or damages are caused by the negligence or willful misconduct of the new recreational vehicle dealer. A warrantor shall provide to a new recreational vehicle dealer a copy of any pending lawsuit or similar proceeding in which allegations are made that come within the provisions of this subsection within ten (10) days after receiving such suit. Notwithstanding anything to the contrary, this paragraph shall continue to apply even after the new recreational vehicle is titled.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *All of the following conditions apply if a new recreational vehicle is damaged before it is shipped to a dealer, or is damaged in transit to the dealer and the manufacturer selected the carrier or means of transportation:*

- (a) *The dealer shall notify the manufacturer of the damage within the time period specified in the dealer agreement and do one of the following:*
 - 1. *In the notice, request authorization from the manufacturer to replace the components, parts, and accessories damaged, or otherwise correct the damage; or*
 - 2. *Reject the recreational vehicle within the time period specified in the dealer agreement;*
 - (b) *If the manufacturer refuses or fails to authorize repair of the damage within ten (10) days after receiving notice under paragraph (a) of this subsection or if the dealer rejects the recreational vehicle because of the damage within the time period specified in the dealer agreement, ownership of the recreational vehicle reverts to the manufacturer; and*
 - (c) *The dealer shall exercise due care in the custody of the damaged recreational vehicle; provided, the dealer shall have no financial or other obligation with respect to that recreational vehicle.*
- (2) *A dealer agreement shall include a time period for inspection and rejection of damaged recreational vehicles under subsection (1) of this section that is not less than two (2) business days after the physical delivery of the recreational vehicles to the dealer.*
 - (3) *If the number of miles on the odometer of the recreational vehicle is more than the sum of the distance between the dealer and the factory of the manufacturer or point of distribution plus one hundred (100) miles, the dealer may consider the number of miles on the odometer unreasonable for purposes of this subsection. If a dealer determines that a new recreational vehicle has an unreasonable number of miles on the odometer at the time the recreational vehicle is delivered to the dealer, the dealer may reject the recreational vehicle and the ownership of the recreational vehicle shall revert to the manufacturer.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, the term "coerce" includes but is not limited to:*
 - (a) *Threatening to terminate or not renew a dealer agreement without good cause; and*
 - (b) *Threatening to withhold line-makes or other product lines the dealer is entitled to display and sell under the dealer agreement or delay delivery of recreational vehicles as an inducement to amend the dealer agreement.*
- (2) *A recreational vehicle manufacturer shall not coerce or attempt to coerce a dealer to purchase a product or service that the dealer did not order.*
- (3) *A recreational vehicle manufacturer shall not coerce a dealer to enter into any agreement with the manufacturer.*
- (4) *A recreational vehicle manufacturer shall not coerce or attempt to coerce a dealer to enter into an agreement with the manufacturer or any other person that requires the dealer to submit any disputes by the dealer to binding arbitration or otherwise waive the rights or responsibilities of the dealer under the provisions of this chapter.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 190A IS CREATED TO READ AS FOLLOWS:

Any person who violates or causes, aids, or abets any violation of any provision of this chapter shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or imprisoned for not more than thirty (30) days, or both.

➔Section 15. KRS 190.010 is amended to read as follows:

As used in this chapter:

- (1) "Manufacturer" means any person, partnership, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new motor vehicles, or imports for distribution through distributors of new motor vehicles, or any partnership, firm, association, joint venture, corporation, or trust, resident or nonresident, which is controlled by the manufacturer. Additionally, the term "manufacturer" shall include the following terms:
 - (a) "Distributor" which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers, or who maintains factory representatives, or who controls any person, firm, association,

corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers;

- (b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling, or offering for sale, new motor vehicles to a distributor, wholesaler, or new motor vehicle dealer, or for directing or supervising, in whole or in part, factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new motor vehicles in this state of a particular brand or make to new motor vehicle dealers;
 - (c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their new motor vehicles, or for supervising or contracting with his, its, or their dealers, or prospective dealers;
 - (d) "Distributor branch" which means a branch office similarly maintained by a distributor or wholesaler for the same purposes; and
 - (e) "Distributor representative" which means a representative similarly employed by a distributor, distributor branch, or wholesaler;
- (2) "Motor vehicle dealer" means any person not excluded by subsection (3) of this section, engaged in the business of selling, offering to sell, soliciting, or advertising the same, of new or used motor vehicles, or possessing motor vehicles for the purpose of resale, either on his own account, or on behalf of another, either as his primary business or incidental thereto;
- (3) The term "motor vehicle dealer" shall not include:
- (a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court, and any bank, trust company, or lending institution that is subject to state or federal regulation, with regard to its disposition of repossessed motor vehicles;
 - (b) Public officers while performing their official duties; or
 - (c) Employees of persons enumerated in paragraphs (a) and (b) of this subsection, when engaged in the specific performance of their duties as employees;
- (4) "New motor vehicle dealer" means a vehicle dealer who holds a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of the manufacturer's new motor vehicles;
- (5) "New motor vehicle dealership facility" means an established place of business which is being used or will be used primarily for the purpose of selling, buying, displaying, repairing, and servicing motor vehicles;
- (6) "Used motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in used motor vehicles, but shall not mean any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing his official duties;
- (7) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, or other contractual arrangement under which a charge is made for its use at a periodic rate for at least a monthly term, and title to the motor vehicle is in a person other than the user, but shall not mean a manufacturer or its affiliate leasing to its employees or to dealers;
- (8) "Restricted motor vehicle dealer" means a motor vehicle dealer who exclusively sells, offers to sell, solicits, or advertises specialized motor vehicles including, but not limited to, funeral coaches, emergency vehicles, and an automotive recycling dealer engaged in the business of dismantling, salvaging, or recycling salvage motor vehicles for the purpose of harvesting used parts, components, assemblies, and recyclable materials for resale, reuse, or reclamation;
- (9) "Motorcycle dealer" means a motor vehicle dealer who exclusively sells, offers to sell, solicits, or advertises motorcycles, including alternative-speed motorcycles as defined in KRS 186.010. Motorcycles shall not include mopeds as defined in this section;
- (10) "Motor vehicle salesperson" means any person who is employed as a salesperson by a motor vehicle dealer to sell motor vehicles, or who is employed as an auctioneer by a motor vehicle auction dealer to sell motor vehicles at auction;

- (11) "Motor vehicle auction dealer" means any person primarily engaged in the business of offering, negotiating, or attempting to negotiate a sale, purchase, or exchange of a motor vehicle through auction;
- (12) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways that is self-propelled including low-speed motor vehicles as defined in KRS 186.010, but shall not include ***any recreational vehicle*** or farm tractors and other machines and tools used in the production, harvesting, and care of farm products;
- (13) "New motor vehicle" means a vehicle that is in the possession of the manufacturer, distributor, or wholesaler, or has been sold to the holders of a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of the make of new vehicle, which is new, and on which the original title has not been issued from the franchised dealer;
- (14) "Moped" means a motorized bicycle with pedals whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank, or a motorized bicycle with pedals and with a step through type frame rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;
- (15) "Commission" means the Motor Vehicle Commission;
- (16) "Commissioner" means the commissioner of the department;
- (17) "Department" means the Department of Vehicle Regulation;
- (18) "Licensor" means the commission;
- (19) "Established place of business" means a permanent, enclosed commercial building located within this state, easily accessible and open to the public at all reasonable times, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning, and other land use regulatory ordinances;
- (20) "Person" means a person, partnership, firm, corporation, association, trust, estate, or other legal entity;
- (21) "Franchise" means the agreement or contract between any new motor vehicle manufacturer, written or otherwise, and any new motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to an agreement or contract, and pursuant to which the dealer purchases and resells the franchise product;
- (22) "Good faith" means honesty in fact, and the observance of reasonable commercial standards of fair dealing in the trade, as is defined and interpreted in KRS 355.2-103(1)(b);
- (23) "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a dealer who, in the case of a deceased dealer, is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's will; or who has otherwise been designated in writing by a deceased dealer to succeed him in the motor vehicle dealership; or who, under the laws of intestate succession of this state is entitled to inherit the interest; or who, in the case of an incapacitated dealer, has been appointed by a court as the legal representative of the dealer's property. The term includes the appointed and qualified personal representative and testamentary trustee of a deceased dealer;
- (24) "Fraud" means a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made in good faith; or an intentional failure to disclose material fact;
- (25) "Sale" means the issuance, transfer, agreement for transfer, exchange, lease, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest in it, or of any franchise related to it, as well as any option, subscription, other contract, or solicitation looking to a sale, offer to attempt to sell in any form, whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto, with or as a bonus on account of the sale of anything, shall be deemed a sale of the motor vehicle or franchise;
- (26) "Automotive mobility dealer" means any motor vehicle dealer who:
 - (a) Exclusively engages in the business of selling, offering to sell, or soliciting or advertising the sale of adapted vehicles;
 - (b) Possesses adapted vehicles exclusively for the purpose of resale, either on his or her own account or on behalf of another, as his or her primary business or incidental thereto; or

- (c) Engages in the business of selling, installing, or servicing; offering to sell, install, or service; or soliciting or advertising the sale, installation, or servicing of equipment or modifications specifically designed to facilitate use or operation of a motor vehicle by an aging or disabled person;
- (27) "Adapted vehicle" means a new or used motor vehicle especially designed or modified for use by an aging or disabled person;
- (28) "Mobility equipment" means equipment specifically designed to facilitate the use of a motor vehicle by an aging or disabled person;
- (29) "Nonprofit motor vehicle dealer" means a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code that purchases motor vehicles that it may offer for purchase to clients and other individuals who meet the definition of client as defined in this section and who are referred to the organization by public or private social service agencies;~~and~~
- (30) "Client" means a person who has an open case file with a nonprofit organization or governmental agency and who meets the standards for disability or disadvantaging condition as established in administrative regulations promulgated by the commission pursuant to KRS 190.032(4);
- (31) ***"Recreational vehicle" means a vehicle that:***
 - (a) ***Is primarily designed as temporary living quarters for noncommercial recreation or camping use;***
 - (b) ***Has its own motive power or is towed by another vehicle;***
 - (c) ***Is regulated by the National Highway Traffic Safety Administration as a vehicle; and***
 - (d) ***Does not require a special highway use permit; and***
- (32) ***"New recreational vehicle dealer" means a new recreational vehicle dealer as defined in Section 1 of this Act.***

➔Section 16. KRS 190.030 is amended to read as follows:

- (1) A motor vehicle dealer, new, used, or auction motor vehicle dealer, nonprofit motor vehicle dealer, motor vehicle leasing dealer, restricted motor vehicle dealer, motorcycle dealer, broker, wholesaler, automotive recycling dealer, ***new recreational vehicle dealer,***~~or~~ a salesperson of motor vehicles, ***or a salesperson of new recreational vehicles*** shall not engage in business in this state at any location without a license issued for that location as provided in KRS 190.010 to 190.080. If a person acts as a motor vehicle salesperson ***or a new recreational vehicle salesperson,*** he shall secure a motor vehicle salesperson's license ***or a new recreational vehicle salesperson's license*** in addition to a license for a motor vehicle dealer ***or for a new recreational vehicle dealer.*** The motor vehicle commission may provide by administrative regulation for other licensee activities and an appropriate fee.
- (2) A manufacturer of motor vehicles, ***recreational vehicles,*** factory branch, distributor, distributor branch, or wholesaler shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.
- (3) A factory representative or distributor representative shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.
- (4) Application for license shall be made to the licensor, at a time, in a form, and containing information the licensor shall require and shall be accompanied by the required fee. The licensor may require in the application, or otherwise, information relating to the applicant's solvency, his financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business. The information may be considered by the licensor in determining the fitness of the applicant to engage in business as set forth in this section.
- (5) All licenses shall be granted or refused within thirty (30) days after submission of a complete application and shall expire, unless revoked or suspended, on December 31 of the calendar year for which they are granted. If a complaint of unfair cancellation of dealer franchise is in the process of being heard, a replacement application for the franchise shall not be considered until a decision is rendered by the commission.
- (6) The license fee for a calendar year, or part thereof, shall be as follows:
 - (a) For new motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof, plus one hundred dollars (\$100) for a supplemental license for each used car lot not immediately adjacent to the office or to a branch;

- (b) For used motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (c) For motor vehicle leasing dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (d) For restricted motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (e) For motorcycle dealers, one hundred dollars (\$100) for each office, branch, or agent thereof;
 - (f) For motor vehicle manufacturers, one hundred dollars (\$100); and for each factory branch in this state, one hundred dollars (\$100);
 - (g) For distributors, motor vehicle auction dealers or wholesalers, the same as for dealers;
 - (h) For motor vehicle *or recreational vehicle* salespersons, twenty dollars (\$20), to be paid by the licensed dealer for every salesperson the dealer employs;
 - (i) For factory representatives, or distributor branch representatives, one hundred dollars (\$100);
 - (j) For automotive mobility dealers, one hundred dollars (\$100);
 - (k) For nonprofit motor vehicle dealers, one hundred dollars (\$100);~~and~~
 - (l) For nonprofit motor vehicle dealer salespersons, a license fee shall not be imposed;
 - (m) For recreational vehicle manufacturers or distributors, one hundred dollars (\$100); and**
 - (n) For new recreational vehicle dealers, one hundred dollars (\$100).**
- (7) (a) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and shall be conspicuously displayed there. If the location is changed, the licensor shall endorse the change of location on the license. A licensee shall not be charged a fee for changing locations. A change of location shall require a new application.
- (b) 1. A *motor vehicle dealer who is not a new motor vehicle dealer*~~licensee~~ may conduct a temporary sale or display *in the county where the dealer is licensed to conduct business.*
2. *A new motor vehicle dealer may conduct a temporary sale or display in the dealer's market as defined in KRS 190.047(6).*
3. *A recreational vehicle dealer may conduct a temporary sale or display in the county where the dealer is licensed to conduct business or in any other county where there is no licensed recreational vehicle dealer.*
- (c) *A temporary sale or display may be conducted under paragraph (b) of this section* if the temporary sale or display is permitted under an enabling ordinance enacted by the city, county, urban-county, or consolidated local government within whose boundaries the temporary sale or display is to be conducted. A temporary sale or display shall be advertised as temporary in nature and shall consist of a representative sampling of the inventory of each participating licensee.
- (d) The provisions of this subsection shall not apply to a nonprofit motor vehicle dealer.
- (8) Every salesperson, factory representative, or distributor representative shall carry his license when engaged in business, and display it upon request. The license shall name his employer; and in case of a change of employer, the salesperson shall immediately mail his license to the licensor who shall endorse the change on the license without charge.
- (9) If the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute, the licensor may require the applicant or licensee to furnish and maintain a bond in a form, amount and with sureties not less than fifteen thousand dollars (\$15,000), conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee. The bonds shall be executed in the name of the State of Kentucky for the benefit of any aggrieved parties, but the penalty of the bond shall not be invoked except after a court adjudication. The commission may promulgate administrative regulations to permit the applicant to submit evidence, in lieu of posting bond, that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a bond complying with this subsection, for payment on conditions and indemnity set forth in this subsection. The bonding requirements of this subsection shall not apply to manufacturers, factory branches, and their agents.

- (10) Application for dealer's license shall be submitted to the commission and contain information the commission may require. A motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall not be permitted to register, receive, or use any motor vehicle registration plates.
- (11) Every motor vehicle dealer *or new recreational vehicle dealer* licensed in accordance with the provisions of this section shall make reports to the licensor at intervals and show information the licensor may require.

➔Section 17. KRS 190.033 is amended to read as follows:

A motor vehicle dealer's license, *new recreational vehicle dealer's license*, motor vehicle auction dealer's license, or wholesaler's license shall not be issued or renewed unless the applicant or holder of the license shall have on file with the commission an approved indemnifying bond or insurance policy issued by a surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until canceled under proper notice. All bonds or policies shall be issued in the name of the holder or applicant for the dealer's license or wholesaler's license. The bond or policy for all dealers except automotive recycling dealers shall provide public liability and property damage coverage for the operation of any vehicle owned or being offered for sale by the dealer or wholesaler when being operated by the owner or seller, his agents, servants, employees, prospective customers, or other persons. In circumstances where a customer's or other person's vehicle is out of use because of breakdown, repair, or servicing and a motor vehicle is loaned, with or without consideration, the coverage mandated by this section shall be in excess of, and be deemed secondary to, the collision, bodily injury, and property damage liability coverage under a customer's or other person's own coverage for that person's own negligence; otherwise the coverage mandated by this section shall be primary. The amount of insurance shall be one hundred thousand dollars (\$100,000) for bodily injury or death of any one (1) person; three hundred thousand dollars (\$300,000) for bodily injury or death in any one (1) accident; and fifty thousand dollars (\$50,000) property damage. The bond or policy for automotive recycling dealers shall provide commercial general liability coverage in the amount of one hundred thousand dollars (\$100,000) for bodily injury or death of any one (1) person; three hundred thousand dollars (\$300,000) for bodily injury or death in any one (1) accident; and fifty thousand dollars (\$50,000) property damage. A bond or insurance policy shall not be canceled unless fifteen (15) days' notice by the bondsman or insurance carrier has been given in writing to the commission. Upon the cancellation of any bond or insurance policy required, the right to engage in the business of a motor vehicle dealer or wholesaler shall immediately abate. If the bond or insurance policy is reinstated within thirty (30) days from the date of cancellation, the rights granted by the license shall again be in force and effect; otherwise, the license shall become void.

➔Section 18. KRS 190.035 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, a license shall not be issued by the commission for the purposes described in KRS 190.030(1) and to motor vehicle dealers *or new recreational vehicle dealers*, either as dealer or salesman, unless the applicant for the license has an established place of business as defined in KRS 190.010, *or for recreational vehicles as defined in Section 1 of this Act*, and as provided by regulation of the commission consistent with the activity of the license applied for. A licensee may conduct more than one (1) business in a building otherwise meeting the requirements of this chapter providing he has suitable space and adequate facilities therein to properly conduct the business of a motor vehicle dealer. The lot requirement of this section may be waived if the dealer has sufficient space within a building to properly show and display the motor vehicles *or new recreational vehicles* being sold by him. The dealer shall display a sign easily visible from the street identifying his business.
- (2) The provisions of this section shall not apply to a nonprofit motor vehicle dealer.

➔Section 19. KRS 190.040 is amended to read as follows:

- (1) A license may be denied, suspended, or revoked on the following grounds:
 - (a) Proof of financial or moral unfitness of applicant;
 - (b) Material misstatement in application for license;
 - (c) Filing a materially false or fraudulent tax return as certified by the Department of Revenue;
 - (d) Willful failure to comply with any provision of this chapter or any administrative regulation promulgated under this chapter;
 - (e) Willfully defrauding any retail buyer to the buyer's damage;
 - (f) Willful failure to perform any written agreement with any buyer;

- (g) Failure or refusal to furnish and keep in force any bond required;
 - (h) Having made a fraudulent sale, transaction, or repossession;
 - (i) False or misleading advertising;
 - (j) Fraudulent misrepresentation, circumvention, or concealment through subterfuge or device of any of the material particulars or the nature of them required to be stated or furnished to the retail buyer;
 - (k) Employment of fraudulent devices, methods, or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of goods;
 - (l) Having violated any law relating to the sale, distribution, or financing of motor vehicles *or new recreational vehicles*;
 - (m) Being a manufacturer of motor vehicles, *recreational vehicles*, factory branch, distributor, field representative, officer, agent, or any representative of the motor vehicle manufacturer, *recreational vehicle manufacturer*, or factory branch, who has induced, coerced, or attempted to induce or coerce any automobile dealer *or new recreational vehicle dealer* to accept delivery of any motor vehicle, *new recreational vehicle*, vehicles, parts, accessories, or any other commodities that shall not have been ordered by the dealer;
 - (n) Being a manufacturer of motor vehicles, *recreational vehicles*, factory branch, distributor, field representative, officer, agent, or any representative of a motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any ~~automobile~~ dealer to enter into any agreement with a manufacturer, factory branch, or representative, or to do any other act unfair to the dealer, by threatening to cancel any franchise existing between a manufacturer, factory branch, or representative and the dealer;
 - (o) Being a manufacturer, factory branch, distributor, field representative, officer, agent, or any representative of a motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of the dealer and without just provocation, canceled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation;
 - (p) Being a manufacturer, factory branch, distributor, field representative, officer, agent, or any representative of a motor vehicle manufacturer, *recreational vehicle manufacturer*, or factory branch, or wholesaler who makes, attempts to make, or aids or abets the making of a sale of a motor vehicle *or a new recreational vehicle* to a person other than a licensed motor vehicle dealer *or new recreational vehicle dealer*. This section shall not prevent any manufacturer from offering discounts or rebates on any motor vehicle *or new recreational vehicle* to any of its employees; or
 - (q) Being a dealer who advertises for sale a new motor vehicle *or new recreational vehicle* unless he is a dealer operating under a franchise with a licensed manufacturer, factory branch, or distributor authorizing the sale of the new motor vehicle *or the new recreational vehicle* being advertised.
- (2) The licensor may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for denial. Upon request by the applicant whose license has been denied, the licensor shall set the time and place of hearing a review of denial, to be conducted in accordance with KRS Chapter 13B.
 - (3) A license shall not be suspended or revoked except after a hearing conducted in accordance with KRS Chapter 13B.
 - (4) The commission may inspect the pertinent books, letters, records, and contracts of a licensee.
 - (5) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a license that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to the party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if the licensee approved of or had knowledge of the acts and after approval or knowledge retained the benefit, proceeds, profits, or advantages accruing from the acts.
 - (6) Any licensee or other person in interest who is dissatisfied with a final order of the commission may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS Chapter 13B.

➔Section 20. KRS 190.062 is amended to read as follows:

- (1) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, or the terms or provisions of any waiver, any person who is injured in his business or property by a violation of this section or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this section, may bring a civil action in the Franklin Circuit Court to enjoin further violations, to recover the actual damages sustained by him, together with costs of the suit, including a reasonable attorney's fee.
- (2) The commission may order, deny, suspend, or revoke the license of any new motor vehicle dealer, ***new recreational vehicle dealer***, manufacturer, distributor, factory branch, or factory representative for failing to comply with any provisions of KRS 190.010 to 190.080 ***or Sections 1 to 14 of this Act, as such provisions apply, respectively, to new motor vehicle dealers, new recreational vehicle dealers, manufacturers, distributors, factory branches, or factory representatives;*** or in lieu thereof, or in addition thereto, may assess monetary penalties of a civil nature not to exceed one thousand dollars (\$1,000) for each violation.
- (3) The provisions of KRS 190.010 to 190.080 ***and Sections 1 to 14 of this Act, as such provisions apply, respectively, to new motor vehicle dealers, new recreational vehicle dealers, manufacturers, distributors, factor branches, or factory representatives,*** shall apply to all persons required to be licensed under the terms herein, and to dealerships and contracts between new motor vehicle dealers, ***new recreational vehicle dealers***, and manufacturers, distributors, factory branches, or factory representatives at the time of its passage, and to all such future new motor vehicle dealerships and contracts.
- (4) *(a) In addition to the provisions of this section, before a civil action involving recreational vehicle franchise issues is brought, the party bringing suit for an alleged violation of this chapter shall serve a written demand for mediation on the offending party. The demand for mediation shall include a brief statement of the dispute and the relief sought by the party making the demand. The party making the demand shall serve the demand by certified mail to one (1) of the following addresses:*
 - 1. In an action between a new recreational vehicle dealer and a manufacturer, the address stated in the dealer agreement between the parties;*
 - 2. In an action between a new recreational vehicle dealer and a warrantor that is not a manufacturer, the address stated in any agreement between the parties; or*
 - 3. In an action between two (2) new recreational vehicle dealers, the address of the offending dealer in the records of the commission.**(b) Within twenty (20) days after a demand for mediation is served under this subsection, the parties shall mutually select an independent mediator who is approved by the commission and meet with that mediator for the purpose of attempting to resolve the dispute at a location in this state selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or if the parties agree to the extension.*
(c) The service of a demand for mediation under this subsection tolls the time for the filing of any complaint, petition, protest, or other action under this chapter until representatives of both parties have met with the mediator selected pursuant to paragraph (b) of this subsection for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, if all the parties to the proceeding or action stipulate in writing that they wish to continue to mediate under this subsection, enter an order suspending the proceeding or action for as long a period as the court considers appropriate.
(d) Each of the parties to the mediation under this subsection is responsible for its own attorney fees. The parties shall equally divide the cost of the mediator.

➔Section 21. KRS 190.090 is amended to read as follows:

As used in KRS 190.090 to 190.140, unless the context or subject matter otherwise requires:

- (1) "Person" means an individual, partnership, corporation, association, and any other group however organized;
- (2) "Retail installment sale" means any sale for other than agricultural, business, or commercial use evidenced by a retail installment contract wherein retail buyer agrees to buy and retail seller agrees to sell a motor vehicle at a time sale price payable in two (2) or more installments. The cash sale price of the motor vehicle, the amount,

if any, included for insurance and other benefits, official fees and the finance charge, shall together constitute the time sale price;

- (3) "Retail installment contract" means any agreement, entered into in this state, evidencing a retail installment sale of a motor vehicle, other than for the purpose of resale, pursuant to which title to, or a lien upon the motor vehicle is retained by the retail seller as security for the retail buyer's obligation. This term includes a mortgage, conditional sale contract or any contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to the time sale price of the motor vehicle and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming for no additional consideration or for nominal additional consideration, the owner of such motor vehicle;
- (4) "Motor vehicle" means any device in, upon, or by which any person or property is, or may be transported or drawn upon a highway. The term does not include self-propelled wheelchairs and invalid tricycles, tractors, power shovels, road machinery, implements of husbandry and other agricultural machinery, or other machinery not designed primarily for highway transportation but which may incidentally transport persons or property on a highway, or devices which move upon or are guided by a track or travel through the air. A moped as defined in KRS 190.010 **and a recreational vehicle** shall be subject to the same requirements as a motor vehicle under this section;
- (5) "Retail seller" or "seller" means a person who sells or agrees to sell a motor vehicle under a retail installment contract to a retail buyer;
- (6) "Retail buyer" or "buyer" means a person who buys or agrees to buy a motor vehicle from a retail seller not for the purpose of resale and who executes a retail installment contract in connection therewith;
- (7) "Sales finance company" means a person engaged in the business of creating and holding or purchasing or acquiring retail installment contracts from a retail seller. The term includes a bank, trust company, private banker, industrial bank, investment company or national bank, if so engaged;
- (8) "Cash sale price" means, for purposes of KRS 190.090 to 190.140 only, and not for purposes of KRS 138.455 to 138.470, the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include:
 - (a) Any taxes, registration fees, certificate of title fees, and, if any, license fees;
 - (b) Charges for delivery, servicing, repairing, or improving the motor vehicle, including accessories and their installation;
 - (c) Charges for a service contract, mechanical breakdown insurance, a maintenance agreement, a vehicle protection product, and any other goods or services related to the sale that the buyer agrees to purchase from the seller; and
 - (d) Any processing fee;
- (9) "Official fees" means the fees prescribed by law for filing, recording, or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract;
- (10) "Finance charge" means that part of the time sale price by which it exceeds the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees included in the retail installment sale;
- (11) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance and parts related to such maintenance. A maintenance agreement shall not be considered a contract of, or for, insurance;
- (12) "Service contract" means a contract or agreement given for consideration in addition to the purchase price of a new or used motor vehicle to provide for repair or replacement service or indemnification for that service for the operation or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, but does not include mechanical breakdown insurance or maintenance agreements. A service contract shall not be considered a contract of, or for, insurance;
- (13) "Truth in Lending Act" means Title I of Pub. L. No. 90-321, codified at 15 U.S.C. secs. 1601 to 1667f, as may be amended from time to time;

- (14) "United States Rule" means that in partial payments on a debt, each payment is applied first to the finance charge and any remainder reduces the principal. Under this rule, accrued but unpaid finance charges cannot be added to the principal and interest cannot be compounded;
- (15) "Vehicle protection product" means a vehicle protection device, system, or service that is installed on or applied to a vehicle that is designed to deter the theft of the vehicle, and includes a written warranty that provides that if the product fails to deter the theft of the vehicle, the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the device, system, or service to perform pursuant to the terms of the warranty. Vehicle protection products include but are not limited to window etch products and body part marking products. A vehicle protection product shall not be considered a contract of, or for, insurance; and
- (16) Words in the singular include the plural and vice versa.

➔Section 22. KRS 190.260 is amended to read as follows:

As used in KRS 190.270 to 190.320:

- (1) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle *or motor home as defined in Section 1 of this Act* travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.
- (2) "Repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.
- (3) "Transfer" means to change ownership by purchase, gift, or any other means.

➔Section 23. KRS 190.270 is amended to read as follows:

- (1) It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage the vehicle has been driven as registered by the odometer within the manufacturer's designed tolerance.
- (2) It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle *or motor home* with the intent to change the number of miles indicated thereon.
- (3) It is unlawful for any person with the intent to defraud to operate a motor vehicle *or motor home* on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.
- (4) The commission shall deny, suspend or revoke the license of any person who violates or causes, aids or abets any violation of this section which denial, suspension or revocation may be in addition to, and not exclusive of, any other penalties provided for elsewhere in this chapter.

➔Section 24. KRS 190.300 is amended to read as follows:

- (1) Any transferor must give a written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle *or motor home*:
 - (a) Disclosing the cumulative mileage registered on the odometer.
 - (b) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.
- (2) It shall be a violation of this section for any transferor to knowingly give a false statement to a transferee in making any disclosure required by this section.

➔Section 25. KRS 190.990 is amended to read as follows:

- (1) Except as provided in subsection (5) of this section, any person who violates or causes, aids or abets any violation of any provision of KRS 190.010 to 190.080 *and Sections 1 to 14 of this Act, as such provisions apply, respectively, to new motor vehicle dealers, new recreational vehicle dealers, manufacturers, distributors, factory branches, or factory representatives*, or any order, rule or regulation lawfully issued pursuant to authority granted by KRS 190.010 to 190.080 shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or imprisoned for not more than thirty (30) days, or both. Any person who violates paragraphs (l), (m) or (n) of subsection (1) of KRS 190.040 may also be subject to a suspension or revocation sentence of not more than a year effective only in the territory formerly served by the

unfairly canceled dealer, except that in a metropolitan area serviced by several dealers handling the same motor vehicle *or recreational vehicle*, the suspension or revocation order shall not be applicable to the remaining dealers.

- (2) Any person who willfully and intentionally violates any provision of KRS 190.090 to 190.140 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500).
- (3) A willful violation of KRS 190.100 or 190.110 by any person shall bar his recovery of any finance charge, delinquency, or collection charge on the retail installment contract involved.
- (4) Any person who willfully violates KRS 190.270 to 190.320 shall be subject to a penalty of five thousand dollars (\$5,000) per violation, which may be recovered on behalf of the Commonwealth by the Attorney General.
- (5) Any person who willfully and fraudulently gives a false statement as to the total and actual consideration paid for a motor vehicle under KRS 138.450 shall be guilty of a Class D felony and shall be fined not less than two thousand dollars (\$2,000) per offense.

➔Section 26. This Act may be cited as the Recreational Vehicle Dealer Franchise Act of 2014.

➔Section 27. The provisions of this Act shall apply to any recreational vehicle manufacturer-dealer agreement entered into on or after the effective date of this Act.

➔Section 28. This Act takes effect January 1, 2015.

Signed by Governor April 7, 2014.

CHAPTER 28

(HB 175)

AN ACT relating to the Kentucky Housing Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 198A.040 is amended to read as follows:

The corporation shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including but without limiting the generality of the foregoing the power:

- (1) To make or participate in the making of insured construction loans to sponsors of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that construction loans have been refused in writing, wholly or in part, from private lenders in the Commonwealth of Kentucky upon reasonably equivalent terms and conditions;
- (2) To make or participate in the making of insured mortgage loans to sponsors of residential housing; provided, however, that such loans shall be made only upon the determination by the corporation that mortgage loans have been refused in writing, wholly or in part, from private lenders in the Commonwealth of Kentucky upon reasonably equivalent terms and conditions;
- (3) To purchase or participate in the purchase of insured mortgage loans made to sponsors of residential housing or to persons of lower and moderate income for residential housing; provided, however, that any such purchase shall be made only upon the determination by the corporation that mortgage loans have been refused in writing, wholly or in part, from private lenders in the Commonwealth of Kentucky upon reasonably equivalent terms and conditions;
- (4) To make temporary loans from the housing development fund;
- (5) To collect and pay reasonable fees and charges in connection with making, purchasing and servicing its loans, notes, bonds, commitments, and other evidences of indebtedness;
- (6) To acquire real property, or any interest therein, by purchase, foreclosure, lease, sublease, or otherwise; to own, manage, operate, hold, clear, improve, and rehabilitate such real property; and to sell, assign, exchange,

transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purpose of the Kentucky Housing Corporation;

- (7) To sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction, land development, mortgage, or temporary loan of any type permitted by this chapter;
- (8) To procure insurance against any loss in connection with its operations in such amounts, and from such insurers, as it may deem necessary or desirable;
- (9) To consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract, or agreement of any kind to which the corporation is a party;
- (10) To acquire, establish, operate, lease, and sublease residential housing for persons and families of lower and moderate income and to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing and where no local housing authorities or other organizations exist to fill such need;
- (11) To include in any borrowing such amounts as may be deemed necessary by the corporation to pay financing charges, interest on the obligations for a period not exceeding two (2) years from their date, consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;
- (12) To make and publish rules and regulations respecting its lending programs and such other rules and regulations as are necessary to effectuate its corporate purposes;
- (13) To provide technical and advisory services to sponsors of residential housing and to residents and potential residents thereof, including but not limited to housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;
- (14) To promote research and development in scientific methods of constructing low cost residential housing of high durability;
- (15) To encourage community organizations to participate in residential housing development;
- (16) To make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, or other organization or entity, necessary to accomplish the purposes of this chapter;
- (17) To accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;
- (18) To sue and be sued in its own name and plead and be impleaded;
- (19) To maintain an office in the city of Frankfort and at such other place or places as it may determine;
- (20) To adopt an official seal and alter the same at pleasure;
- (21) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;
- (22) To employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the corporation and to fix and pay their compensation from funds available to the corporation therefor, provided that any personal service contracts entered into shall be subject to review by the Government Contract Review Committee of the Legislative Research Commission;
- (23) To invest any funds held in reserve or in sinking fund accounts or any moneys not required for immediate disbursement in obligations guaranteed by the Commonwealth, the United States, or their agencies or instrumentalities; provided, however, that the return on such investments shall not violate any rulings of the Internal Revenue Service regarding the investment of the proceeds of any federally tax exempt bond issue;
- (24) To make or participate in the making of rehabilitation loans to the sponsors or owners of residential housing; provided, however, that any such rehabilitation loan shall be made only upon the determination by the corporation that the rehabilitation loan was not otherwise available wholly or in part from private lenders upon reasonably equivalent terms and conditions;

- (25) To insure or reinsure construction, mortgage, and rehabilitation loans on residential housing; provided, however, that any such insurance, reinsurance, or waiver shall be made only upon the determination by the corporation:
- (a) That such insurance or reinsurance is not otherwise available wholly or in part from private insurers upon reasonably equivalent terms and conditions; and
 - (b) That such loan is a reasonably sound business investment; and provided further that insurance may be waived only where the corporation finds that the amount of the loan does not exceed eighty-five percent (85%) of the development costs, or eighty-five percent (85%) of the value of the property secured by the mortgage as determined by at least two (2) appraisers who are independent of the sponsors, builders, and developers;
- (26) To make grants from appropriated funds, agency and trust funds, and any other funds from any source available to the corporation, to sponsors, municipalities, local housing authorities, and to owners of residential housing for the development, construction, rehabilitation, or maintenance of residential housing and such facilities related thereto as corporation shall deem important for a proper living environment, all on such terms and conditions as may be deemed appropriate by the corporation;
- (27) To make periodic grants to reduce principal and interest payments on mortgages or rentals payable by persons and families of lower and moderate income;
- (28) (a) To make a grant to reduce principal and interest payments on a mortgage or a rental payable by a regular member of the United States Armed Forces who names Kentucky as home of record for military purposes, during that member's deployment on active duty outside the United States, or payable by a member of a state National Guard or a Reserve component who names Kentucky as home of record for military purposes, during that member's federal active duty. To qualify for a grant, a member shall meet reasonable standards established by the corporation, including having family income equal to or less than two hundred percent (200%) of the state or area median income; and
- (b) To provide a member identified in paragraph (a) of this subsection and that member's Kentucky resident spouse with the educational, technical, and ombudsman services that are necessary to maintain a mortgage during that member's federal active duty;
- (29) To establish a program to assist persons and families of lower and moderate income to help defray the cost of assessment and decontamination services required under KRS 224.1-410. To qualify for the program, a person shall meet reasonable standards established by the corporation. A person shall not be eligible for the program if convicted of a felony or found by the corporation to be responsible for contamination of the relevant property through methamphetamine production. The corporation shall report on the establishment and use of this program to the Legislative Research Commission by October 1 of each year;~~and~~
- (30) To establish single-family mortgage-lending programs outside of the mortgage revenue bond funds. To qualify for these programs, a person shall meet reasonable standards established by the corporation and shall have a combined family income that is equal to or less than one hundred seventy-five percent (175%) of the greater of the state or area median income; *and*
- (31) *To perform the following activities for lenders, holders, housing finance agencies, or other third party entities, who are located within or without the boundaries of the Commonwealth:*
- (a) *Service mortgage loans;*
 - (b) *Administer federal or state program contracts; and*
 - (c) *Perform other housing activities to facilitate the delivery or preservation of affordable housing.*

The Kentucky Housing Corporation shall be exempt from the regulations of the Department of Insurance and the laws of the Commonwealth relating thereto.

Signed by Governor April 7, 2014.

(HB 179)

AN ACT relating to law enforcement officer service weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 65.041 is amended to read as follows:

KRS 45A.343 and 45A.425 to the contrary notwithstanding:

- (1) When a police department, sheriff's department, or other agency of city, county, urban-county, or charter county government or other unit of local government disposes of firearms or ammunition owned by that unit of local government, the disposition shall be by:
 - (a) Public auction to persons eligible under federal law to purchase the type of firearm or ammunition being offered for sale;
 - (b) Trade to the federally licensed firearms dealer providing new firearms or ammunition to the agency;~~or~~
 - (c) Transfer to another government agency or government-operated museum in Kentucky for official use or display; *or*
 - (d) ***Sale to the officer to whom the firearm was issued, upon his or her retirement, if all of the following provisions are satisfied:***
 1. ***The firearm was issued to the officer as his or her primary service weapon;***
 2. ***The officer is otherwise authorized by law to own or possess the firearm; and***
 3. ***The sale price of the firearm is the fair market value of the firearm, not to exceed the actual cost of the firearm to the unit of government.***
- (2) If the firearms or ammunition are sold, the proceeds of the sale shall be utilized solely for the purchase of body armor meeting or exceeding National Institute of Justice standards, firearms, ammunition, or range facilities, or a combination thereof, by the agency of government.

Signed by Governor April 7, 2014.

CHAPTER 30

(HB 189)

AN ACT relating to the veterans' program trust fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 40.450 is amended to read as follows:

The Department of Military Affairs, Commonwealth of Kentucky, shall administer the provisions of KRS 40.410 to 40.560 and shall:

- (1) Prepare and make available forms on which applications for the bonus shall be made;
- (2) Employ such additional personnel as may be required for orderly and expeditious administration;
- (3) Promulgate all administrative regulations required for the effective administration of KRS 40.410 to 40.560, ***except as it relates to the veterans' program trust fund established in KRS 40.460(2), which shall be administered by the Kentucky Department of Veterans' Affairs. The Kentucky Department of Veterans' Affairs shall have authority to promulgate administrative regulations for the administration of the veterans' program trust fund;***
- (4) Report annually to the Governor and the Legislative Research Commission within sixty (60) days after the end of each fiscal year during its administration of KRS 40.410 to 40.560; and

- (5) Report to the Governor and to the Legislative Research Commission not later than the thirtieth day prior to the beginning of the 1990 Regular Session of the General Assembly, and each thirty (30) days thereafter until adjournment of the 1990 Regular Session of the General Assembly, concerning the following:
- (a) The number of claims which have been submitted;
 - (b) The number of claims which have been approved for payment;
 - (c) The number of claims which are subject to further review; and
 - (d) An accounting for the funds which have been spent in the administration of KRS 40.410 to 40.560.

Signed by Governor April 7, 2014.

CHAPTER 31

(HB 206)

AN ACT providing that a loan modification resulting in a lower interest rate is secured by the original mortgage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 382.520 is amended to read as follows:

- (1) In all cases where a loan is secured by a real estate mortgage, the mortgage originally executed and delivered by the borrower to the lender shall secure payment of all renewals,~~[-and]~~ extensions, **or interest rate reductions** of the loan and the note evidencing it, whether so provided in the mortgage or not.
- (2) The mortgage referred to in subsection (1) of this section may secure any additional indebtedness, whether direct, indirect, existing, future, contingent, or otherwise, to the extent expressly authorized by the mortgage, if the mortgage by its terms stipulates the maximum additional indebtedness which may be secured thereby. Except as provided in subsection (3) of this section, the mortgage lien authorized by this subsection shall be superior to any liens or encumbrances of any kind created after recordation of such mortgage, even to the extent of sums advanced by a lender with actual or constructive notice of a subsequently created lien, provided, however, any mortgagee upon receipt of a written request of a mortgagor must release of record the lien to secure additional indebtedness as exceeds the balance of such additional indebtedness at the time of the request.
- (3)
 - (a) The written request referred to in subsection (2) of this section shall be signed by the mortgagor or his agent or attorney, and shall set forth a description of the real property to which the request relates, the date, parties to, the volume and initial page of the record of the mortgage referred to in subsection (1) of this section, and a description of the nature, amount, and holder of the lien or encumbrance which the mortgagor intends to place upon such real property. The request shall be deemed to have been received by the holder of the mortgage referred to in subsection (1) of this section only when delivered to the holder by certified mail, return receipt requested, at the address of the holder appearing of record on the mortgage or an assignment thereof;
 - (b) If within ten (10) business days after receipt of the written request referred to in this subsection, the holder of the mortgage referred to in subsection (1) of this section fails to release that amount of the lien to secure additional indebtedness to the extent described in the request, the mortgagor may record in the office of the county clerk in which the mortgage referred to in subsection (1) of this section is recorded a copy of the written request upon payment of the same filing fee as provided for a release of a mortgage;
 - (c) If, after a copy of the written request is recorded, an advance is made by the holder of the mortgage referred to in subsection (1) of this section, then the lien of the mortgage for the unpaid balance of the advance so made shall be subordinate to the lien or encumbrance described in the request.

Signed by Governor April 7, 2014.

CHAPTER 32

(HB 234)

AN ACT relating to Korean War veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

- (1) *To recognize Armed Forces members who courageously served during the Korean War, July 27, the date of the military armistice agreement that ended the war, shall be observed in Kentucky as "Korean War Armistice Day."*
- (2) *The Governor shall issue an annual proclamation for the observance of "Korean War Armistice Day" and request that some portion of the day be used for solemn contemplation on the sacrifices that members of the U.S. Armed Forces made during that war.*

Signed by Governor April 7, 2014.

CHAPTER 33

(HB 276)

AN ACT relating to incompatible offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 61.080 is amended to read as follows:

- (1) No person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof.
- (2) The offices of justice of the peace, county judge/executive, surveyor, sheriff, deputy sheriff, coroner, constable, jailer, and clerk or deputy clerk of a court, shall be incompatible, the one (1) with any of the others. The office of county judge/executive and county school superintendent are incompatible.
- (3) No person shall, at the same time, fill a county office and a municipal office. Notwithstanding the fact that consolidated local governments have both municipal and county powers, persons who hold the office of mayor or legislative council member of a consolidated local government shall not thereby be deemed to hold both a county office and a municipal office. Officers of consolidated local governments shall not, at the same time, fill any other county or municipal office.
- (4) No person shall, at the same time, fill two (2) municipal offices, either in the same or different municipalities.
- (5) *No person shall, at the same time, fill any two (2) appointed offices of special purpose governmental entities, as defined in KRS 65A.010, that each have the authority to levy taxes.*
- (6) *No person shall, at the same time, fill any state office and an appointed office of a special purpose governmental entity that has the authority to levy taxes, unless a state statute specifically requires a person holding a state office to serve in an appointed office of a special purpose governmental entity that has the authority to levy taxes.*
- (7) The following offices shall be incompatible with any other public office:
 - (a) Member of the Public Service Commission of Kentucky;
 - (b) Member of the Workers' Compensation Board;
 - (c) Commissioner of the fiscal court in counties containing a city of the first class;
 - (d) County indexer;

- (e) Member of the legislative body of cities of the first class;
 - (f) Mayor and member of the legislative council of a consolidated local government;
 - (g) Mayor and member of the legislative body in cities of the second class; and
 - (h) Mayor and member of council in cities of the fourth class.
- ~~(8)(6)~~ No office in the Kentucky active militia shall be incompatible with any civil office in the Commonwealth, either state, county, district, or city.
- ~~(9)(7)~~ Service as a volunteer firefighter in a volunteer fire department district or fire protection district formed pursuant to KRS Chapter 65, 75, 95, or 273 shall not be incompatible with any civil office in the Commonwealth, whether state, county, district, or city.

Signed by Governor April 7, 2014.

CHAPTER 34

(HB 279)

AN ACT relating to the Commonwealth postsecondary education prepaid tuition trust fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 164A.700 is amended to read as follows:

As used in KRS 164A.700 to 164A.709, unless the context requires otherwise:

- (1) "Academic year" means the time period specified by each eligible educational institution;
- (2) "Board" means the board of directors of the Kentucky Higher Education Assistance Authority acting in the capacity of the board of directors of the Commonwealth postsecondary education prepaid tuition trust fund;
- (3) "Eligible educational institution" means an institution defined in the Internal Revenue Code of 1986, as amended, 26 U.S.C. sec. 529(e)(5);
- (4) "Fund" means the prepaid tuition payment fund created in KRS 164A.701 and known as the "Commonwealth Postsecondary Education Prepaid Tuition Trust Fund" or "Kentucky's Affordable Prepaid Tuition" (KAPT);
- (5) "Prepaid tuition" means the amount of tuition estimated by the board for the tuition plan under the prepaid tuition contract;
- (6) "Prepaid tuition academic year conversion" means the difference between the amount of prepaid tuition required in the original prepaid tuition contract and the amount of prepaid tuition required in an amended prepaid tuition contract as the result of the change in the academic year;
- (7) "Prepaid tuition academic year conversion shortfall" means the amount by which the prepaid tuition required in an amended prepaid tuition contract as the result of the change in the academic year exceeds the amount of prepaid tuition required in the original prepaid tuition contract;
- (8) "Prepaid tuition account" means the account for a qualified beneficiary as specified in the prepaid tuition contract;
- (9) "Prepaid tuition contract" means the contract entered into by the board and the purchaser for the purchase of prepaid tuition for a qualified beneficiary to attend any eligible educational institution as provided in KRS 164A.700 to 164A.709;
- (10) "Prepaid tuition conversion" means the difference between the value of a prepaid tuition account and the tuition at an eligible educational institution;
- (11) "Prepaid tuition conversion shortfall" means the amount by which the actual tuition cost at an eligible educational institution exceeds the amount of the value of a prepaid tuition account;
- (12) "Purchaser" means a person, corporation, association, partnership, or other legal entity who enters into a prepaid tuition contract;

- (13) "Qualified beneficiary" means a designated beneficiary, as defined in 26 U.S.C. sec. 529(e)(1), who is:
- (a) A Kentucky resident designated as beneficiary at the time a purchaser enters into a prepaid tuition contract; or
 - (b) A nonresident designated at the time a purchaser enters into a prepaid tuition contract who intends to attend an eligible institution in Kentucky; or
 - (c) A new beneficiary, in the case of a change of beneficiaries under provisions of KRS 164A.707; or
 - (d) An individual receiving a scholarship in the case of a prepaid tuition contract purchased by a state or local government or agency or instrumentality thereof or an organization described in 26 U.S.C. sec. 501(c)(3), and exempt from federal income taxation pursuant to 26 U.S.C. sec. 501(a) as part of a scholarship program offered by the government entity or the organization;
- (14) "Qualified postsecondary education expenses" means qualified higher education expenses as defined in 26 U.S.C. sec. 529(e)(3);
- (15) "Tuition" means the prevailing tuition and all mandatory fees charged as a condition of full-time enrollment in an undergraduate program for an academic year for a qualified beneficiary to attend an eligible educational institution;
- (16) "Tuition Account Program Office" or "office" means the office in the Kentucky Higher Education Assistance Authority that is responsible for administering the prepaid tuition program and its accounts;
- (17) "Tuition plan" means a tuition plan approved by the board and provided under a prepaid tuition contract;~~and~~
- (18) ***"Utilization period" means the period of time in which a prepaid tuition contract is to be used beginning with the projected college entrance year and continuing for the number of prepaid tuition years purchased; and***
- (19) "Value of a prepaid tuition account" means the amount which the fund is obligated to pay for ***a prepaid tuition contract, when a purchaser has paid it in full,***~~tuition for an academic period based on full payment of the purchaser's tuition plan~~ ***that is calculated by multiplying the plan tuition amount for the academic period by the number of prepaid tuition years purchased, less any portion previously paid;*** except, under a tuition plan for private colleges and universities, tuition shall be calculated based on the same percentage that University of Kentucky tuition is increased from the year the prepaid tuition contract is purchased to the year of payment.

➔Section 2. KRS 164A.705 is amended to read as follows:

- (1) The prepaid tuition contract entered into by the purchaser and the board shall constitute an irrevocable pledge and guarantee by the fund to pay for the tuition of a qualified beneficiary upon acceptance and enrollment at an eligible educational institution in accordance with the tuition plan purchased.
- (2) A board member or any employee of the Tuition Account Program Office or the Kentucky Higher Education Assistance Authority shall not be subject to any personal liability by reason of his or her issuance or execution of a prepaid tuition contract under KRS 164A.700 to 164A.709.
- (3) Under a tuition plan for private colleges and universities, tuition shall be paid based on the same percentage that University of Kentucky tuition is increased from the year the prepaid tuition contract is purchased to the year of payment.
- (4) The purchaser or qualified beneficiary shall pay to the eligible educational institution the amount of any prepaid tuition academic year conversion shortfall and the amount of any prepaid tuition conversion shortfall.
- (5) A qualified beneficiary attending an eligible educational institution may apply the value of a prepaid tuition account to a specific academic year at the maximum course load or maximum number of credit hours generally permitted to full-time undergraduates at that institution.
- (6) The value of a prepaid tuition account remaining after tuition is paid may be used for other qualified educational expenses under administrative regulations promulgated by the board in compliance with 26 U.S.C. sec. 529. The board may permit the use of the value of a prepaid tuition account for part-time undergraduate enrollment or graduate programs at eligible educational institutions.
- (7) ***During an account's utilization period, the value of the prepaid tuition account shall increase consistent with tuition rates for the applicable tuition plan and academic year. If all tuition benefits have not been used at the conclusion of this period, the account value shall increase at a rate of three percent (3%) per annum or the applicable tuition plan value increase, whichever is less, for a period not to exceed two (2)***

additional years. No additional value shall be added to a prepaid tuition account after two years past the utilization period.

- (8) If a qualified beneficiary attends an eligible educational institution for which payment of tuition is not guaranteed by the fund in whole or in part, and if the cost of tuition exceeds the value of a prepaid tuition account, the fund shall have no responsibility to pay the difference. If the value of a prepaid tuition account exceeds the cost of tuition, the excess may be used for other qualified postsecondary education expenses as directed by the purchaser.

- ~~(9)~~~~(8)~~ The value of a prepaid tuition account shall not be used in calculating personal asset contribution for determining eligibility and need for student loan programs, student grant programs, or other student aid programs administered by any agency of the Commonwealth, except as otherwise may be provided by federal law.

➔Section 3. KRS 164A.707 is amended to read as follows:

- (1) Purchasers buying prepaid tuition for a qualified beneficiary shall enter into prepaid tuition contracts with the board. These contracts shall be in a form as shall be determined by the office. The contract shall provide for the purchase of a tuition plan for prepaid tuition for the qualified beneficiary from one (1) to five (5) specific academic years.
- (2) Upon written notification to the office a purchaser may amend the prepaid tuition contract to change:
 - (a) The qualified beneficiary, in accordance with 26 U.S.C. sec. 529;
 - (b) The *projected college entrance year*~~[academic year or years]~~ for which prepaid tuition is purchased. ***Beginning with the effective date of this Act, if the amendment extends the projected college entrance year, the utilization period shall begin with the initial projected college entrance year;***
 - (c) A tuition plan designation to another tuition plan designation;
 - (d) The number of years for which prepaid tuition is purchased; or
 - (e) Other provisions of the prepaid tuition contract as permitted by the board.
- (3) A prepaid tuition account shall not be subject to attachment, levy, or execution by any creditor of a purchaser or qualified beneficiary. Prepaid tuition accounts shall be exempt from all state and local taxes including, but not limited to, intangible personal property tax levied under KRS 132.020, individual income tax levied under KRS 141.020, and the inheritance tax levied under KRS Chapter 140. Payments from a prepaid tuition account used to pay qualified postsecondary education expenses, or disbursed due to the death or disability of the beneficiary, or receipt of a scholarship by the beneficiary shall be exempt from tax liabilities.
- (4) Nothing in KRS 164A.700 to 164A.709 or in a prepaid tuition contract shall be construed as a promise or guarantee that a qualified beneficiary shall be admitted to an eligible educational institution, be allowed to continue to attend an eligible educational institution after having been admitted, or be graduated from an eligible educational institution.
- (5) Prepaid tuition contract payments shall not be made in real or personal property other than cash and shall not exceed the prepaid tuition. Prepaid tuition contract payments may be made in a lump sum or installments.
- (6) The purchaser shall designate the qualified beneficiary at the time the purchaser enters into a prepaid tuition contract, except for a prepaid tuition contract purchased in accordance with KRS 164A.700(13)(d). In the case of gifts made to the fund, the board shall designate a qualified beneficiary at the time of the gift.
- (7) The prepaid tuition contract shall provide that the purchaser and the qualified beneficiary shall not directly or indirectly or otherwise control the investment of the prepaid tuition account or earnings on the account. Payments made for prepaid tuition shall be accounted for separately for each qualified beneficiary. No interest or earnings on a prepaid tuition contract of the purchaser or qualified beneficiary shall be pledged or otherwise encumbered as security of a debt.
- (8) A prepaid tuition contract does not constitute a security as defined in KRS 292.310 or an annuity as defined in KRS 304.5-030.
- (9) Each prepaid tuition contract is subject to, and shall incorporate by reference, all operating procedures and policies adopted by the board, the statutes governing prepaid tuition contracts in KRS 164A.700 to 164A.709 and 393.015, and administrative regulations promulgated thereunder. Any amendments to statutes,

administrative regulations, and operating procedures and policies shall automatically amend prepaid tuition contracts, with retroactive or prospective effect, as applicable.

➔Section 4. KRS 164A.709 is amended to read as follows:

- (1) A purchaser may terminate a prepaid tuition contract at any time upon written request to the office.
- (2) Upon termination of a prepaid tuition contract at the request of a purchaser, the office shall pay from the fund to the purchaser:
 - (a) The value of the prepaid tuition account *or, if the contract has not been paid in full, a pro-rata amount calculated according to the portion of the plan that had been paid*, if the contract is terminated for *the death of the qualified beneficiary or the disability of the qualified beneficiary that, in the opinion of the office, would make attendance by the beneficiary at an eligible educational institution impossible or unreasonably burdensome*; ~~or~~
 1. ~~The death of the qualified beneficiary; or~~
 2. ~~The disability of the qualified beneficiary that, in the opinion of the office, would make attendance by the beneficiary at an eligible educational institution impossible or unreasonably burdensome; or~~
 3. ~~A request made on or after July 1 of the initial projected year of enrollment of the qualified beneficiary; and~~
 - (b) The amounts paid on the purchaser's prepaid tuition contract if the contract is terminated and a request for refund is made before July 1 of the qualified beneficiary's *projected college entrance year* ~~initial projected year of enrollment~~. The board may determine a rate of interest to accrue for payment on the amount otherwise payable under this paragraph;
 - (c) *The value of the prepaid tuition account for the 2014-2015 academic year for accounts with a utilization period end date prior to 2012; or*
 - (d) *The value of the prepaid tuition account at the end of the account's utilization period plus three percent (3%) per annum for a maximum of two (2) years thereafter, or the applicable tuition plan value increase, whichever is less, for accounts with a utilization period end date of 2012 or later.*
- (3) ~~[At the option of the purchaser, the value of the prepaid tuition account may be carried forward to another academic year or distributed by the fund upon the purchaser's request.~~
- (4) ~~]All refunds paid shall be less any benefits previously paid from the plan and any~~ ~~[net of]~~ administrative fees as determined by the board. The office may impose a fee upon termination of the account for administrative costs and deduct the fee from the amount otherwise payable under this section.
- (4)(5) If a qualified beneficiary is awarded a scholarship that covers tuition costs included in a prepaid tuition contract, the purchaser may request a refund consisting of the amount of the value of the prepaid tuition account, not to exceed the amount of the scholarship.
- (5)(6) If the purchaser wishes to transfer funds from the prepaid tuition account to the Kentucky Educational Savings Plan Trust, the purchaser may do so under administrative regulations promulgated by the board and the board of directors of the Kentucky Educational Savings Plan Trust under KRS 164A.325. *The transfer amount shall be calculated in the same way a refund is determined in accordance with this section.*
- (6)(7) If the purchaser wishes to transfer funds from the prepaid tuition account to another qualified tuition program as defined in 26 U.S.C. sec. 529(b)(1), the purchaser may do so under administrative regulations promulgated by the board. *The transfer amount shall be calculated in the same way a refund is determined in accordance with this section.*
- (7)(8) The board may terminate a prepaid tuition contract at any time due to the fraud or misrepresentation of a purchaser or qualified beneficiary with respect to the prepaid tuition contract.
- (8) *All operations of the Commonwealth postsecondary education prepaid tuition trust fund and the Tuition Account Program Office shall end on June 30, 2028. On or before that date, any remaining prepaid tuition account funds that have not been utilized, transferred to another qualified tuition program, or refunded upon the request of the purchaser shall be refunded to the purchaser in accordance with subsection (2) of this section.*

Signed by Governor April 7, 2014.

CHAPTER 35**(HB 328)**

AN ACT relating to reciprocal interstate agreements pertaining to coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 224.10-100 is amended to read as follows:

In addition to any other powers and duties vested in it by law, the cabinet shall have the authority, power, and duty to:

- (1) Exercise general supervision of the administration and enforcement of this chapter, and all rules, regulations, and orders promulgated thereunder;
- (2) Prepare and develop a comprehensive plan or plans related to the environment of the Commonwealth;
- (3) Encourage industrial, commercial, residential, and community development which provides the best usage of land areas, maximizes environmental benefits, and minimizes the effects of less desirable environmental conditions;
- (4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their protection and balance utilization consistent with the environmental policy of the Commonwealth;
- (5) Provide for the prevention, abatement, and control of all water, land, and air pollution, including but not limited to that related to particulates, pesticides, gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;
- (6) Provide for the control and regulation of surface coal mining and reclamation in a manner to accomplish the purposes of KRS Chapter 350;
- (7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;
- (8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;
- (9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the cabinet;
- (10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with this chapter, or any regulation which may be promulgated thereunder;
- (11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books, and records by the issuance of subpoenas;
- (12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of the cabinet. The funds received by the cabinet shall be deposited in the State Treasury to the account of the cabinet;
- (13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the cabinet in the performance of its duties;
- (14) Advise, consult, and cooperate with other agencies of the Commonwealth, other states, the federal government, and interstate and interlocal agencies, and affected persons, groups, and industries;
- (15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;
- (16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems, and to warn of emergency conditions;

- (17) Adopt, modify, or repeal with the recommendation of the commission any standard, regulation, or plan specified in KRS 224.1-110(5) and (6);
- (18) Issue, after hearing, orders abating activities in violation of this chapter, or the provisions of this chapter, or the regulations promulgated pursuant thereto and requiring the adoption of the remedial measures the cabinet deems necessary;
- (19) Issue, continue in effect, revoke, modify, suspend, or deny under such conditions as the cabinet may prescribe and require that applications be accompanied by plans, specifications, and other information the cabinet deems necessary for the following permits:
 - (a) Permits to discharge into any waters of the Commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; however, the cabinet may refuse to issue the permits to any person, or any partnership, corporation, etc., of which the person owns more than ten percent (10%) interest, who has improperly constructed, operated, or maintained a sewage system willfully, through negligence, or because of lack of proper knowledge or qualifications until the time that person demonstrates proper qualifications to the cabinet and provides the cabinet with a performance bond;
 - (b) Permits for the installation, alteration, or use of any machine, equipment, device, or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution; or
 - (c) Permits for the establishment or construction and the operation or maintenance of waste disposal sites and facilities;
- (20) May establish, by regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by this chapter, and for the cost of processing applications for exemptions or partial exemptions which may include but not be limited to the administrative costs of a hearing held as a result of the exemption application, except that applicants for existing or proposed publicly owned facilities shall be exempt from any charge, other than emissions fees assessed pursuant to KRS 224.20-050, and that certain nonprofit organizations shall be charged lower fees to process water discharge permits under KRS 224.16-050(5);
- (21) May require for persons discharging into the waters or onto the land of the Commonwealth, by regulation, order, or permit, technological levels of treatment and effluent limitations;
- (22) Require, by regulation, that any person engaged in any operation regulated pursuant to this chapter install, maintain, and use at such locations and intervals as the cabinet may prescribe any equipment, device, or test and the methodologies and procedures for the use of the equipment, device, or test to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters or land of the Commonwealth and to provide any information concerning the monitoring to the cabinet in accordance with the provisions of subsection (23) of this section;
- (23) Require by regulation that any person engaged in any operation regulated pursuant to this chapter file with the cabinet reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters or onto the land of the Commonwealth, and such other information the cabinet may require;
- (24) Promulgate regulations, guidelines, and standards for waste planning and management activities, approve waste management facilities, develop and publish a comprehensive statewide plan for nonhazardous waste management which shall contain but not be limited to the provisions set forth in KRS 224.43-345, and develop and publish a comprehensive statewide plan for hazardous waste management which shall contain but not be limited to the following:
 - (a) A description of current hazardous waste management practices and costs, including treatment and disposal, within the Commonwealth;
 - (b) An inventory and description of all existing facilities where hazardous waste is being generated, treated, recycled, stored, or disposed of, including an inventory of the deficiencies of present facilities in meeting current hazardous waste management needs and a statement of the ability of present hazardous waste management facilities to comply with state and federal laws relating to hazardous waste;
 - (c) A description of the sources of hazardous waste affecting the Commonwealth including the types and quantities of hazardous waste currently being generated and a projection of such activities as can be expected to continue for not less than twenty (20) years into the future; and

- (d) An identification and continuing evaluation of those locations within the Commonwealth which are naturally or may be engineered to be suitable for the establishment of hazardous waste management facilities, and an identification of those general characteristics, values, and attributes which would render a particular location unsuitable, consistent with the policy of minimizing land disposal and encouraging the treatment and recycling of the wastes.

The statewide waste management plans shall be developed consistent with state and federal laws relating to waste;

- (25) Perform other acts necessary to carry out the duties and responsibilities described in this section;
- (26) Preserve existing clean air resources while ensuring economic growth by issuing regulations, which shall be no more stringent than federal requirements, setting maximum allowable increases from stationary sources over baseline concentrations of air contaminants to prevent significant deterioration in areas meeting the state and national ambient air quality standards;
- (27) Promulgate regulations concerning the bonding provisions of subsection (19)(a) of this section, setting forth bonding requirements, including but not limited to requirements for the amount, duration, release, and forfeiture of the bonds. All funds from the forfeiture of bonds required pursuant to this section shall be placed in the State Treasury and credited to a special trust and agency account which shall not lapse. The account shall be known as the "sewage treatment system rehabilitation fund" and all moneys placed in the fund shall be used for the elimination of nuisances and hazards created by sewage systems which were improperly built, operated, or maintained, and insofar as practicable be used to correct the problems at the same site for which the bond or other sureties were originally provided;~~and~~
- (28) Promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet;
and
- (29) ***Through the secretary or designee of the secretary, enter into, execute, and enforce reciprocal agreements with responsible officers of other states relating to compliance with the requirements of KRS Chapters 350, 351, and 352 and the administrative regulations promulgated under those chapters.***

Signed by Governor April 7, 2014.

CHAPTER 36

(HB 375)

AN ACT authorizing associations and member underwriters authorized to transact insurance in this state to also qualify as eligible surplus lines insurers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 304.3-070 is amended to read as follows:

- (1) To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock or mutual insurer, or a combined stock and mutual life insurer, or a reciprocal insurer, or Lloyd's plan insurer, of the same general type as may be formed as a domestic insurer under this code, ***or an association, including incorporated and individual unincorporated underwriters, meeting the requirements of subsection (3) of this section,*** except that:
 - (a) No foreign insurer shall be authorized to transact insurance in this state which does not maintain reserves as required by Subtitle 6 as applicable to the kind or kinds of insurance transacted by such insurer, wherever transacted in the United States; or which transacts business anywhere in the United States on the assessment plan, or stipulated premium plan, or any similar plan;
 - (b) No insurer shall be authorized to transact a kind of insurance in this state unless duly authorized or qualified to transact such insurance in the state or country of its domicile;
 - (c) No insurer shall be authorized to transact in this state any kind of insurance which is not within the definition as set forth in Subtitle 5;

- (d) No such authority shall be granted or continued as to any insurer while in arrears to the state for fees, licenses, taxes, assessments, fines or penalties accrued on business previously transacted in this state;
 - (e) A combined stock and mutual life insurer must maintain separate accounting for income, expenses, assets, liabilities and surplus funds allocated between the "mutual" branch and the "stock" branch, in a manner as provided by a regulation to be promulgated by the commissioner. The "mutual" branch shall not invest any moneys in equity securities of the "stock" branch, nor shall it loan any moneys to the "stock" branch. The "stock" branch shall not loan any moneys to the "mutual" branch; and
 - (f) A life insurer in forming the "stock" branch or the "mutual" branch of a combined stock and mutual life insurer, must possess the capital funds required pursuant to KRS 304.3-120 for the stock branch, and must possess the surplus funds required under KRS 304.24-100 for the mutual branch. The commissioner shall not grant a certificate of authority to any life insurer to conduct its business as a combination stock and mutual life insurer, unless the aforesaid capitalization requirements are fulfilled.
- (2) In determining the solvency of or impairment to any foreign or alien insurer which is requesting the issuance or continuance of any certificate of authority to do business in this state, the commissioner may admit as assets only those items which would qualify as admitted assets for a domestic insurer similarly situated.
- (3) ***To qualify for and hold authority to transact insurance in this state an association, including incorporated and individual unincorporated underwriters, in addition to meeting the requirements of subsection (1) of this section, shall have:***
- (a) ***Collective minimum capital and surplus equivalents, net of liabilities, on a several, not joint, basis of at least two-hundred fifty million dollars (\$250,000,000) and a central fund containing a balance of at least two-hundred fifty million dollars (\$250,000,000);***
 - (b) ***The incorporated members of the association:***
 - 1. ***Shall not be engaged in any business, other than underwriting; and***
 - 2. ***Shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members;***
 - (c) ***An association, including incorporated and individual unincorporated underwriters that meet the requirement of this subsection shall not be deemed a Lloyd's plan insurer, as defined in KRS 304.3-040, and shall not be subject to the requirements of Subtitle 28 of this chapter; and***
 - (d) ***The underwriting members of an association, including incorporated and individual unincorporated underwriters, that qualify for and hold authority to transact insurance in this state pursuant to this section, may also qualify as eligible surplus lines insurers pursuant to Section 3 of this Act.***

➔Section 2. KRS 304.3-120 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, to qualify for authority to transact insurance (as defined in Subtitle 5), an insurer shall possess and thereafter maintain unimpaired paid-in capital stock (if a stock insurer) or unimpaired basic surplus (if a foreign mutual, reciprocal, or Lloyd's insurer), and when first so authorized shall possess initial free surplus, all in amounts not less than as determined from the following table:

Stock Insurers		Foreign Mutual, Reciprocal, and Lloyd's Insurers	
Minimum Required	Initial	Minimum Required	Initial
Capital	Free	Basic	Free
Stock	Surplus	Surplus	Surplus
\$1,000,000	\$2,000,000	\$1,000,000	\$2,000,000

- (2) An insurer holding a valid certificate of authority to transact insurance in this state immediately prior to July 15, 1982, may, if otherwise qualified therefor, continue to be so authorized while possessing paid-in capital stock (if a stock insurer) or surplus (if a mutual, reciprocal, or Lloyd's insurer) as required for such authority immediately prior to July 15, 1982. The commissioner shall not authorize such an insurer to transact any other

kinds of insurance unless it then complies with the requirements as to capital and surplus. Notwithstanding the other provisions hereof, the exception provided in this subsection (2) shall cease to apply to any such insurer from and after the date upon which it has accumulated surplus in an amount equal to two hundred percent (200%) of the initial free surplus (if a stock or foreign mutual, reciprocal, or Lloyd's insurer) or the surplus (if a domestic mutual insurer) required under other provisions of this code to qualify for authority to transact the kind or kinds of insurance being transacted by it.

- (3) Each insurer shall at all times maintain bona fide additional surplus in the amount of two hundred fifty thousand dollars (\$250,000). Insurers holding a valid certificate of authority to transact insurance in this state immediately prior to July 13, 1984, may, if otherwise qualified therefor, continue to be so authorized while possessing additional surplus as required for such authority immediately prior to July 13, 1984. The commissioner shall not authorize such an insurer to transact any other kinds of insurance unless it complies with this subsection. The exception provided in this subsection shall cease to apply to any insurer from and after the date upon which it has accumulated additional surplus equal to or in excess of the additional surplus required by this subsection. ***This subsection shall not apply to an association qualifying pursuant to subsection (3) of Section 1 of this Act.***
- (4) As to surplus required for authority to transact one (1) or more kinds of insurance and thereafter to be maintained, domestic mutual legal reserve insurers hereafter formed shall be governed by Subtitle 24 of this chapter.

➔Section 3. KRS 304.10-070 is amended to read as follows:

- (1) A broker shall place surplus lines insurance only with an insurer that he or she knows, or in the exercise of reasonable diligence could know:
 - (a) ***1.*** Is authorized to write the type of insurance in its domiciliary jurisdiction;
 - 2.***~~[(b)]~~ Has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction that equals the greater of:
 - a.***~~[(1)]~~ The minimum capital and surplus requirements set forth in KRS 304.3-120; or
 - b.***~~[(2)]~~ Fifteen million dollars (\$15,000,000); and
 - 3.***~~[(c)]~~ Is listed on the quarterly listing of alien insurers maintained by the National Association of Insurance Commissioners, if the insurer is a nonadmitted insurer domiciled outside of the United States; ***or***
 - (b) Is an association, including incorporated and individual unincorporated underwriters, that is authorized to transact insurance in this state pursuant to subsection (3) of Section 1 of this Act, provided that the syndicates within the association with whom surplus lines coverage is to be placed are listed on the quarterly listing of alien insurers maintained by the National Association of Insurance Commissioners. The association's authorized status pursuant to subsection (3) of Section 1 of this Act shall not preclude the association from also being an eligible surplus lines insurer pursuant to this section.***
- (2) A broker may:
 - (a) Place insurance covering certificates of investment with an insurance company or guarantee fund which is financially sound and has capital funds and reserves in excess of fifteen million dollars (\$15,000,000); and
 - (b) Place insurance with a United States insurance exchange which the commissioner, in his or her discretion, may designate for use by surplus lines brokers licensed by the Commonwealth of Kentucky.
- (3) The commissioner may declare that a surplus lines insurer is ineligible to transact business in Kentucky. The commissioner shall promptly mail notice of all declarations of ineligibility to each surplus lines broker if at any time the commissioner has reason to believe that a surplus lines insurer no longer meets the standards set forth in this subtitle.

Signed by Governor April 7, 2014.

CHAPTER 37

(HB 379)

AN ACT relating to the delivery of cremated remains.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 367.97524 is amended to read as follows:

- (1) A crematory authority shall not conduct any cremations, nor accept a body for cremation, unless it has a cremation authorization form signed by the authorizing agent clearly stating the disposition to be made of the cremated remains.
- (2) Cremated remains shall be disposed of by placing them in a grave, crypt, or niche; by scattering them in a scattering area; or in any manner on the private property of a consenting owner. The crematory authority *or funeral director as defined in KRS 316.010* may deliver, either in person or by *a method that has an internal tracking system that provides a receipt signed by the person accepting delivery*~~registered mail~~, the cremated remains to the designated individual specified on the cremation authorization form. Upon receipt of the cremated remains, the individual receiving them may keep or transport them in any manner in this Commonwealth without a permit. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains relative to disposition.
- (3) A crematory authority or a licensed funeral director arranging a cremation shall not be held liable for good faith reliance on representations made by the authorizing agent regarding the authority to cremate.

Signed by Governor April 7, 2014.

CHAPTER 38

(HB 401)

AN ACT relating to transient room taxes imposed by a consolidated local government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 91A.390 is amended to read as follows:

- (1) (a) The commission shall annually submit to the local governing body or bodies which established it a request for funds for the operation of the commission.
- (b) The local governing body or bodies shall include the commission in the annual budget and shall provide funds for the operation of the commission by imposing a transient room tax ~~on~~*on*, ~~not to exceed three percent (3%) of~~ the rent for every occupancy of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses *as follows*:
 1. *For a local governing body or bodies, other than an urban-county government, the tax rate shall not exceed three percent (3%); and*
 2. *For an urban-county government, the tax rate shall not exceed four percent (4%).*
- (c) In addition to the three percent (3%) *levy authorized by subparagraph 1. of paragraph (b) of this subsection*, the local governing body *other than an urban-county government* may impose a special transient room tax not to exceed one percent (1%) for the ~~purposes~~*sole purpose* of:
 1. Meeting the operating expenses of a convention center; *and*
 2. *In the case of a consolidated local government, financing the renovation or expansion of a convention center that is government-owned and located in the central business district of the consolidated local government, provided that if a consolidated local government imposes the special transient room tax authorized under this paragraph on or after the effective date of this Act, revenue derived from the levy shall not be used to meet the operating expenses of a convention center until any debt issued for financing the renovation or expansion of a*

government-owned convention center located in the central business district of the consolidated local government is retired. ~~A transient room tax imposed by an urban-county government shall not exceed four percent (4%) of the rent for every occupancy of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses.~~

- (d) Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of thirty (30) days or more.
 - (e) The local governing body or bodies that have established a commission by joint or separate action shall enact an ordinance for the enforcement of the tax measure enacted pursuant to this section and the collection of the proceeds of this tax measure on a monthly basis.
- (2) All moneys collected pursuant to this section and KRS 91A.400 shall be maintained in an account separate and unique from all other funds and revenues collected, and shall be considered tax revenue for the purposes of KRS 68.100 and KRS 92.330.
 - (3) A portion of the money collected from the imposition of this tax, as determined by the tax levying body, upon the advice and consent of the tourist and convention commission, may be used to finance the cost of acquisition, construction, operation, and maintenance of facilities useful in the attraction and promotion of tourist and convention business, including projects described in KRS 154.30-050(2)(a). The balance of the money collected from the imposition of this tax shall be used for the purposes set forth in KRS 91A.350. Proceeds of the tax shall not be used as a subsidy in any form to any hotel, motel, or restaurant, except as provided in KRS 154.30-050(2)(a)3.c. Money not expended by the commission during any fiscal year shall be used to make up a part of the commission's budget for its next fiscal year.
 - (4) A county with a city of the first class may impose an additional tax, not to exceed one and one-half percent (1.5%) of the room rent. This additional tax, if approved by the local governing body, shall be collected and administered in the same manner as the regular tax and shall be used for the purpose of funding additional promotion of tourist and convention business.
 - (5) An urban-county government may impose an additional tax, not to exceed one percent (1%) of the room rents included in this subsection. This additional tax shall be collected and administered in the same manner as the regular tax with the exception that this additional tax shall be used for the purpose of funding the purchase of development rights program provided for under KRS 67A.845.
 - (6) Local governing bodies which have formed multicounty tourist and convention commissions as provided by KRS 91A.350(3) may impose an additional tax, not to exceed one percent (1%) of the room rents. This additional tax, if approved by each governing body, shall be collected and administered in the same manner as the regular tax, with the exception that this additional tax shall be used for the purpose of funding regional efforts relating to the promotion of tourist and convention business and convention centers. In no event shall any revenues collected as provided for under KRS 91A.350(3) be utilized for the construction, renovation, maintenance, or additions to any convention center that is located outside the boundaries of the Commonwealth of Kentucky.
 - (7) The commission, with the approval of the tax levying body, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient room tax during the year the money is borrowed. The commission may pledge its securities for the repayment of any sum borrowed.
 - (8) The fiscal court or legislative body of a consolidated local government or city establishing a commission pursuant to KRS 91A.350(1) or (2) and, in its own name, a commission established pursuant to of KRS 91A.350(1) is authorized and empowered to issue revenue bonds pursuant to KRS Chapter 58 for public projects. Bonds issued for the purposes of KRS 91A.350 to 91A.390, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county, consolidated local government, or city. All bonds sold under the authority of this section shall be subject to competitive bidding

as provided by law, and shall bear interest at a rate not to exceed that established for bonds issued for public projects under KRS Chapter 58.

- (9) A commission established pursuant to KRS 91A.350(3) is authorized and empowered to issue revenue bonds in its own name, payable solely from its income and revenue, pursuant to KRS Chapter 58 for revenue bonds for public projects. Bonds issued for the purposes of KRS 91A.350 to 91A.390, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county. All bonds sold pursuant to this section shall be subject to competitive bidding as provided by law, and shall not bear interest at rates exceeding those for bonds issued for public projects under KRS Chapter 58.

➔Section 2. This Act takes effect August 1, 2014.

Signed by Governor April 7, 2014.

CHAPTER 39

(HB 415)

AN ACT relating to alcohol regulatory fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 243.075 is amended to read as follows:

- (1) (a) Notwithstanding the provisions of KRS **243.060 and 243.070**, in any city of the third or fourth class **in which the discontinuance of prohibition is effective by virtue of a local option**~~[that is wet or moist through an]~~ election held under KRS **Chapter 242[242.125]**, the governing body of the city and the governing body of the county containing a city of the third or fourth class is authorized to impose a regulatory license fee upon the gross receipts **of the sale of alcoholic beverages** of each establishment therein licensed to sell alcoholic beverages.
- (b) The regulatory license fee may be levied at the beginning of each budget period at a percentage rate as shall be reasonably estimated to fully reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city and county.
- (c) The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, except:
- 1.~~[(a)]~~ A credit against a regulatory license fee in a city shall be allowed in an amount equal to any licenses or fees imposed by the city pursuant to KRS 243.070; and
 - 2.~~[(b)]~~ In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.
- (2) (a) Notwithstanding any limitations imposed on the city's or county's taxing or licensing power by KRS **243.060 and 243.070**, a city or county that **is moist through a local option election held under KRS 242.1244, or that issues licenses**~~[qualifies]~~ under KRS 243.072 may by ordinance impose a regulatory license fee upon the gross receipts **of the sale of alcoholic beverages** of each establishment located therein and licensed to sell distilled spirits, wine, or malt beverages by the drink for consumption on the premises.
- (b) The regulatory license fee may be levied annually at a rate as shall be reasonably estimated to fully reimburse the city or county for the estimated costs for any additional policing, regulatory, or administrative related expenses.

- (c) The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to **KRS 243.060 or KRS 243.070**.
- (d) *In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.*
- (3) (a) *For any election held after the effective date of this Act, any new fee authorized under subsection (1) or (2) of this section shall be enacted by the city or county no later than two (2) years from the date of the local option election held under KRS Chapter 242.*
- (b) *For any new ordinance enacted pursuant to KRS 243.072 after the effective date of this Act, the fee authorized by subsection (2) of this section shall be enacted within two (2) years of the date of the enactment of an ordinance pursuant to KRS 243.072.*
- (4) *After the effective date of this Act, any fee authorized under subsections (1) and (2) of this section shall be established at a rate that will generate revenue that does not exceed the total of the reasonable expenses actually incurred by the city or county in the immediately previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of:*
 - (a) *Policing;*
 - (b) *Regulation; and*
 - (c) *Administration;**as a result of the sale of alcoholic beverages within the city or county.*
- (5) (a) *The Kentucky Department of Alcoholic Beverage Control shall promulgate administrative regulations which set forth the process by which a city or county, in the first year following the discontinuance of prohibition, may estimate any additional policing, regulation, and administrative expenses by a city or county directly and solely related to the discontinuance of prohibition. This subsection shall apply to any discontinuance of prohibition occurring after the promulgation of regulations required by this subsection.*
- (b) *After the first year, the regulatory license fee for each subsequent year shall conform to the requirements of subsection (4) of this section.*
- (6) *The revenue received from the imposition of the regulatory license fee authorized under subsections (1) and (2) of this section shall be:*
 - (a) *Deposited into a segregated fund of the city or county;*
 - (b) *Spent only in accordance with the requirements of subsections (1) and (2) of this section; and*
 - (c) *Audited under an annual audit performed pursuant to KRS 43.070, 64.810, and 91A.040.*
- (7) *Any city or county found by a court to have violated the provisions of this section shall:*
 - (a) *Provide a refund as determined by the court to any licensee that has been harmed in an amount equal to its prorated portion of the excess revenues collected by the city or county that are directly attributable to a violation occurring after the effective date of this Act;*
 - (b) *Be responsible for the payment of the reasonable attorney fees directly incurred by a party to a litigation in an amount ordered by the court upon its finding of an intentional and willful violation of this section by a city or county occurring after the effective date of this Act; and*
 - (c) *Upon the finding by a court of a second intentional and willful violation of the provisions of this section, lose the ability to impose the regulatory fee provided by this section for a period of five (5) years and, upon the finding by a court of a third intentional and willful violation, forfeit the right to impose the regulatory license fee authorized by this section.*
- (8) *Any party bringing suit against a city or county for an alleged violation of this section occurring after the effective date of this Act shall be responsible for the payment of the reasonable attorney fees of the city or county in an amount determined by the court upon a finding by the court that the city or county did not violate this section.*

Signed by Governor April 7, 2014.

CHAPTER 40**(SB 19)**

AN ACT relating to the Kentucky Board of Embalmers and Funeral Directors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 316.170 is amended to read as follows:

- (1) The board shall consist of five (5) members who shall be residents of the Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed embalmers and Kentucky-licensed funeral directors actively practicing embalming and funeral directing in a Kentucky funeral establishment and shall have a minimum of ten (10) years' consecutive experience in the practice of embalming and funeral directing in Kentucky immediately preceding their appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.
- (2) The Governor shall make all appointments to the board. The four (4) embalmer and funeral director members shall be appointed from a list of three (3) names submitted by the Funeral Directors Association of Kentucky and from a list of three (3) names submitted by the Kentucky Association of Morticians, Inc., for each position to be filled.
- (3) The term of each member shall be four (4) years. Each member shall serve until a successor is appointed and qualified.
- (4) Vacancies on the board shall be filled in the same manner for the unexpired terms.
- (5) *(a) Until January 1, 2015, each board member shall receive one hundred dollars (\$100); and*
(b) On January 1, 2015 and thereafter, each board member shall receive compensation as set forth in administrative regulation, not to exceed two hundred dollars (\$200);
for each day of service actually given in carrying out the board's duties and shall be reimbursed for necessary traveling expenses and other necessary expenses incurred in attending board meetings and carrying out the board's duties.
- (6) The board shall elect annually a president from its members.
- (7) The board shall meet as often as necessary to discharge its duties, but not less than once a year.
- (8) Three (3) members shall constitute a quorum.

Signed by Governor April 7, 2014.

CHAPTER 41**(SB 41)**

AN ACT relating to physician assistants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.856 is amended to read as follows:

A supervising physician shall:

- (1) Restrict the services of a physician assistant to services within the physician assistant's scope of practice and to the provisions of KRS 311.840 to 311.862;
- (2) Prohibit a physician assistant from prescribing or dispensing controlled substances;
- (3) Inform all patients in contact with a physician assistant of the status of the physician assistant;

- (4) Post a notice stating that a physician assistant practices medicine or osteopathy in all locations where the physician assistant may practice;
- (5) Require a physician assistant to wear identification that clearly states that he or she is a physician assistant;
- (6) Prohibit a physician assistant from independently billing any patient or other payor for services rendered by the physician assistant;
- (7) If necessary, participate with the governing body of any hospital or other licensed health care facility in a credentialing process established by the facility;
- (8) Not require a physician assistant to perform services or other acts that the physician assistant feels incapable of carrying out safely and properly;
- (9) Maintain adequate, active, and continuous supervision of a physician assistant's activities to assure that the physician assistant is performing as directed and complying with the requirements of KRS 311.840 to 311.862 and all related administrative regulations;
- (10) ***A supervising physician shall review and countersign a sufficient number of overall medical notes written by the physician assistant to ensure quality of care provided by the physician assistant, but at a minimum, a supervising physician shall review and countersign at least ten percent (10%) of these overall medical notes every thirty (30) days. A countersignature shall not be required prior to orders being executed.*** ~~Sign all records of service rendered by a physician assistant in a timely manner as certification that the physician assistant performed the services as delegated;~~
- (11) (a) Reevalue the reliability, accountability, and professional knowledge of a physician assistant two (2) years after the physician assistant's original licensure in this Commonwealth and every two (2) years thereafter; and
 - (b) Based on the reevaluation, recommend approval or disapproval of licensure or renewal to the board; and
- (12) Notify the board within three (3) business days if the supervising physician:
 - (a) Ceases to supervise or employ the physician assistant; or
 - (b) Believes in good faith that a physician assistant violated any disciplinary rule of KRS 311.840 to 311.862 or related administrative regulations.

Signed by Governor April 7, 2014.

CHAPTER 42

(SB 47)

AN ACT relating to drug-addicted or dependent newborns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 211.678 is amended to read as follows:

- (1) ***Except as otherwise provided in this section*** ~~Notwithstanding any other law to the contrary,~~ all information reported or furnished to the Kentucky Department for Public Health pursuant to KRS 211.672 to 211.678 shall be privileged and confidential, shall not be considered a public record under KRS 61.870 to 61.884, and shall not be discussed at any meeting as defined in KRS 61.805, unless conducted in a closed session in accordance with KRS 61.815.
- (2) Information reported in compliance with KRS 211.672 to 211.678 shall not be disclosed by any person or entity, and shall not be subject to subpoena, court order, or discovery, or admissible as evidence in any civil or administrative proceeding in the Commonwealth.
- (3) For purposes of this section, "information" shall be liberally construed to include reports; statements; interviews; memoranda; data, whether kept individually or aggregated; or summaries of same.

- (4) Nothing within this section is intended to limit the Kentucky Department for Public Health's internal use of such information to fulfill the express purposes of KRS 211.672 to 211.678.
- (5) *The Kentucky Department for Public Health shall publish on at least an annual basis de-identified statistical data on the number of reports made under KRS 211.676 relating to a diagnosis of neonatal abstinence syndrome. The report may segregate the data into reporting blocks no smaller than the regional or county level.*

Signed by Governor April 7, 2014.

CHAPTER 43

(SB 59)

AN ACT relating to motor carrier transportation contracts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Motor carrier transportation contract" means a contract, agreement, or understanding covering:*

1. *The transportation of property for compensation or hire by a motor carrier;*
2. *The entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or*
3. *A service incidental to activity described in subparagraph 1. or 2. of this paragraph, including but not limited to storage of property.*

(b) *"Promisee" means a person with whom a motor carrier enters into a motor carrier transportation contract and any agents, employees, servants, or independent contractors who are directly responsible to that person. "Promisee" does not include the motor carrier party to a motor carrier transportation contract with the promisee, and the motor carrier's agents, employees, servants, or independent contractors directly responsible to the motor carrier.*

- (2) *A provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold the promisee harmless, or has the effect of indemnifying, defending, or holding the promisee harmless, or requires a motor carrier to procure liability insurance covering the acts or omissions or both of the promisee, from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against public policy and is void and unenforceable.*
- (3) *This section shall not apply to the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.*

Signed by Governor April 7, 2014.

CHAPTER 44

(SB 86)

AN ACT relating to Asset Resolution Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 164A.055 is amended to read as follows:

- (1) As used in this section:
 - (a) "Board" means the board of directors of the Kentucky Higher Education Student Loan Corporation acting in the capacity of the board ~~of directors~~ of Asset Resolution Corporation; and
 - (b) "Corporation" means the Asset Resolution Corporation created in this section.
- (2) There is hereby created an instrumentality of the Commonwealth to be known as Asset Resolution Corporation for the purpose of promoting higher educational opportunities for the citizens of the Commonwealth by providing debt resolution services for student loan obligations held by the United States Department of Education or other third-party entities and any other related activity to the extent such activity is not limited or prohibited by statute or other governing authority.
- (3) The corporation shall be attached to the Kentucky Higher Education Student Loan Corporation for administrative and reporting purposes and shall be governed, managed, and administered as a separate and distinct instrumentality of the Commonwealth in accordance with this section.
- (4) The Kentucky Higher Education Student Loan Corporation and its facilities shall be used and employed in the administration of the corporation, including but not limited to the keeping of records and the employment of staff to assist in the performance of the designated activities of the corporation.
- (5) The board shall have the power and authority to:
 - (a) Sue and be sued;
 - (b) Promulgate administrative regulations and adopt procedures to implement this section;
 - (c) Make and enter into contracts necessary for the administration of the corporation;
 - (d) Adopt a corporate seal and change and amend it from time to time;
 - (e) Make, execute, and effectuate any and all agreements or other documents with the United States Department of Education, this Commonwealth, any federal or state agency, or any person, corporation, association, partnership, or other organization or entity and perform other acts necessary or appropriate for the effectuation of its rights and duties pursuant to this section;
 - (f) Delegate to the Kentucky Higher Education Student Loan Corporation general supervision and direction over the administrative function of the corporation and its employees in carrying out the policies, programs, administrative regulations, and directives of the board; ~~and~~
 - (g) Carry out the duties and obligations of the corporation pursuant to this section, and to have any and all other powers as may be reasonably necessary for the effectuation of the purposes of the corporation; *and*
 - (h) *Adopt bylaws for the conduct of its business, including the designation of directors, and prescribe rules, regulations, and policies in connection with the performance of its functions and duties.*
- (6) Board members, except officers or employees of the state, shall receive compensation for their services in the amount of one hundred dollars (\$100) per day for attendance at each board meeting and shall be entitled to payment of any reasonable and necessary expenses actually incurred in discharging their duties under this section.

Signed by Governor April 7, 2014.

CHAPTER 45

(SB 91)

AN ACT relating to public utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 278.380 is amended to read as follows:

The commission shall deliver a certified copy of any order issued by it to each party to the proceeding in which the order was made, and to an officer or agent of the utility affected thereby. Notwithstanding any statute to the contrary, the commission may deliver its orders by means of electronic transmission rather than by ~~mail~~ ~~United States mail in those proceedings where each party and each utility to be affected by the order has filed with the commission a written statement that it waives any right to service of commission orders by mail and that it, or its authorized agent, possesses the facilities to receive electronic transmissions~~. ***The commission, however, shall deliver its orders by mail to any party that requests and demonstrates good cause for that means of delivery.*** When service of a commission order is by electronic transmission, mailing shall be deemed to have occurred on the date the transmission of the order is completed. ***For purposes of this section, electronic transmission of a commission order includes the sending of an electronic mail message that contains an electronic version of the commission order or a hyperlink that enables the recipient to access, view, and download an electronic copy of the commission order from the commission's Web site.***

Signed by Governor April 7, 2014.

CHAPTER 46

(SB 103)

AN ACT relating to diabetes, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

- (1) ***The caregiver of an individual who has diabetes may administer or assist with the self-administration of the medication listed under subsection (2) of this section if the caregiver:***
 - (a) ***Has been trained to administer insulin and glucagon, recognize the signs and symptoms of hypoglycemia and hyperglycemia, and take appropriate steps to respond to these symptoms by:***
 1. ***A physician who is licensed under the provisions of KRS Chapter 311;***
 2. ***An advanced practice registered nurse, registered nurse, or licensed practical nurse who is licensed under the provisions of KRS Chapter 314; or***
 3. ***Any other health care professional with diabetes treatment within his or her scope of practice; and***
 - (b) ***Has the written authorization of the health care practitioner for an individual who has diabetes. The written authorization shall contain the following information:***
 1. ***The individual's name;***
 2. ***The name and purpose of the medication;***
 3. ***The prescribed dosage;***
 4. ***The route of administration;***
 5. ***The frequency with which the medication may be administered; and***
 6. ***The circumstances under which the medication may be administered.***
- (2) ***A caregiver of an individual who has diabetes who meets the criteria under subsection (1) of this section may administer or assist with the self-administration of:***
 - (a) ***Glucagon subcutaneously, to individuals with diabetes who are experiencing hypoglycemia or other conditions noted in the health care practitioner's written statement under subsection (1)(b) of this section; and***
 - (b) ***Insulin subcutaneously, through the insulin delivery method used by the individual and at the times and under the conditions noted in the health care practitioner's written statement under subsection (1)(b) of this section.***

- (3) *The written authorization required under subsection (1)(b) of this section shall be kept on file by the authorizing health care practitioner.*
- (4) *The health care practitioner or the caregiver shall inform the individual who has diabetes or the individual's guardian that the health care practitioner, the caregiver, or his or her employer shall not incur any liability as a result of any injury sustained by the individual from any reaction to any medication listed under subsection (2) of this section to treat a hypoglycemic or hyperglycemic episode or its administration, unless the injury is the result of negligence or misconduct on behalf of the health care practitioner, the caregiver, or his or her employer. The individual or guardian of the individual shall sign a written statement acknowledging that the health care practitioner, the caregiver, or his or her employer shall incur no liability except as provided in this subsection, and the individual or guardian of the individual shall hold harmless the health care practitioner, the caregiver, or his or her employer against any claims made for any reaction to any medication listed under subsection (2) of this section to treat a hypoglycemic or hyperglycemic episode or its administration if the reaction is not due to negligence or misconduct on behalf of the health care practitioner, the caregiver, or his or her employer.*
- (5) *Notwithstanding any other provision of the law to the contrary:*
 - (a) *The administration of the medications listed under subsection (2) of this section by an authorized caregiver shall not constitute the practice of nursing and shall be exempt from all applicable statutory and regulatory provisions that restrict the activities that may be delegated to or performed by a person who is not a licensed health care professional; and*
 - (b) *A licensed health care professional may provide training to or supervise a caregiver in the administration of the medications listed under subsection (2) of this section.*

➔Section 2. Whereas current law and policy can prevent the timely and effective provision of diabetes medications to citizens of the Commonwealth that suffer from this condition an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 7, 2014.

CHAPTER 47

(SB 118)

AN ACT relating to prescription eye drops.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "practitioner" has the same meaning as in KRS 217.015.*
- (2) *Any health benefit plan issued or renewed on or after the effective date of this Act that provides coverage for prescription eye drops shall not deny coverage for a refill of a prescription if:*
 - (a) *The refill is requested by the insured:*
 - 1. *For a thirty (30) day supply, between twenty-five (25) days and thirty (30) days from the later of:*
 - a. *The original date the prescription was distributed to the insured; or*
 - b. *The date the most recent refill was distributed to the insured; and*
 - 2. *For a ninety (90) day supply, between eighty (80) days and ninety (90) days from the later of:*
 - a. *The original date the prescription was distributed to the insured; or*
 - b. *The date the most recent refill was distributed to the insured; and*

- (b) *The prescribing practitioner indicates on the original prescription that additional quantities are needed and the refill requested by the insured does not exceed the number of additional quantities needed.*
- (3) *Any health benefit plan issued or renewed on or after the effective date of this Act that provides coverage for prescription eye drops shall provide coverage for one (1) additional bottle of prescription eye drops, pursuant to KRS 304.17A-165, when:*
 - (a) *The additional bottle is requested by the insured or the prescribing practitioner at the time the original prescription is distributed to the insured; and*
 - (b) *The prescribing practitioner indicates on the original prescription that such additional bottle is needed by the insured for use in a day care center or school.*

Coverage for an additional bottle shall be limited to one (1) bottle every three (3) months.

- (4) *The coverages required by this section shall not be subject to a greater deductible or copayment than other similar health care services provided by the health benefit plan.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "practitioner" has the same meaning as in KRS 217.015.*
- (2) *Any limited health service benefit plan issued or renewed on or after the effective date of this Act that provides coverage for prescription eye drops shall not deny coverage for a refill of a prescription if:*
 - (a) *The refill is requested by the insured:*
 - 1. *For a thirty (30) day supply, between twenty-five (25) days and thirty (30) days from the later of:*
 - a. *The original date the prescription was distributed to the insured; or*
 - b. *The date the most recent refill was distributed to the insured; and*
 - 2. *For a ninety (90) day supply, between eighty (80) days and ninety (90) days from the later of:*
 - a. *The original date the prescription was distributed to the insured; or*
 - b. *The date the most recent refill was distributed to the insured; and*
 - (b) *The prescribing practitioner indicates on the original prescription that additional quantities are needed and the refill requested by the insured does not exceed the number of additional quantities needed.*
- (3) *Any limited health service benefit plan issued or renewed on or after the effective date of this Act that provides coverage for prescription eye drops shall provide coverage for one (1) additional bottle of prescription eye drops, pursuant to KRS 304.17A-165, when:*
 - (a) *The additional bottle is requested by the insured or the prescribing practitioner at the time the original prescription is distributed to the insured; and*
 - (b) *The prescribing practitioner indicates on the original prescription that such additional bottle is needed by the insured for use in a day care center or school.*

Coverage for an additional bottle shall be limited to one (1) bottle every three (3) months.

- (4) *The coverages required by this section shall not be subject to a greater deductible or copayment than other similar health care services provided by the limited health service benefit plan.*

➔Section 3. This act takes effect on January 1, 2015.

Signed by Governor April 7, 2014.

(SB 122)

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 131.020 is amended to read as follows:

- (1) The Department of Revenue, headed by a commissioner appointed by the secretary with the approval of the Governor, shall be organized into the following functional units:
 - (a) Office of the Commissioner of the Department of Revenue, which shall consist of:
 1. The Division of Special Investigations, headed by a division director who shall report to the commissioner. The division shall investigate alleged violations of the tax laws and recommend criminal prosecution of the laws as warranted; and
 2. The taxpayer ombudsman, who shall perform those duties set out in KRS 131.083;
 - ~~(b) Division of Legislative Services, headed by a division director who shall report to the commissioner of the Department of Revenue. The division shall perform such duties as providing support to the commissioner's office; managing the department's legislative efforts, including developing and drafting proposed tax legislation, coordinating review of proposed legislation, and coordinating development of administrative regulations; providing technical support and research assistance to all areas of the department; performing studies, surveys, and research projects to assist in policy-making decisions; and performing various miscellaneous duties, including working on special projects and conducting training;~~
 - ~~(c)}~~ Office of Processing and Enforcement, headed by an executive director who shall report directly to the commissioner. The office shall be responsible for processing documents, depositing funds, collecting debt payments, and coordinating, planning, and implementing a data integrity strategy. The office shall consist of the:
 1. Division of Operations, which shall be responsible for opening all tax returns, preparing the returns for data capture, coordinating the data capture process, depositing receipts, maintaining tax data, and assisting other state agencies with similar operational aspects as negotiated between the department and the other agency;
 2. Division of Collections, which shall be responsible for initiating all collection enforcement activity related to due and owing tax assessments, including protest resolution, and for assisting other state agencies with similar collection aspects as negotiated between the department and the other state agency;~~and~~
 3. Division of Registration and Data Integrity, which shall be responsible for registering businesses for tax purposes, ensuring that the data entered into the department's tax systems is accurate and complete, and assisting the taxing areas in proper procedures to ensure the accuracy of the data over time; *and*
 4. *Division of Protest Resolution, which shall be responsible for ensuring an independent review of tax disputes. The division administers the protest functions for the department from office resolution through court action;*
 - ~~(c)}~~~~(d)}~~ Office of Property Valuation. The Office of Property Valuation shall be headed by an executive director who shall report directly to the commissioner. *The office shall consist of the:*
 1. *Division of Local Support, which shall be responsible for providing supervision, assistance, and training to the property valuation administrators and sheriffs within the Commonwealth;*
 2. *Division of State Valuation, which shall be responsible for providing assessments of public service companies and motor vehicles, and providing assistance to property valuation administrators and sheriffs with the administration of tangible and omitted property taxes within the Commonwealth; and*
 3. *Division of Minerals Taxation and Geographical Information System Services, which shall be responsible for providing geographical information system mapping support, ensuring proper filing of severance tax returns, ensuring consistency of unmined coal assessments, and*

gathering and providing data to properly assess minerals to the property valuation administrators within the Commonwealth~~[The functions and duties of the office shall include:~~

- ~~1. Mapping;~~
- ~~2. Providing assistance to property valuation administrators;~~
- ~~3. Supervising the property valuation process throughout the Commonwealth;~~
- ~~4. Valuing the property of public service companies;~~
- ~~5. Valuing unmined coal and other mineral resources;~~
- ~~6. Administering personal property taxes;~~
- ~~7. Collecting delinquent taxes;~~
- ~~8. Overseeing the real property tax assessment and collection process throughout the state in each county's property valuation administrator's and sheriff's office;~~
- ~~9. Administering all state assessed taxes, including public service property tax, motor vehicle property tax, and the tangible and intangible tax program; and~~
- ~~10. Administering the severance tax and unmined minerals property tax programs and coordinate the department's geographical information system (GIS);~~

~~(d)(e)~~ Office of Sales and Excise Taxes, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters relating to sales and use taxes and miscellaneous excise taxes, including but not limited to technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:

1. Division of Sales and Use Tax, which shall administer the sales and use tax; and
2. Division of Miscellaneous Taxes, which shall administer various other taxes, including but not limited to alcoholic beverage taxes; cigarette enforcement fees, stamps, meters, and taxes; gasoline tax; bank franchise tax; inheritance and estate tax; insurance premiums and insurance surcharge taxes; motor vehicle tire fees and usage taxes; and special fuels taxes;

~~(e)(f)~~ Office of Income Taxation, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters related to income and corporation license taxes, including technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:

1. Division of Individual Income Tax, which shall administer the following taxes or returns: individual income, fiduciary, and employer withholding; and
2. Division of Corporation Tax, which shall administer the corporation income tax, corporation license tax, pass-through entity withholding, and pass-through entity reporting requirements; and

~~(f)(g)~~ Office of Field Operations, headed by an executive director who shall report directly to the commissioner. The office shall manage the regional taxpayer service centers and the field audit program.

- (2) The functions and duties of the department shall include conducting conferences, administering taxpayer protests, and settling tax controversies on a fair and equitable basis, taking into consideration the hazards of litigation to the Commonwealth of Kentucky and the taxpayer. The mission of the department shall be to afford an opportunity for taxpayers to have an independent informal review of the determinations of the audit functions of the department, and to attempt to fairly and equitably resolve tax controversies at the administrative level.
- (3) The department shall maintain an accounting structure for the one hundred twenty (120) property valuation administrators' offices across the Commonwealth in order to facilitate use of the state payroll system and the budgeting process.
- (4) Except as provided in KRS 131.190(4), the department shall fully cooperate with and make tax information available as prescribed under KRS 131.190(2) to the Governor's Office for Economic Analysis as necessary for the office to perform the tax administration function established in KRS 42.410.

- (5) Executive directors and division directors established under this section shall be appointed by the secretary with the approval of the Governor.

➔Section 2. In order to reflect the reorganization effectuated by this Act, the reviser of statutes shall replace references in the Kentucky Revised Statutes to the agencies, subagencies, and officers affected by this Act with references to the appropriate successor agencies, subagencies, and officers established by this Act. The reviser of statutes shall base these actions on the functions assigned to the new entities in this Act and may consult with officers of the affected agencies, or their designees, to receive suggestions.

➔Section 3. The General Assembly confirms Executive Order 2013-806 dated November 4, 2013, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 7, 2014.

CHAPTER 49

(SB 123)

AN ACT relating to sewerage corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The following KRS section is repealed:

278.185 Notification to customers of proposed rate change by sewerage corporations.

Signed by Governor April 7, 2014.

CHAPTER 50

(SB 129)

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

1. The Governor.
2. Lieutenant Governor.
3. Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.

4. Department of Law.
 - (a) Attorney General.
 5. Department of the Treasury.
 - (a) Treasurer.
 6. Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
 7. Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
1. Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Management and Administrative Services.
 - (m) Department for Public Advocacy.
 2. Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.
 1. Governor's Scholars Program.
 - (b) Office of Legal and Legislative Services.
 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Budget and Administration.
 1. Division of Human Resources.
 2. Division of Administrative Services.
 3. Division of Technology Services.
 - (e) Office of Educational Programs.
 - (f) Office for Education and Workforce Statistics.
 - (g) Board of the Kentucky Center for Education and Workforce Statistics.
 - (h) Board of Directors for the Center for School Safety.
 - (i) Department of Education.
 1. Kentucky Board of Education.

- 2. Kentucky Technical Education Personnel Board.
- (j) Department for Libraries and Archives.
- (k) Department of Workforce Investment.
 - 1. Office for the Blind.
 - 2. Office of Vocational Rehabilitation.
 - 3. Office of Employment and Training.
- (l) Foundation for Workforce Development.
- (m) Kentucky Office for the Blind State Rehabilitation Council.
- (n) Kentucky Workforce Investment Board.
- (o) Statewide Council for Vocational Rehabilitation.
- (p) Statewide Independent Living Council.
- (q) Unemployment Insurance Commission.
- (r) Education Professional Standards Board.
 - 1. Division of Educator Preparation.
 - 2. Division of Certification.
 - 3. Division of Professional Learning and Assessment.
 - 4. Division of Legal Services.
- (s) Kentucky Commission on the Deaf and Hard of Hearing.
- (t) Kentucky Educational Television.
- (u) Kentucky Environmental Education Council.
- 3. Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of General Counsel.
 - ~~[a. — Environmental Protection Legal Division.]~~
 - 3. Office of Administrative Hearings.
 - 4. Mine Safety Review Commission.
 - 5. Kentucky State Nature Preserves Commission.
 - 6. Kentucky Environmental Quality Commission.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.
 - 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.

1. Office of the Commissioner.
2. Division of Technical and Administrative Support.
3. Division of Mine Permits.
4. Division of Mine Reclamation and Enforcement.
5. Division of Abandoned Mine Lands.
6. Division of Oil and Gas.
7. Office of Mine Safety and Licensing.
8. Division of Forestry.
9. Division of Conservation.
10. Office of the Reclamation Guaranty Fund.
- (d) Department for Energy Development and Independence.
 1. Division of Efficiency and Conservation.
 2. Division of Renewable Energy.
 3. Division of Biofuels.
 4. Division of Energy Generation Transmission and Distribution.
 5. Division of Carbon Management.
 6. Division of Fossil Energy Development.
4. Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - (b) Crime Victims Compensation Board.
 - (c) Board of Claims.
 - (d) Kentucky Board of Tax Appeals.
 - (e) Kentucky Boxing and Wrestling Authority.
 - (f) Kentucky Horse Racing Commission.
 1. Division of Licensing.
 2. Division of Incentives and Development.
 3. Division of Veterinary Services.
 4. Division of Security and Enforcement.
 - (g) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.

- (h) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (i) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (j) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
 - (k) Department of Insurance.
 - 1. Property and Casualty Division.
 - 2. Health and Life Division.
 - 3. Division of Financial Standards and Examination.
 - 4. Division of Agent Licensing.
 - 5. Division of Insurance Fraud Investigation.
 - 6. Consumer Protection Division.
 - 7. Division of Kentucky Access.
 - (l) Office of Occupations and Professions.
5. Labor Cabinet.
- (a) Office of the Secretary.
 - 1. Division of Management Services.
 - 2. Office of General Counsel.
 - (b) Office of General Administration and Program Support for Shared Services.
 - 1. Division of Human Resource Management.
 - 2. Division of Fiscal Management.
 - 3. Division of Budgets.
 - 4. Division of Information Services.
 - (c) Office of Inspector General for Shared Services.
 - (d) Department of Workplace Standards.
 - 1. Division of Employment Standards, Apprenticeship, and Mediation.
 - 2. Division of Occupational Safety and Health Compliance.
 - 3. Division of Occupational Safety and Health Education and Training.
 - 4. Division of Workers' Compensation Funds.
 - (e) Department of Workers' Claims.
 - 1. Office of General Counsel for Workers' Claims.
 - 2. Office of Administrative Law Judges.

3. Division of Claims Processing.
4. Division of Security and Compliance.
5. Division of Information and Research.
6. Division of Ombudsman and Workers' Compensation Specialist Services.
7. Workers' Compensation Board.
8. Workers' Compensation Advisory Council.
9. Workers' Compensation Nominating Commission.
- (f) Workers' Compensation Funding Commission.
- (g) Kentucky Labor-Management Advisory Council.
- (h) Occupational Safety and Health Standards Board.
- (i) Prevailing Wage Review Board.
- (j) Apprenticeship and Training Council.
- (k) State Labor Relations Board.
- (l) Employers' Mutual Insurance Authority.
- (m) Kentucky Occupational Safety and Health Review Commission.
6. Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
7. Cabinet for Economic Development:
 - (a) Office of Administration and Support.

- (b) Department for New Business Development.
 - (c) Department of Financial Incentives.
 - (d) Department for Existing Business Development.
 - (e) Tobacco Research Board.
 - (f) Kentucky Economic Development Finance Authority.
 - (g) Office of Research and Information Technology.
 - (h) Department of Commercialization and Innovation.
 - (i) Office of Legal Services.
 - (j) Commission on Small Business Advocacy.
8. Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 - (b) Office of Health Policy.
 - (c) Office of Legal Services.
 - (d) Office of Inspector General.
 - (e) Office of Communications and Administrative Review.
 - (f) Office of the Ombudsman.
 - (g) Office of Policy and Budget.
 - (h) Office of Human Resource Management.
 - (i) Office of Administrative and Technology Services.
 - (j) Department for Public Health.
 - (k) Department for Medicaid Services.
 - (l) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (m) Department for Aging and Independent Living.
 - (n) Department for Community Based Services.
 - (o) Department for Income Support.
 - (p) Department for Family Resource Centers and Volunteer Services.
 - (q) Kentucky Commission on Community Volunteerism and Service.
 - (r) Kentucky Commission for Children with Special Health Care Needs.
 - (s) Governor's Office of Electronic Health Information.
9. Finance and Administration Cabinet:
- (a) Office of General Counsel.
 - (b) Office of the Controller.
 - (c) Office of Administrative Services.
 - (d) Office of Public Information.
 - (e) Office of Policy and Audit.
 - (f) Department for Facilities and Support Services.
 - (g) Department of Revenue.
 - (h) Commonwealth Office of Technology.
 - (i) State Property and Buildings Commission.

- (j) Office of Equal Employment Opportunity and Contract Compliance.
 - (k) Kentucky Employees Retirement Systems.
 - (l) Commonwealth Credit Union.
 - (m) State Investment Commission.
 - (n) Kentucky Housing Corporation.
 - (o) Kentucky Local Correctional Facilities Construction Authority.
 - (p) Kentucky Turnpike Authority.
 - (q) Historic Properties Advisory Commission.
 - (r) Kentucky Tobacco Settlement Trust Corporation.
 - (s) Kentucky Higher Education Assistance Authority.
 - (t) Kentucky River Authority.
 - (u) Kentucky Teachers' Retirement System Board of Trustees.
 - (v) Executive Branch Ethics Commission.
10. Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Travel and Tourism.
 - (1) Division of Tourism Services.
 - (2) Division of Marketing and Administration.
 - (3) Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - (1) Division of Information Technology.
 - (2) Division of Human Resources.
 - (3) Division of Financial Operations.
 - (4) Division of Facilities Management.
 - (5) Division of Facilities Maintenance.
 - (6) Division of Customer Services.
 - (7) Division of Recreation.
 - (8) Division of Golf Courses.
 - (9) Division of Food Services.
 - (10) Division of Rangers.
 - (11) Division of Resort Parks.
 - (12) Division of Recreational Parks and Historic Sites.
 - (c) Department of Fish and Wildlife Resources.
 - (1) Division of Law Enforcement.
 - (2) Division of Administrative Services.
 - (3) Division of Engineering.
 - (4) Division of Fisheries.
 - (5) Division of Information and Education.
 - (6) Division of Wildlife.
 - (7) Division of Public Affairs.

- (d) Kentucky Horse Park.
 - (1) Division of Support Services.
 - (2) Division of Buildings and Grounds.
 - (3) Division of Operational Services.
- (e) Kentucky State Fair Board.
 - (1) Office of Administrative and Information Technology Services.
 - (2) Office of Human Resources and Access Control.
 - (3) Division of Expositions.
 - (4) Division of Kentucky Exposition Center Operations.
 - (5) Division of Kentucky International Convention Center.
 - (6) Division of Public Relations and Media.
 - (7) Division of Venue Services.
 - (8) Division of Personnel Management and Staff Development.
 - (9) Division of Sales.
 - (10) Division of Security and Traffic Control.
 - (11) Division of Information Technology.
 - (12) Division of the Louisville Arena.
 - (13) Division of Fiscal and Contract Management.
 - (14) Division of Access Control.
- (f) Office of the Secretary.
 - (1) Office of Finance.
 - (2) Office of Research and Administration.
 - (3) Office of Governmental Relations and Tourism Development.
 - (4) Office of the Sports Authority.
 - (5) Kentucky Sports Authority.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Creative Services.
- (k) Office of Capital Plaza Operations.
- (l) Office of Arts and Cultural Heritage.
- (m) Kentucky African-American Heritage Commission.
- (n) Kentucky Foundation for the Arts.
- (o) Kentucky Humanities Council.
- (p) Kentucky Heritage Council.
- (q) Kentucky Arts Council.
- (r) Kentucky Historical Society.
 - (1) Division of Museums.
 - (2) Division of Oral History and Educational Outreach.

- (3) Division of Research and Publications.
- (4) Division of Administration.
- (s) Kentucky Center for the Arts.
- (1) Division of Governor's School for the Arts.
- (t) Kentucky Artisans Center at Berea.
- (u) Northern Kentucky Convention Center.
- (v) Eastern Kentucky Exposition Center.
- 11. Personnel Cabinet:
 - (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity and Equality.
 - (j) Center of Strategic Innovation.

III. Other departments headed by appointed officers:

- 1. Council on Postsecondary Education.
- 2. Department of Military Affairs.
- 3. Department for Local Government.
- 4. Kentucky Commission on Human Rights.
- 5. Kentucky Commission on Women.
- 6. Department of Veterans' Affairs.
- 7. Kentucky Commission on Military Affairs.
- 8. Office of Minority Empowerment.
- 9. Governor's Council on Wellness and Physical Activity.

➔Section 2. The Environmental Protection Legal Division is hereby abolished. All files, funds, personnel, records, and equipment at the Environmental Protection Legal Division shall be transferred to the Investigations and Support Branch of the Office of the General Counsel. The General Assembly confirms the Governor's Executive Order 2013-893, dated December 13, 2013, to the extent that it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 7, 2014.

CHAPTER 51

(SB 143)

AN ACT relating to the operation of a motor vehicle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 186.578 is amended to read as follows:

- (1) Applicants accepted to participate in a certified driver training program shall meet the following minimum vision requirements:
 - (a) A distance visual acuity of 20/200 or better, with corrective lenses, in the applicant's better eye;
 - (b) A visual field of at least one hundred twenty (120) degrees horizontally and eighty (80) degrees vertically in the same eye as used in paragraph (a) of this subsection;
 - (c) A distance visual acuity of 20/60 or better using a bioptic telescopic device; and
 - (d) No ocular diagnosis or prognosis that indicates a likelihood that significant deterioration of visual acuity or visual field to levels below the minimum standards outlined in this subsection will occur.
- (2) Upon acceptance into a certified driver training program, an applicant shall be given an examination to test his or her knowledge of the motor vehicle laws of the Commonwealth. This examination may be taken orally. Upon successful completion of this examination, the applicant shall be issued a temporary instruction permit, that shall be valid only when the applicant is accompanied by an employee of a certified driver training program. Temporary instruction permits issued under this section shall be valid for one (1) year from the date of issue.
- (3) An applicant who successfully completes a certified driver training program shall be reexamined by a vision specialist upon completion of the program. The examination shall certify that the applicant continues to meet the visual acuity and visual field standards set forth in subsection (1) of this section.
- (4) An applicant who successfully completes a certified driving training program and passes the visual reexamination required by subsection (3) of this section shall be eligible to take a comprehensive operator's license examination administered by the Department of Kentucky State Police. The operator's license examination shall include testing of the applicant's driving skills over a route specifically designed to test the applicant's competency using a bioptic telescopic device.
- (5) An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall be required to take and pass a temporary instruction permit examination before being eligible to take the operator's license examination. An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall not be required to complete a certified driver training program but shall be required to take and pass the visual examination outlined in subsection (3) of this section before taking the operator's license examination.
- (6) If an applicant or restricted out-of-state driver fails the operator's license examination three (3) times, he or she shall not be eligible to retake the examination until successfully completing additional training from a certified driver training program and obtaining an affidavit from the program director *or bioptic driving instructor* recommending that the applicant or restricted out-of-state driver be allowed to retake the examination.
- (7) The Office for the Blind shall promulgate administrative regulations in accordance with KRS Chapter 13A to set standards for a certified driver training program and to otherwise carry out the provisions of this section.

➔Section 2. KRS 186.579 is amended to read as follows:

- (1) The circuit clerk shall issue, to an applicant who successfully passes the operator's license examination outlined in KRS 186.578(4), an operator's license with the following restrictions:
 - (a) Required use of a bioptic telescopic device; ~~and~~
 - (b) Restricted to daytime driving *upon the recommendation of a vision specialist; and*
 - (c) *Restricted to vehicles with left and right outside mirrors.*
- (2) A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the licensed driver:
 - (a) *Obtains a recommendation from a vision specialist* ~~[Drives for thirty-six (36) months without any at-fault accidents and without any license suspensions];~~
 - (b) Successfully completes additional evaluation and training specifically designed for night driving from a certified driver training program; and
 - (c) Passes a comprehensive night driving examination.

- (3) An operator's license issued under KRS 186.578 and 186.579 shall be effective for one (1) year and shall expire on the last day of the birth month of the license holder. The license holder shall undergo a comprehensive visual examination by a vision specialist before a license can be renewed. If the vision specialist certifies that the conditions causing the visual impairment are stable, then the circuit clerk shall issue a renewal license. If the conditions causing the visual impairment are unstable or deteriorating, the license holder may be required to undergo additional testing as required by the department before a renewal license may be issued.

Signed by Governor April 7, 2014.

CHAPTER 52

(SB 158)

AN ACT relating to campus safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 164.9489 is amended to read as follows:

KRS 164.948 to 164.9489 and KRS 164.993 may be cited as the Michael Minger *Life Safety* Act.

Signed by Governor April 7, 2014.

CHAPTER 53

(SB 170)

AN ACT relating to noxious weeds and invasive plants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 176.051 is amended to read as follows:

- (1) The Department of Highways shall keep all state ~~rights-of-way~~^[right-of-ways] free of ***all of the following, which are noxious weeds and invasive plants:***
- (a) The species of grass, *Sorghum halepense*, commonly known as Johnson grass;~~[-and-]~~
 - (b) The species of weed commonly known as giant foxtail;~~[-both of which are noxious weeds, and-]~~
 - (c) The thistles *Cirsium arvense* and *Carduus nutans*, commonly known as Canada thistles and nodding thistles, respectively;~~[-]~~
 - (d) Multiflora rose;~~[-]~~
 - (e) ***Kudzu;***
 - (f) ***Poison hemlock;***
 - (g) ***Marestail;***
 - (h) ***Amur honeysuckle;***
 - (i) ***Japanese knotweed; and***
 - (j) ***Common teasel.***~~[-wild cucumber, and black nightshade;-]~~
- (2) ~~[and,]~~ Upon written request, ***the department*** shall give priority to ***and shall cooperate with*** any abutting property owner engaged in a program of eradication ***by eradicating the noxious weeds and invasive plants identified in subsection (1) of this section, or in administrative regulations promulgated pursuant to subsection (4) of this section,***~~[of Johnson grass, giant foxtail, Canada thistles, nodding thistles, multiflora rose,~~

~~kudzu, wild cucumber, and black nightshade; and shall cooperate with the abutting owner by eradicating the Johnson grass, giant foxtail, Canada thistles, nodding thistles, multiflora rose, kudzu, wild cucumber, and black nightshade~~ from abutting state ~~rights-of-way~~~~right of ways~~. The department shall take steps to eradicate this grass and these weeds or thistles by the use of chemicals or any other means found to be effective by the department.

(3)~~(2)~~ The Department of Highways shall inform property owners of the availability of the eradication program. In carrying out this responsibility the department shall, no later than the first week in March of every year, advertise in each county, pursuant to the provisions of KRS Chapter 424 that the program is available. The department shall stipulate in the advertisement the place and manner in which an interested property owner may make a written request for inclusion in the program. ***The department shall also promote awareness of the availability of the eradication program through the use of electronic media and the Cooperative Extension Service.***

(4) (a) ***The Department of Highways may by administrative regulation add noxious weeds and invasive plants to or delete them from the list of noxious weeds and invasive plants enumerated in subsection (1) of this section. In making a determination regarding a noxious weed or invasive plant, the department may consider the following:***

1. ***The plant's ability to directly or indirectly injure or cause damage to crops, livestock, poultry, or other interests of agriculture;***
2. ***The plant's impact on the public health;***
3. ***The plant's impact on the environment; and***
4. ***The level of difficulty associated with controlling or eradicating the plant.***

(b) ***The department shall review this administrative regulation at least once every four (4) years.***

Signed by Governor April 7, 2014.

CHAPTER 54

(SCR 44)

A CONCURRENT RESOLUTION declaring Kentucky to be the "Houseboat Capital of the World."

WHEREAS, the boating industry generates over \$826 million annually; and

WHEREAS, in 2012, Houseboat Magazine reported that the Lake Cumberland region of Kentucky produced more houseboats than any other area in the nation; and

WHEREAS, there are several houseboat manufacturing companies in Kentucky, and one notable company, Sharpe Marine, also known as Somerset Houseboats, began in the late 1940s working on a design that would make houseboats a signature industry for Kentucky for the next 60 years; and

WHEREAS, Jim Sharpe of Somerset, Kentucky is credited with building the first houseboat in 1953, and that boat design served as the catalyst for the development of the modern houseboat industry as we know it today; and

WHEREAS, beginning in the 1990s, Kentucky's houseboat industry entered into international markets exporting houseboats made in Kentucky around the globe; and

WHEREAS, since then, thousands of houseboats have been built around the shores of Lake Cumberland, but Kentuckians, like the thousands of visitors who migrate to Kentucky every year, enjoy houseboating as a recreational opportunity too; and

WHEREAS, Kentucky is uniquely blessed with more navigable waters than any other state in the nation except Alaska, which makes Kentucky a wonderful destination for houseboaters and further supports Kentucky's boating and outdoor recreational tourism industry;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

➔Section 1. Kentucky is hereby declared to be the "Houseboat Capital of the World."

Signed by Governor April 7, 2014.

CHAPTER 55

(HB 26)

AN ACT relating to school district employee health insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 161.158 is amended to read as follows:

- (1) (a) Each district board of education may form its employees into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance, or any group insurance plans to aid its employees including the state employee health insurance group as described in KRS 18A.225 **to 18A.2287**, as long as the employees continue to be employed by the board of education. Medical and dental group insurance plans obtained under authority of this section may include insurance benefits for the families of the insured group or groups of employees. Any district board of education may pay all or part of the premium on the policies, and may deduct from the salaries of the employees that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits. As permitted in KRS 160.280(4), board members shall be eligible to participate in any group medical or dental insurance provided by the district for employees.
- (b) If a district board of education participates in the state employee health insurance program, as described in KRS 18A.225 **to 18A.2287**, for its active employees and terminates participation and there is a state appropriation approved by the General Assembly for the employer's contribution for active employees' health insurance coverage, neither the board of education nor the employees shall receive the state-funded contribution after termination from the state employee health insurance program.
- (c) ***If a district board of education participates in the state employee health insurance program as described in KRS 18A.225 to 18A.2287 for its active employees, all district employees who are required to be offered health insurance coverage for purposes of, and in accordance with, the federal Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, shall be eligible for the state-funded contribution appropriated by the General Assembly for the employer's contribution for active employees' health insurance coverage.***
- (2) (a) Each district board of education shall adopt policies or regulations which will provide for:
 1. Deductions from salaries of its employees or groups of employees whenever a request is presented to the board by said employees or groups thereof. The deductions shall be made from salaries earned in at least eight (8) different pay periods. The deductions may be made for, but are not limited to, membership dues, tax-sheltered annuities, and group insurance premiums. With the exception of membership dues, the board shall not be required to make more than one (1) remittance of amounts deducted during a pay period for a separate type of deduction; and
 2. Deductions from payments for the per diem and actual expenses provided under KRS 160.280(1) to members of the district board of education whenever a request is presented by a board member to the board. The deductions may be made for but not be limited to membership dues, health insurance purchases, scholarship funds, and contributions to a political action committee.
- (b) The deductions under paragraph (a)1. and 2. of this subsection shall be remitted to the appropriate organization or association as specified by the employees within thirty (30) days following the deduction, provided the district has received appropriate invoices or necessary documentation.

- (c) Health insurance, life insurance, and tax-sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board, the board shall bear no further responsibility or liability for subsequent transaction.
- (3) Payments and deductions made by the board of education under the authority of this section are presumed to be for services rendered and for the benefit of the common schools, and the payments and deductions shall not affect the eligibility of any school system to participate in the public school funding program as established in KRS Chapter 157.

Signed by Governor April 8, 2014.

CHAPTER 56

(HB 281)

AN ACT relating to special license plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 186.162 is amended to read as follows:

- (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:
 - (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
 - (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
 - (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
 - (d) "CF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by a county clerk; and
 - (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.
- (2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:
 - (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:
 - 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - (b) Former prisoners of war and survivors of Pearl Harbor:
 - 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
 - (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
 - 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).

2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, or the Bronze Star Medal awarded for valor; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
1. Initial Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
- (f) Disabled license plates:
1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (g) Historic vehicles:
1. Initial Fee for two plates: \$53 (\$50 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (j) Emergency management:
1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (k) Fraternal Order of Police:
1. Initial Fee: ~~\$38~~~~\$45~~ (\$25~~\$37~~ SF/\$3 CF/~~\$10~~~~\$5~~ EF to the Kentucky FOP Death Benefit Fund).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates:

1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- (n) Street rods:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (o) Nature plates:
1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (q) Kentucky General Assembly:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (t) Collegiate plates:
1. Initial Fee: \$50 (\$37 SF/\$3 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the child victims' trust fund established under KRS 41.400).
- (w) Kentucky Horse Council:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Horse Council).

2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
 1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:
 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky Department of Veterans' Affairs).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates issued under this section or established under the provisions of KRS 186.164 after the cabinet has received three hundred (300) applications and initial state fees from the sponsoring organization. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).

Signed by Governor April 8, 2014.

CHAPTER 57

(HB 289)

AN ACT relating to military affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 154.12-203 is amended to read as follows:

- (1) There is created the Kentucky Commission on Military Affairs. The commission shall be a separate administrative body of state government within the meaning of KRS Chapter 12.
- (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
 - (a) Address matters of military significance to Kentucky;

- (b) Maintain a cooperative and constructive relationship between state agencies and the military entities in Kentucky, as necessary to ensure coordination and implementation of unified, comprehensive, statewide strategies involved with, or affected by, the military;
 - (c) Advise the Governor, the General Assembly, the Kentucky congressional delegation, and other appropriate government officials on all matters in which the military services and the Commonwealth have mutual interests, needs, and concerns;
 - (d) Take action to promote and optimize state and Department of Defense initiatives that will improve the military value of Kentucky's National Guard, active, and reserve military force structure and installations, and improve the quality of life for military personnel residing in the Commonwealth;
 - (e) Coordinate, as necessary, the state's interest in future Department of Defense base closure and restructuring activities;
 - (f) Recommend state, federal, and local economic development projects which would promote, foster, and support economic progress through military presence in the Commonwealth;
 - (g) Promote and assist the private sector in developing spin-off investments, employment, and educational opportunities associated with high-technology programs and activities at Kentucky's military installations;
 - (h) Recommend to the Kentucky Economic Development Partnership the long-range options and potential for the defense facilities located in Kentucky;
 - (i) Develop strategies to encourage military personnel to retire and relocate in Kentucky and promote those leaving the military as a viable quality workforce for economic development and industrial recruitment; and
 - (j) Allocate available grant money to qualified applicants to further the purposes of paragraphs (a) to (i) of this subsection.
- (3) The Kentucky Commission on Military Affairs shall consist of:
- (a) The Governor or a designated representative;
 - (b) The secretary of the Cabinet for Economic Development or a designated representative;
 - (c) The adjutant general of the Commonwealth or a designated representative;
 - (d) The executive director of the Office of Homeland Security or a designated representative;
 - (e) The secretaries of the following cabinets or their designees:
 - 1. Finance and Administration;
 - 2. Justice and Public Safety;
 - 3. Energy and Environment;
 - 4. Transportation;
 - 5. Education and Workforce Development;
 - 6. Health and Family Services;
 - 7. Personnel;
 - 8. Labor;
 - 9. Public Protection; and
 - 10. Tourism, Arts and Heritage;
 - (f) The Attorney General or a designated representative;
 - (g) The commissioner of the Department of Veterans' Affairs or a designated representative;
 - (h) The executive director of the Kentucky Commission on Military Affairs or a designated representative;
 - (i) Kentucky's Civilian Aides to the Secretary of the United States Army;

- (j) Two (2) members of the Kentucky General Assembly, with experience in or an interest in military and defense-related issues, one (1) member to be appointed by the President of the Senate, and one (1) member to be appointed by the Speaker of the House;

(k) *The Chief Justice or a designated representative;*

- ~~(l)(k)~~ The commander or the designee of the commander of each of the following as nonvoting, ex officio members:

- 1. *US Army Cadet Command;***
- 2. *US Army Human Resources Command;***
- 3. *US Army Recruiting Command;***
- 4. *84th Training Command;***
- 5. *One Hundredth Division (Institutional Training);***
- 6. *101st Airborne Division;***
- 7. *Blue Grass Army Depot;***
- 8. *Fort Campbell Garrison;***
- 9. *Fort Knox Garrison;***
- 10. *US Army Corps of Engineers, Huntington District;***
- 11. *US Army Corps of Engineers, Louisville District;***
- 12. *Adjutant General of the US Army; and***

- ~~(m) 1. Fort Campbell;~~

- ~~2. Fort Knox;~~

- ~~3. United States Army Accessions Command;~~

- ~~4. Bluegrass Army Depot;~~

- ~~5. Louisville District of the United States Army Corps of Engineers;~~

- ~~6. The One Hundredth Training Division; and~~

- ~~7. Any other installation or organization with a major military mission in the Commonwealth;~~

- ~~(n)~~ Five (5) at-large members appointed by the Governor, who shall be residents of counties significantly impacted by military installations; ~~and~~

- ~~(m) The Chief Justice or a designated representative.~~

- (4) The terms of the five (5) at-large members shall be staggered so that two (2) appointments shall expire at two (2) years, one (1) appointment shall expire at three (3) years, and two (2) appointments shall expire at four (4) years, from the dates of initial appointment.
- (5)
 - (a) The commission shall establish an executive committee consisting of the secretary of the Cabinet for Economic Development, the adjutant general of the Commonwealth, the commissioner of the Department of Veterans' Affairs, the executive director of the Kentucky Commission on Military Affairs, and the five (5) at-large members. The chair and vice chair of the Kentucky Commission on Military Affairs shall be appointed by the Governor from among the members of the executive committee.
 - (b) The chair and vice chair of the commission shall also serve as chair and vice chair of the executive committee.
 - (c) The executive committee shall serve as the search committee for an executive director of the commission and shall have any other authority the commission delegates to it.
- (6) The commission shall meet two (2) times each year, and may meet at other times on call of the chair, to establish the commission's goals and to review issues identified and recommendations made by the executive committee. A majority of the members shall constitute a quorum for the transaction of the commission's business. Members' designees shall have voting privileges at commission meetings.

- (7) Members of the commission shall serve without compensation, but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
- (8) The commission may establish committees or work groups composed of commission members and citizens as necessary to advise the commission in carrying out its responsibilities, duties, and powers. Citizen members of committees or work groups shall not have a vote.
- (9) The commission may promulgate necessary administrative regulations as prescribed by KRS Chapter 13A.
- (10) The commission may adopt bylaws and operating policies necessary for its efficient and effective operation.
- (11) There shall be an executive director, who shall be the administrative head and chief executive officer of the commission, recommended by the executive committee, approved by the commission, and appointed by the Governor. The executive director shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.
- (12) The Kentucky Commission on Military Affairs and its executive committee shall be an independent agency attached to the Office of the Governor.

Signed by Governor April 8, 2014.

CHAPTER 58

(HB 316)

AN ACT relating to insurance for tangible personal property to secure a loan by a consumer loan company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 286.4-560 is amended to read as follows:

~~[Notwithstanding the provisions of this or any other law:]~~

- (1) A licensee may request a borrower to insure tangible personal property, except household goods, offered as security for a loan exceeding three hundred dollars (\$300) under this subtitle against any substantial risk of loss, damage, or destruction for an amount not to exceed the actual value of such property or the approximate amount of the loan, whichever is greater, and for a term and upon conditions which are reasonable and appropriate considering the nature of the property and the maturity and other circumstances of the loan; provided such insurance is sold by a licensed agent, broker, or solicitor. ***The licensee may also request and secure credit property insurance on the tangible personal property, provided that no part of the cost thereof shall be charged to the borrower unless the insurer agrees that it will not exercise its right to subrogation against the borrower under the licensee's policy.***
- (2) A licensee may also request, provide, obtain, or take as security for any loan obligation insurance on the life, unemployment, health, or disability, or all, of the borrower, or two (2) of them if there are two (2) or more. Life insurance shall be in the approximate amount of the indebtedness scheduled to be due the licensee under the loan contract. Not more than one (1) policy of life insurance may be written in connection with any loan transaction under this subtitle. The aggregate amount of periodic benefits payable by any unemployment, health, or disability insurance provided, obtained, or requested by the licensee in the event of unemployment or disability, as defined in the policy, shall not exceed the aggregate of the scheduled installments and the waiting period provided in such policy must be fourteen (14) days or longer. The premium rate for insurance provided under this section shall be reasonable in relation to the benefits provided and shall be filed with the commissioner of insurance. The commissioner of insurance shall, within thirty (30) days after the filing of any premium rate, disapprove such premium rate if it is excessive in relation to the benefits. In determining whether to approve or disapprove any premium rate, the commissioner of insurance shall give due consideration to the unemployment, mortality, and morbidity costs with respect to such insurance on borrowers under this subtitle or similar acts in other states, a reasonable margin for underwriting expenses and profit and contingencies to the insurer, and cost and compensation to the licensees for providing and servicing such insurance, plus the premium taxes payable on such insurance.

- (3) In accepting any insurance provided for by this section as security for a loan the licensee, its officers, agents, or employees may deduct the premiums or identifiable charge therefor from the proceeds of the loan, which premium or identifiable charge shall not exceed the rate filed with the commissioner of insurance and not disapproved and remit such premiums to the insurance company writing such insurance and any gain or advantage to the licensee or any employee, officer, director, agent, affiliate, or associate from such insurance or its sale shall not be considered as additional or further charge in connection with any loan made under this subtitle. The arranging for and collecting of an identifiable charge shall not be deemed the sale of insurance.
- (4) Every insurance policy or certificate written in connection with a loan transaction pursuant to subsection (2) of this section shall provide for cancellation of coverage and a refund of the premium or identifiable charge unearned upon the discharge of the loan obligation for which such insurance is security without prejudice to any claim. Such refund shall be under a formula filed by the insurer with the commissioner of insurance.
- (5) Whenever insurance is written in connection with a loan transaction pursuant to this section the licensee shall deliver or cause to be delivered to the borrower a policy, certificate, ~~for other~~ memorandum, **or other disclosure** which shall show the coverages and the cost thereof, if any, to the borrower within thirty (30) days from the date of the loan.
- (6) All such insurance shall be written by a company authorized to conduct such business in this state and the licensee shall not require the purchase of such insurance from any agent or broker designated by the licensee nor shall the licensee decline existing coverages which equal or exceed the standards of this section.

Signed by Governor April 8, 2014.

CHAPTER 59

(HB 357)

AN ACT relating to self-service storage space insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 304.9-230 is amended to read as follows:

- (1) The commissioner may issue, in accordance with KRS 304.9-080, an agent's license with the limited line of authority as follows:
 - (a) Surety;
 - (b) Travel;
 - (c) Limited line credit;
 - (d) Crop;
 - (e) Rental vehicle; ~~or~~
 - (f) **Self-service storage space; or**
 - (g) Other limited lines, as specified by the commissioner through the promulgation of administrative regulations.
- (2) The commissioner shall promulgate administrative regulations to establish the requirements, if any, for prelicensing courses of instruction and examination for each limited line of authority.
- (3) On and after July 15, 2002, the commissioner shall not issue an agent license with a limited line of authority for motor vehicle physical damage or for mechanical breakdown insurance. However, an agent license with a limited line of authority for motor vehicle physical damage or for mechanical breakdown insurance in effect on July 15, 2002, shall continue in effect until surrendered or otherwise terminated in accordance with this subtitle.

➔SECTION 2. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) **For the purposes of Sections 2 to 4 of this Act:**

- (a) *"Limited lines self-service storage space producer" means a:*
1. *Licensed managing general agent which has the same meaning as "managing general agent" in KRS 304.9-085(1);*
 2. *Licensed agent which has the same meaning as "agent" in KRS 304.9-020; or*
 3. *Limited lines self-service storage space insurance agent licensed pursuant to Section 1 of this Act;*
- designated by the insurer as the self-service storage space insurance supervising entity;*
- (b) *"Occupant" has the same meaning as in KRS 359.200;*
- (c) *"Offering and disseminating" means providing general information relating to the self-service storage space insurance offered, including a description of the coverage and price, receiving applications and premiums, and performing other activities permitted by the department which do not require a license;*
- (d) *"Operator" has the same meaning as in KRS 359.200;*
- (e) *"Personal property" has the same meaning as in KRS 359.200;*
- (f) *"Self-service storage facility" has the same meaning as in KRS 359.200; and*
- (g) *"Self-service storage space insurance" means insurance that provides primary coverage to an occupant of a self-service storage facility space for the loss of or damage to tangible personal property that is contained in a self-service storage space, but does not include a homeowner's policy, renter's insurance policy, a private passenger motor vehicle insurance policy, or an insurance policy that provides coverage similar to the insurance provided by this subparagraph.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *An operator of a self-service storage facility may offer and disseminate insurance for personal property located within a leased space at a self-service storage facility on behalf of and under the control of a limited lines self-service storage space insurance producer only if the limited lines self-service storage space insurance producer complies with the following:*
- (a) *The limited lines self-service storage space insurance producer is clearly identified, including the entity's name and contact information on marketing materials and fulfillment packages distributed by self-service storage facility operators to customers;*
 - (b) *At the time of licensure, the limited lines self-service storage space insurance producer shall establish and maintain a register on a form, prescribed by the commissioner, of each facility that offers self-service storage space insurance on the limited lines self-service storage space insurance producer's behalf. The register shall be maintained and updated annually by the limited lines self-service storage space insurance producer and shall include the name, address, contact information, and Federal Employment Identification Number of the operator and the name, address, and contact information of any officer or person employed by the operator who directs or controls the self-service storage facility operations. The limited lines self-service storage space insurance producer shall submit the register upon request from the commissioner. The limited lines self-service storage space insurance producer shall also certify that it complies with 18 U.S.C. sec. 1033;*
 - (c) *The limited lines self-service storage space insurance producer has designated one (1) of its employees as a licensed individual responsible for the business entity's compliance with Sections 2 to 4 of this Act and the insurance laws, rules, and administrative regulations of the state; and*
 - (d) *The limited lines self-service storage space insurance producer requires each employee of the operator whose duties include offering and disseminating insurance to receive a program of instruction or training, which may be subject to review by the commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.*
- (2) *Notwithstanding KRS 304.9-421 and 304.9-425, a self-service storage facility operator, including its employees, whose activities relating to insurance are limited to offering and disseminating insurance on*

behalf of and under the direction of a limited lines self-service storage space insurance producer meeting the conditions as set forth in this section may offer and disseminate insurance.

- (3) *As the insurer's designee, the limited lines self-service storage space insurance producer is responsible for the acts of the self-service storage space operator.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Self-service storage space insurance shall not be transacted under this subtitle at any location unless the following consumer protection disclosures are made in writing that meets the readability standards set forth in KRS 304.14-440 and the administrative regulations promulgated thereunder prior to the sale of self-service storage space insurance:

- (1) *A clear and concise description of the material terms and conditions of the coverage, including a description of exclusions;*
- (2) *A description of the process for filing a claim and a toll free telephone number for reporting a claim;*
- (3) *A statement that the coverage offered by the self-service storage space insurance rental agreement may be a duplication of coverage already provided by an occupant's other source of property coverage;*
- (4) *A statement that if insurance is required as a condition of an operator's rental agreement with an occupant, the requirement may be satisfied by the customer's:*
 - (a) *Purchase of self-service storage space insurance that is offered or disseminated by the self-storage facility; or*
 - (b) *Presentation to the self-storage facility of evidence of other applicable insurance coverage;*
- (5) *The name and address of the underwriting insurer;*
- (6) *A separate itemization of all costs for the self-service storage space insurance;*
- (7) *Confirmation that the insurer underwriting coverage is authorized to transact insurance in Kentucky; and*
- (8) *A statement that the self-service storage space insurance is primary coverage over any other coverage, which may be made available to the occupant, covering the same loss.*

Signed by Governor April 8, 2014.

CHAPTER 60

(HB 414)

AN ACT relating to life insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBTITLE 15 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*
 - (a) *"Long-term care services" means:*
 1. *Home health care;*
 2. *Assisted living;*
 3. *Nursing home care; and*
 4. *Any other service or support deemed a long-term care service pursuant to administrative regulations promulgated by the Department for Medicaid Services; and*
 - (b) *"Recipient" means the recipient of the long-term care services that are being paid for from the proceeds of the life settlement contract entered into pursuant to this section.*

- (2) *The owner of a life insurance policy with a face value in excess of ten thousand dollars (\$10,000) may enter into a life settlement contract pursuant to KRS 304.15-700 to 304.15-720, in exchange for payments directly to a long-term care services provider as of the effective date of the life settlement contract in accordance with this section.*
- (3) (a) *All proceeds of the life settlement contract entered into pursuant to this section shall:*
1. *Not be subject to any statute or administrative regulation relating to minimum payments for a life settlement which conflict with the provisions of this section; and*
 2. *Be held in an irrevocable state or federally insured account for the benefit of the recipient of the long-term care services and administered in accordance with this section.*
- (b) *The type of long-term care services payable from the irrevocable account shall be chosen only by the recipient of the services. Any attempt by any person to require the use of a long-term care services provider to obtain long-term care services pursuant to this section is prohibited and shall constitute an unfair or deceptive act or practice in violation of KRS 304.12-010.*
- (c) *In addition to the requirements in KRS 304.15-700 to 304.15-720, any life settlement contract entered into pursuant to this section shall include the following:*
1. *A provision in the contract that five percent (5%) of the face amount of the life insurance policy, not to exceed seven thousand five hundred dollars (\$7,500), or five thousand dollars (\$5,000), whichever is greater, may be reserved and if reserved shall be payable to the owner's estate or a named beneficiary of the irrevocable account upon the death of the insured under the policy that is the subject of the life settlement contract for final expenses; and*
 2. *The balance of proceeds of the life settlement contract that are unpaid at the death of the owner shall be paid to the owner's estate or a named beneficiary of the irrevocable account.*
- (d) *Any life settlement provider entering into a life settlement contract pursuant to this section shall maintain one (1) of the following:*
1. *A surety bond executed and issued by an insurer authorized to issue bonds in this state in the amount of five hundred thousand dollars (\$500,000). Any surety bond issued shall be in favor of this state and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices by the life settlement provider; or*
 2. *A policy of errors and omissions insurance covering legal liability resulting from erroneous acts or failure to act in their capacity as a life settlement provider in the sum of no less than five hundred thousand dollars (\$500,000) per occurrence and in the aggregate.*
- (e) *For purposes of this section, in addition to any requirements of KRS 304.15-700 to 304.15-720:*
1. *Life settlement contract forms entered into pursuant to this section shall be filed and approved by the department; and*
 2. *Advertising and marketing materials used by a life settlement provider pursuant to this section shall be filed with the department.*
- (f) *Any claim against a life settlement provider from an owner of a policy, the owner's estate, any beneficiary, or any other person with respect to the life settlement contract shall not exceed the face amount of the policy, less the proceeds paid under the life settlement contract, the total amount of premiums paid subsequent to entering into the life settlement contract, and any other reasonable costs or expenses associated with the acquisition or maintenance of the policy that is the subject of a life settlement contract. Any payment of a claim by a life settlement provider shall be made from the funds established pursuant to paragraph (a)2. of this section.*
- (g) *The department shall conduct periodic market examinations of each life settlement provider regarding the life settlement contracts entered into pursuant to this section in accordance with KRS 304.15-705.*
- (4) *Nothing in this section shall be the exclusive method for a life insurance policy to be excluded as a resource or asset in determining the applicant's or recipient's eligibility for Medicaid.*
- (5) *The commissioner may promulgate administrative regulations to implement this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1)
 - (a) *To the extent allowable under state or federal law, the proceeds of a life settlement received pursuant to Section 1 of this Act shall not be considered as a resource or asset in determining a Medicaid applicant's or recipient's eligibility for Medicaid and shall only be used as allowed for long-term-care services in accordance with Section 1 of this Act.*
 - (b) *No state or federal Medicaid funds may be used for the recipient's care until available proceeds from the life settlement are utilized for the recipient's care, excluding the amount retained for final expenses in accordance with Section 1 of this Act.*
 - (c) *The recipient, as defined in Section 1 of this Act, shall provide notice, in a manner prescribed by the cabinet, that the life settlement proceeds in the irrevocable account established pursuant to Section 1 of this Act are exhausted or will become exhausted on a specified date.*
- (2) *The cabinet shall ensure that Medicaid and applied income payments shall begin on the day following exhaustion of the life settlement proceeds if notice is provided to the cabinet as required by subsection (1)(c) of this section.*
- (3) *The cabinet may promulgate administrative regulations defining a service or support deemed a long-term-care service for the purposes of Section 1 of this Act. The cabinet shall promulgate an administrative regulation prescribing the manner in which a recipient, as defined in Section 1 of this Act, shall provide notice to the cabinet in accordance with subsection (1)(c) of this section.*
- (4) *The cabinet shall provide to all applicants as part of the application for enrollment in the Medicaid program:*
 - (a) *Written notice of the options provided in Section 1 of this Act; and*
 - (b) *Information about options that do not allow a life insurance policy to be considered as an asset or resource in determining eligibility for medical assistance.*
- (5) *The cabinet shall provide information about the options in Section 1 of this Act to other state and local, public and private agencies and organizations in cooperation with one (1) or more nonprofit organizations, pursuant to an agreement between the state and each nonprofit organization. Costs for materials and distribution of information required by this subsection shall not be the responsibility of the state, unless required by law.*

➔Section 3. KRS 304.15-420 is amended to read as follows:

- (1) The General Assembly declares the purpose of this section shall be to require recognition of the escheat statute, as found in KRS 393.062, and to require complete and proper disclosure, transparency, and accountability relating to any method of payment for **annuity, retained asset, or** life insurance death benefits regulated by the Department of Insurance.
- (2) As used in this section:
 - (a) "Contract" means an annuity contract. The term "contract" shall not include an annuity used to fund an employment-based retirement plan or program where the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants;
 - (b) "Death Master File" means the United States Social Security Administration's Death Master File or any other database or service that is at least as comprehensive as the United States Social Security Administration's Death Master File for determining that a person has reportedly died;
 - (c) "Death Master File match" means a search of the Death Master File that results in a match of the Social Security number or the name and date of birth of an insured, **annuitant**~~annuity owner~~, or retained asset account holder; and
 - (d) "Policy" means any policy or certificate of life insurance that provides a death benefit. The term "policy" shall not include:
 1. Any policy or certificate of life insurance that provides a death benefit under:
 - a. An employee benefit plan, subject to the Employee Retirement Income Security Act of 1974, as defined by 29 U.S.C. sec. 1002(3);
 - b. A governmental plan as defined by 29 U.S.C. sec. 1002(32);

- c. A church plan as defined by 29 U.S.C. sec. 1002(33); or
- d. Any federal employee benefit program;
- 2. Any policy or certificate of life insurance that is used to fund a preneed funeral contract or prearrangement as defined in KRS 304.12-240(1)(a); or
- 3. Any policies or certificates of insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction, or any group policy issued to a creditor to insure the lives of the creditor's debtors and any certificates issued under such policies.

All other terms used in this section shall be interpreted in a manner consistent with the definitions used in KRS Chapter 304.

- (3) (a) An insurer shall perform a comparison of its insureds' in-force life insurance policies, **contracts**, and retained asset accounts against a Death Master File, on at least a ~~semiannual~~~~quarterly~~ basis, to identify potential matches of its insureds. ***An insurer may comply with the requirements of this section by using the entire Death Master File once, and for all comparisons thereafter, an insurer may utilize the Death Master File updates.***
- (b) For those potential matches identified as a result of a Death Master File match, the insurer shall within ninety (90) days of a Death Master File match:
 - 1. Complete a good-faith effort, which shall be documented by the insurer, to confirm the death of the insured, **annuitant**, or retained asset account holder against other available records and information; and
 - 2. Determine whether benefits are due in accordance with the applicable policy or contract and, if benefits are due in accordance with the applicable policy or contract:
 - a. Use good-faith efforts, which shall be documented by the insurer, to locate the beneficiary or beneficiaries; and
 - b. Provide the appropriate claims forms or instructions to each beneficiary to make a claim, including the need to provide an official death certificate if applicable under the policy, ~~for~~ contract, **or retained asset account.**
- (c) With respect to group life insurance, insurers are required only to confirm the possible death of an insured when the insurers provide full recordkeeping services to the group policy holder.
- (d) To the extent permitted by law, the insurer may disclose minimum necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.
- (4) An insurer shall not charge insureds, account holders, or beneficiaries for any fees or costs associated with a search or verification conducted pursuant to this section.
- (5) The benefits from a life insurance policy, **contract**, or a retained asset account, plus any applicable accrued interest, shall first be payable to the designated beneficiaries or owners and, in the event those beneficiaries or owners cannot be found, shall escheat to the state as unclaimed property pursuant to KRS 393.062.
- (6) An insurer shall notify the State Treasurer upon the expiration of the statutory time period for escheat that:
 - (a) A life insurance policy **or contract** beneficiary or retained asset account holder has not submitted a claim with the insurer; and
 - (b) The insurer has complied with subsection (3) of this section and has been unable, after good-faith efforts documented by the insurer, to contact the retained asset account holder or any beneficiary.
- (7) Upon such notice, an insurer shall ~~immediately~~ submit, ***on its next unclaimed property report due to the State Treasurer***, the unclaimed life insurance benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the State Treasurer.
- (8) Failure to meet any requirement of this section ***with such frequency as to constitute a general business practice*** shall constitute a violation of Subtitle 12 of KRS Chapter 304.
- (9) ***Nothing in this section shall be construed to create or imply a private cause of action for a violation of this section. An insurer that is making a good-faith effort to comply with this section shall not be subject to any***

fees, fines, penalties, or interest for failure to perform a comparison of its in-force life insurance policies, contracts, and retained asset accounts prior to the effective date of this Act.

~~(10)(9)~~ *The commissioner shall have exclusive authority and jurisdiction in his or her reasonable discretion based upon a demonstration of hardship to the insurer to issue an order allowing an insurer to phase in compliance with this section for a time period not to exceed one (1) year, according to a plan and timeline approved by the commissioner.*

(11) This section shall be known as the Unclaimed Life Insurance Benefits Act.

Signed by Governor April 8, 2014.

CHAPTER 61

(HJR 19)

A JOINT RESOLUTION establishing an annual Kentucky Retired Teachers' Appreciation Week.

WHEREAS, Kentucky Retired Teachers provided a great service to the Commonwealth by educating the current citizens and leaders of Kentucky; and

WHEREAS, Kentucky Retired Teachers continue to support education in the Commonwealth through thousands of hours of volunteer service; and

WHEREAS, Kentucky Retired Teachers continue to support students by providing scholarships to promising students in the field of education; and

WHEREAS, Kentucky Retired Teachers support the Commonwealth through annual community service projects;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The members of the House of Representatives and Senate honor Kentucky Retired Teachers by recognizing the third week of October to be Kentucky Retired Teachers' Appreciation Week.

➔Section 2. The members of the House of Representatives and Senate thank Kentucky Retired Teachers for their past, present, and future dedication to education in the Commonwealth.

➔Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Mr. Bob Wagoner, Executive Director for Kentucky Retired Teachers' Association, P.O. Box 826, New Castle, Kentucky 40050.

Signed by Governor April 8, 2014.

CHAPTER 62

(SB 45)

AN ACT relating to search warrants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 455 IS CREATED TO READ AS FOLLOWS:

The Supreme Court of Kentucky may, by rule, authorize a process allowing a search warrant to be applied for and issued electronically if the process meets the requirements of Section 10 of the Kentucky Constitution, requires the production of a paper copy of the warrant at the time it is served, and otherwise complies with any other requirements for search warrants generally, including those pertaining to their filing, execution, and return.

Signed by Governor April 8, 2014.

CHAPTER 63

(SB 20)

AN ACT related to anti-bullying.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly recognizes its responsibility to secure the environment for all Kentucky students. Thus, October of each year shall be designated as Anti-Bullying Month in the Commonwealth.***
- (2) *As a symbol of awareness of the serious issues and negative effects of bullying, the official ribbon for the Anti-Bullying Month in the Commonwealth shall be purple and yellow. The color purple is a reminder of domestic violence and the color yellow is in memory of those who have taken their lives as a result of bullying.***

Signed by Governor April 9, 2014.

CHAPTER 64

(SB 61)

AN ACT relating to the licensure of fee-based pastoral counselors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 202A.400 is amended to read as follows:

- (1) No monetary liability and no cause of action shall arise against any mental health professional for failing to predict, warn of or take precautions to provide protection from a patient's violent behavior, unless the patient has communicated to the mental health professional an actual threat of physical violence against a clearly identified or reasonably identifiable victim, or unless the patient has communicated to the mental health professional an actual threat of some specific violent act.**
- (2) The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstances specified in subsection (1) of this section. The duty to warn a clearly or reasonably identifiable victim shall be discharged by the mental health professional if reasonable efforts are made to communicate the threat to the victim, and to notify the police department closest to the patient's and the victim's residence of the threat of violence. When the patient has communicated to the mental health professional an actual threat of some specific violent act and no particular victim is identifiable, the duty to warn has been discharged if reasonable efforts are made to communicate the threat to law enforcement authorities. The duty to take reasonable precaution to provide protection from violent behavior shall be satisfied if reasonable efforts are made to seek civil commitment of the patient under this chapter.**
- (3) No monetary liability and no cause of action shall arise against any mental health professional for confidences disclosed to third parties in an effort to discharge a duty arising under subsection (1) of this section according to the provisions of subsection (2) of this section.**
- (4) For purposes of this section, "mental health professional" means:**
 - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in conducting mental health services;**
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States engaged in conducting mental health services;**

- (c) A psychologist, a psychological practitioner, a certified psychologist, or a psychological associate, licensed under the provisions of KRS Chapter 319;
- (d) A registered nurse licensed under the provisions of KRS Chapter 314 engaged in providing mental health services;
- (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 engaged in providing mental health services;
- (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 engaged in providing mental health services;
- (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599 engaged in providing mental health services;
- (h) An art therapist certified under KRS 309.130 engaged in providing mental health services; or
- (i) A ~~fee-based~~ pastoral counselor **licensed**~~certified~~ under the provisions of KRS 335.600 to 335.699 engaged in providing mental health services.

➔ Section 2. KRS 210.366 is amended to read as follows:

- (1) As used in this section:
 - (a) "Board" means the Kentucky Board of Social Work, Kentucky Board of Licensure of Marriage and Family Therapists, Kentucky Board of Licensed Professional Counselors, Kentucky Board of **Licensure** ~~for Certification of Fee-Based~~ Pastoral Counselors, Kentucky Board of Certification of Alcohol and Drug Counselors, Kentucky Board of Examiners of Psychology, and Kentucky Board of Licensure for Occupational Therapy; and
 - (b) "Training program in suicide assessment, treatment, and management" means an empirically supported training program approved by the boards that contains suicide assessment including screening and referral, suicide treatment, and suicide management. A board may approve a training program that excludes one (1) of the elements if the element is inappropriate for the profession in question or inappropriate for the level of licensure or credentialing of that profession based on the profession's scope of practice. A training program that includes only screening and referral elements shall be at least three (3) hours in length. All other training programs approved under this section shall be at least six (6) hours in length.
- (2) Beginning January 1, 2015, each of the following professionals certified or licensed under KRS Title XXVI shall, at least once every six (6) years, complete a training program in suicide assessment, treatment, and management that is approved, in administrative regulations, by the respective boards:
 - (a) A social worker, marriage and family therapist, professional counselor, or ~~fee-based~~ pastoral counselor certified or licensed under KRS Chapter 335;
 - (b) An alcohol and drug counselor certified under KRS Chapter 309;
 - (c) A psychologist licensed or certified under KRS Chapter 319; and
 - (d) An occupational therapist licensed under KRS Chapter 319A.
- (3)
 - (a) Except as provided in paragraph (b) of this subsection, a professional listed in subsection (2) of this section must complete the first training required by this section by July 2016.
 - (b) A professional listed in subsection (2) of this section applying for initial licensure or certification on or after June 25, 2013, may delay completion of the first training required by this section for six (6) years after initial licensure or certification if he or she can demonstrate successful completion of a six (6) hour academic training program in suicide assessment, treatment, and management that:
 - 1. Was completed no more than six (6) years prior to the application for initial licensure or certification; and
 - 2. Is listed on the best practices registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center.
- (4) The hours spent completing a training program in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education requirements for each profession.

- (5) A board may, by administrative regulation, specify minimum training and experience that is sufficient to exempt a professional from the training requirements in subsection (2) of this section.
- (6)
 - (a) The cabinet shall develop a model list of training programs in suicide assessment, treatment, and management.
 - (b) When developing the model list, the cabinet shall:
 1. Consider suicide assessment, treatment, and management training programs of at least six (6) hours in length listed on the best practices registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center; and
 2. Consult with the boards, public and private institutions of higher education, experts in suicide assessment, treatment, and management, and affected professional associations.
 - (c) The cabinet shall report the model list of training programs to the Interim Joint Committee on Health and Welfare no later than December 15, 2014.
- (7) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under KRS Title XXVI.
- (8) The cabinet and the boards affected by this section shall adopt any administrative regulations necessary to implement this section.

➔Section 3. KRS 335.600 is amended to read as follows:

The purpose of KRS 335.600 to 335.699 and KRE 506 is to protect the public safety and welfare by providing for the *licensure*~~[certification]~~ and regulation of persons engaged in the practice of ~~[fee-based]~~ pastoral counseling. As such, it is not the intent of KRS 335.600 to 335.699 and KRE 506 to advance or inhibit religion, to in any way affect the performance of ordinary duties or functions of the clergy, or to foster excessive government entanglement with religion.

➔Section 4. KRS 335.605 is amended to read as follows:

As used in KRS 335.600 to 335.699, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of *Licensure for*~~[Certification of Fee-Based]~~ Pastoral Counselors;
- (2) "*Kentucky licensed*~~[Certified fee-based]~~ pastoral counselor" or "*license*~~[certificate]~~ holder" means an ordained minister or the denominational equivalent who:
 - (a) Has completed a master of divinity degree and an advanced degree program in pastoral counseling, or an equivalent course of study approved by the board, from an accredited seminary or other accredited educational institution;
 - (b) Is *licensed*~~[certified]~~ by the board; and
 - (c) *Engages in*~~[Receives fees or other compensation for]~~ the practice of pastoral counseling;
- (3) "~~[Fee-based]~~ Pastoral counseling" means the practice of pastoral counseling at an advanced level, equivalent to the standards of practice set by the American Association of Pastoral Counselors for the "fellow" level, that involves integrating spiritual resources with insights from the behavioral sciences~~[, in exchange for a fee or other compensation]~~; and
- (4) "Ordained minister or the denominational equivalent" means a person who has been called, elected, or otherwise authorized by a church, synagogue, denomination, or faith group through ordination, consecration, or equivalent means, to exercise within and on the behalf of the denomination or faith group specific religious leadership and service that furthers its purpose and mission.

➔Section 5. KRS 335.610 is amended to read as follows:

The Kentucky Board of *Licensure for*~~[Certification of Fee-Based]~~ Pastoral Counselors is hereby created.

- (1) The board shall be composed of five (5) members who shall be appointed by the Governor to serve four (4) year terms.
 - (a) Four (4) members shall be *Kentucky licensed*~~[certified fee-based]~~ pastoral counselors actively engaged in the practice or teaching of pastoral counseling.

- (b) One (1) member shall be a citizen at large who is not associated with, or financially interested in, the practice or business of ~~fee-based~~ pastoral counseling.
- (2) All reappointments to the board and vacancies on the board shall be filled by the Governor from a list of three (3) nominees for each vacancy, submitted by the executive committee of the Kentucky Association of Pastoral Counselors. In selecting the three (3) nominees to be submitted to the Governor, the executive committee shall consider all nominations, including self-nominations, from all ~~fee-based~~ pastoral counselors **licensed**~~certified~~ under the provisions of KRS 335.600 to 335.699.
- (3) No member shall serve more than two (2) consecutive terms.
- (4) The chair of the board may not serve more than two (2) years.
- (5) ***Each member shall serve until his or her successor is appointed and qualified.***

➔Section 6. KRS 335.615 is amended to read as follows:

The board shall meet at least twice a year~~, in the spring and the fall~~. The board shall elect a chair at the fall meeting who shall serve a one (1) year term. The board shall:

- (1) Approve or deny applications for **licensure**~~certification~~ submitted according to the provisions of KRS 335.600 to 335.699;
- (2) Approve the examination required of applicants for **licensure**~~certification~~, provide for the administration and grading of the examination, and provide for other matters relating to **licensure**~~certification~~ in the profession of ~~fee-based~~ pastoral counseling as promulgated in administrative regulations;
- (3) Review the credentials of **license**~~certificate~~ holders to determine eligibility for **license**~~certification~~ renewal, including payment of fees authorized in KRS 335.625;
- (4) **License**~~Certify~~ those ~~fee-based~~ pastoral counseling applicants who satisfy the requirements of KRS 335.600 to 335.699, including payment of fees authorized in KRS 335.620;
- (5) Adopt a code of ethics for **Kentucky licensed**~~certified fee-based~~ pastoral counselors by promulgation of administrative regulations;
- (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to implement the purposes of KRS 335.600 to 335.699;
- (7) Investigate suspected violations of KRS 335.600 to 335.699;
- (8) Institute and maintain actions to restrain or enjoin persons who violate the **licensure**~~certification~~ provisions of KRS 335.600 to 335.699; and
- (9) Submit an annual report to the Governor and to the Legislative Research Commission by January 1 of each year, listing all hearings conducted by the board, any decisions rendered, and a current roster of all **Kentucky licensed**~~certified fee-based~~ pastoral counselors.

➔Section 7. KRS 335.620 is amended to read as follows:

- (1) An applicant for **licensure**~~certification~~ as a ~~fee-based~~ pastoral counselor shall:
 - (a)~~(1)~~ Pay the board an initial fee for **licensure**~~certification~~ that shall be established by administrative regulation promulgated in accordance with KRS Chapter 13A;
 - (b)~~(2)~~ Be at least twenty-one (21) years of age;
 - (c)~~(3)~~ Reside or be employed in the Commonwealth of Kentucky;
 - (d)~~(4)~~ Have completed a master of divinity degree or its equivalent with a minimum of ninety (90) hours from a seminary accredited by the Association of Theological Schools or an equivalent course of study as defined by the board by promulgation of administrative regulations;
 - (e)~~(5)~~ Have completed each of the following:
 - 1.~~(a)~~ At least one thousand three hundred seventy-five (1,375) hours in the practice of supervised pastoral counseling acceptable to the board, subsequent to being granted a master's degree; and
 - 2.~~(b)~~ A minimum of two hundred fifty (250) hours of clinical supervision acceptable to the board;

~~(f)(6)~~ Be an ordained minister or the denominational equivalent, as determined by the applicant's denomination or faith group, and have been endorsed by that denomination or faith group to function as a ~~fee-based~~ pastoral counselor;

~~(g)(7)~~ Hold an advanced degree or its equivalent beyond the master of divinity degree with special concentration in the theory and practice of pastoral counseling and which requires at least one (1) year of academic work beyond the first professional degree; and

~~(h)(8)~~ ~~[If the applicant has not received certification before July 1, 1999,]~~ Pass a written examination approved by the board.

- (2) ***If an applicant has been issued a certificate in pastoral counseling by the board prior to January 1, 2015, and maintains that certificate in good standing, the board shall issue the applicant a license as a pastoral counselor upon the applicant's payment of a renewal fee and completion of a renewal process as authorized by Section 8 of this Act and as prescribed by the board through the promulgation of administrative regulations.***

➔ Section 8. KRS 335.625 is amended to read as follows:

- (1) ***Licensure***~~[Certification]~~ issued under KRS 335.615 shall be renewed every three (3) years upon:
- (a) Payment of a renewal fee established by the board and promulgated by administrative regulation in accordance with KRS Chapter 13A, but not to exceed three hundred dollars (\$300); and
 - (b) Documentation of twenty (20) hours of continuing education completed since the date of last renewal or original issue, whichever is later.
- (2) Any ***license***~~[certificate]~~ not renewed within three (3) months of its renewal date shall expire. The board may reinstate the ***license***~~[certificate]~~ upon payment of the renewal fee and meeting the continuing education requirement set forth in ~~[subparagraph (b) of]~~ subsection (1)~~(b)~~ of this section within one (1) year after the renewal date.

➔ Section 9. KRS 335.630 is amended to read as follows:

- (1) The provisions of KRS 335.600 to 335.699 shall not apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including, but not limited to, physicians, social workers, psychologists, nurses, marriage and family therapists, art therapists, or students within accredited training programs of these professions. ***Except as provided in subsection (2) of this section,*** nothing in KRS 335.600 to 335.699 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which these persons hold themselves out to the public.
- (2) No person shall use the title "***Kentucky licensed***~~[certified fee-based]~~ pastoral counselor" ***or "KLPC," or any title or abbreviation that is substantially the same,*** or hold himself or herself out ***as having this status or*** as a ***Kentucky licensed***~~[certified fee-based]~~ pastoral counselor, unless ***licensed***~~[certified]~~ by the board.
- (3) Nothing in KRS 335.600 to 335.699 shall be construed to alter, amend, or interfere with the practice of employment counseling, job placement counseling, or school counseling.
- (4) Nothing in KRS 335.600 to 335.699 shall be construed as regulating or limiting the ministry or services of a minister, including pastoral care and counseling, otherwise authorized by a church, denomination, or faith group to perform the ordinary duties or functions of the clergy.
- (5) Nothing in KRS 335.600 to 335.699 shall be construed to apply to the activities and services of a student or trainee in pastoral counseling who is pursuing a program of studies in pastoral counseling at an accredited institution of higher learning if the activities are performed under supervision and constitute a part of the supervised program of study, and if the person is designated a pastoral counseling intern or student in training.
- (6) The provisions of KRS 335.600 to 335.699 shall not apply to Christian Science practitioners.

➔ Section 10. KRS 335.635 is amended to read as follows:

Any person or organization, including the board upon its own volition, may file with the board a written complaint alleging violation of any provision of KRS 335.600 to 335.699. The board shall cause the complaint to be investigated.

- (1) If the investigation reveals evidence supporting the complaint, the board shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, revoking, reprimanding,

imposing probation or an administrative fine, or any combination of actions regarding any *license*~~[certificate]~~ holder.

- (2) After denying an application for *license*~~[certification]~~ under KRS 335.600 to 335.699, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.
- (3) The board may reconsider, modify, or reverse its decision on any disciplinary action.
- (4) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

➔Section 11. KRS 335.640 is amended to read as follows:

A person whose *license*~~[certificate]~~ has been revoked may apply for reinstatement no earlier than one (1) year from the date of revocation, in accordance with the procedures established by the board by administrative regulation under KRS Chapter 13A.

➔Section 12. KRS 335.650 is amended to read as follows:

The Board of *Licensure for*~~[Certification of Fee-Based]~~ Pastoral Counselors fund is hereby created in the State Treasury. All funds received by the board under the provisions of KRS 335.600 to 335.699 shall be deposited with the State Treasurer for credit to the board fund. The fund shall be invested as all other state funds are invested, and income from investment of the fund shall be credited to the fund. The balance remaining in the fund at the end of any fiscal year shall not lapse to the general fund. The money in the board fund shall be appropriated to the board and shall be used for the purpose of carrying out the provisions of KRS 335.600 to 335.699.

➔Section 13. KRS 335.699 is amended to read as follows:

If the board finds any applicant or *license*~~[certificate]~~ holder whom it regulates under KRS 335.600 to 335.699 has violated the provisions of KRS 335.600 to 335.699 or any administrative regulation promulgated under the authority granted to the board, the board may issue an order imposing one (1) or more of the following penalties:

- (1) Denial of an application for *license*~~[certification]~~, either temporarily or permanently;
- (2) Revocation of a *license*~~[certificate]~~ or an application for *license*~~[certification]~~, either temporarily or permanently;
- (3) Imposition of an administrative fine not to exceed one thousand dollars (\$1,000);
- (4) Imposition of a requirement for supervision of the applicant or *license*~~[certificate]~~ holder;
- (5) Restriction of the *license*~~[certificate]~~ holder's ability to supervise others; and
- (6) Issuance of a reprimand.

➔Section 14. KRS 645.020 is amended to read as follows:

The definitions in KRS Chapter 600 shall apply to this chapter. In addition, unless the context requires otherwise:

- (1) "Convalescent leave" means an authorized release not to exceed ninety (90) days of a child admitted to a hospital under this chapter;
- (2) "Danger to self or others" means that it is shown by substantial proof that in the near future the child may attempt suicide or may cause substantial physical harm or threat of substantial physical harm to self or others, as evidenced by recent threats or overt acts, including acts by which the child deprives self or others of the basic means of survival, including reasonable shelter, food or clothing. In determining whether a child presents a danger to self, factors to be considered shall include, but shall not be limited to, an established pattern of past dangerous behavior;
- (3) "Hospital" means a licensed private or public institution, health care facility, or part thereof, approved by the cabinet to treat children who are mentally ill;
- (4) "Least restrictive alternative" means the treatment and conditions of treatment for a child which, separately and in combination:
 - (a) Are no more harsh, hazardous or intrusive than necessary to achieve acceptable treatment objectives for the child; and
 - (b) Involve no inpatient care restrictions on physical movement except as reasonably necessary for the administration of treatment or for the protection of the child or others from physical injury.

In determining the least restrictive alternative, factors to be considered shall include, but not be limited to, the likelihood, based on the child's prior outpatient treatment, that the child will benefit from outpatient treatment;

- (5) "Mental health facility" means a residential or nonresidential service providing children psychological or psychiatric treatment for emotional, mental, or behavioral problems;
- (6) "Mental health group home" means a community-based facility established to serve not less than four (4) nor more than eight (8) mentally ill children with a treatment program developed and supervised by a qualified mental health professional. Mental health group homes shall not be adjacent to or part of a residential treatment facility or a hospital;
- (7) "Mental health professional" means:
 - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in conducting mental health services;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States engaged in conducting mental health services;
 - (c) A psychologist, a psychological practitioner, a certified psychologist, or a psychological associate, licensed under the provisions of KRS Chapter 319;
 - (d) A registered nurse licensed under the provisions of KRS Chapter 314 engaged in providing mental health services;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 engaged in providing mental health services;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 engaged in providing mental health services;
 - (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599 engaged in providing mental health services;
 - (h) An art therapist certified under KRS 309.130 engaged in providing mental health services; or
 - (i) A ~~fee-based~~ pastoral counselor **licensed**~~certified~~ under the provisions of KRS 335.600 to 335.699 engaged in providing mental health services; and
- (8) "Mentally ill child" means that considering the child's age and development, the child has a substantially impaired capacity to use self-control, judgment or discretion in the conduct of the child's affairs and social relations, the child's behavior is maladaptive or the child exhibits recognized emotional symptoms which can be related to physiological, psychological or social factors.

➔Section 15. KRE 0506 is amended to read as follows:

- (a) Definitions. As used in this rule:
 - (1) A "counselor" includes:
 - (A) A certified school counselor who meets the requirements of the Kentucky Board of Education and who is duly appointed and regularly employed for the purpose of counseling in a public or private school of this state;
 - (B) A sexual assault counselor, who is a person engaged in a rape crisis center, as defined in KRS Chapter 421, who has undergone forty (40) hours of training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault;
 - (C) A certified professional art therapist who is engaged to conduct art therapy under KRS 309.130 to 309.1399;
 - (D) A licensed marriage and family therapist as defined in KRS 335.300 who is engaged to conduct marriage and family therapy pursuant to KRS 335.300 to 335.399;
 - (E) A licensed professional clinical counselor or a licensed professional counselor associate as defined in KRS 335.500;
 - (F) An individual who provides crisis response services as a member of the community crisis response team or local community crisis response team under KRS 36.250 to 36.270;

- (G) A victim advocate as defined in KRS 421.570 except a victim advocate who is employed by a Commonwealth's attorney under KRS 15.760 or a county attorney pursuant to KRS 69.350; and
 - (H) A **Kentucky licensed**~~[certified fee-based]~~ pastoral counselor as defined in **Section 4 of this Act**~~[KRS 335.600]~~ who is engaged to conduct~~[fee-based]~~ pastoral counseling under KRS 335.600 to 335.699.
- (2) A "client" is a person who consults or is interviewed or assisted by a counselor for the purpose of obtaining professional or crisis response services from the counselor.
 - (3) A communication is "confidential" if it is not intended to be disclosed to third persons, except persons present to further the interest of the client in the consultation or interview, persons reasonably necessary for the transmission of the communication, or persons present during the communication at the direction of the counselor, including members of the client's family.
- (b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of counseling the client, between himself, his counselor, and persons present at the direction of the counselor, including members of the client's family.
 - (c) Who may claim the privilege. The privilege may be claimed by the client, his guardian or conservator, or the personal representative of a deceased client. The person who was the counselor (or that person's employer) may claim the privilege in the absence of the client, but only on behalf of the client.
 - (d) Exceptions. There is no privilege under this rule for any relevant communication:
 - (1) If the client is asserting his physical, mental, or emotional condition as an element of a claim or defense; or, after the client's death, in any proceeding in which any party relies upon the condition as an element of a claim or defense.
 - (2) If the judge finds:
 - (A) That the substance of the communication is relevant to an essential issue in the case;
 - (B) That there are no available alternate means to obtain the substantial equivalent of the communication; and
 - (C) That the need for the information outweighs the interest protected by the privilege. The court may receive evidence in camera to make findings under this rule.

Signed by Governor April 9, 2014.

CHAPTER 65

(SB 70)

AN ACT relating to energy conservation measures for state buildings and property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 56.770 is amended to read as follows:

As used in KRS 56.770 to 56.784, unless the context requires otherwise:

- (1) "Aggregate simple payback period" means the simple payback period of a set of energy **conservation**~~[efficiency]~~ measures taken together for a building;
- (2) "Building" means all contiguous land, structures, appurtenances, and improvements that use **utilities**~~[energy]~~;
- (3) "Cabinet" means the Finance and Administration Cabinet;
- (4) "Energy audit" means examination of a building's **utility-using**~~[energy-using]~~ systems, **utilities**~~[energy]~~ consumption and costs, occupancy patterns, and operation and maintenance procedures;
- (5) "Energy **conservation**~~[efficiency]~~ measure" means any construction, **process**, improvement, repair, alteration, or betterment of a building **or other state property** that is intended to reduce **utility**~~[energy]~~ consumption **or operational cost**; or any equipment, fixture, or furnishing to be added to or used in a building that will be a

cost-effective ~~utility-related~~~~[energy-related]~~ project that is intended to reduce ~~utility~~~~[energy]~~ consumption *or operational costs*;

- (6) "Guaranteed energy savings performance contract" means an agreement for the provision of energy services or equipment, ~~[including energy efficiency measures]~~ energy conservation measures and alternate energy technologies for state government buildings *or other state property*, in which a person agrees to design, construct, install, maintain, operate, or manage energy systems or equipment to improve energy efficiency of, or produce energy in connection with, a state government building. Payments for a guaranteed energy savings performance contract shall be made from measured and verified savings generated from implementation of the energy ~~conservation~~~~[efficiency]~~ measures financed by the contract. The term of a guaranteed energy savings performance contract shall not exceed the life of the energy savings generated from implementation of the energy ~~conservation~~~~[efficiency]~~ measures financed by the contract. If the measured and verified savings are not sufficient to pay the financial obligations under the contract, the contractor is liable for the contract payments;
- (7) "High-performance building" means a public building that is designed, constructed, and capable of being operated in a manner that:
 - (a) Increases environmental performance and economic value over time;
 - (b) Safeguards the health of occupants;
 - (c) Enhances satisfaction and productivity of workers through energy-efficient systems;
 - (d) Incorporates environmentally friendly materials and products; and
 - (e) Reduces waste;
- (8) "High-performance building standards" means a set of standards developed by the cabinet pursuant to KRS 56.777;
- (9) "Engineering analysis" means a detailed cost-benefit analysis of energy efficiency investments including a review of potential cost savings through operation and maintenance changes;
- (10) "Life-cycle cost analysis" means a method for estimating the total cost of an energy-using component or building over its useful life, including cost factors such as purchase price or construction, renovation, or leasing costs, energy use, maintenance, interest, and inflation;
- (11) "Low cost/no cost energy conservation measures" means those energy saving practices and energy ~~conservation~~~~[efficiency]~~ measures, usually involving operation and maintenance practices, that can be accomplished by existing personnel within existing operating budgets;
- (12) "Simple payback period" means the number of years it takes to pay back, from estimated savings, the initial cost of an energy ~~conservation~~~~[efficiency]~~ measure with the simple payback period equal to the initial cost divided by the estimated annual savings;
- (13) "Savings" means the reduction in expenditures, excluding any state government and post-secondary education personnel expenditures, that are measured and verified, including but not limited to energy usage, operating costs, and capital cost avoidance that occur as a result of the implementation of energy ~~conservation~~~~[efficiency]~~ measures;
- (14) "Capital cost avoidance" means savings generated when expenditures of appropriated capital construction or appropriated capital outlay funds are avoided because the budgeted capital improvements or items of equipment are contained within the energy ~~conservation~~~~[efficiency]~~ measures provided by a guaranteed energy savings performance contract;
- (15) "Operating costs" means expenditures associated with operating and maintaining a properly functioning building and its systems including but not limited to the heating, ventilation, cooling, lighting, plumbing, water heating, electrical, and laundry systems and their controls;
- (16) "Public building" has the same meaning as in KRS 318.010;
- (17) "ENERGY STAR" means the voluntary program administered by the United States Environmental Protection Agency and the United States Department of Energy that is designed to protect the environment through the promotion of energy-efficient products and practices;
- (18) "Green Globes rating system" means the on-line environmental assessment tool developed by the Green Building Initiative as of December, 2004, that allows designers, property owners, and managers to evaluate

and rate buildings against best sustainable building design practices and integrate principles of sustainable architecture at every stage of project delivery in order to design and construct buildings that will be energy-efficient and resource-efficient, achieve operational savings, and provide healthier environments in which to live and work; and

- (19) "LEED" means the building rating systems developed on or after January 1, 2005, by the United States Green Building Council that allow designers, property owners, and managers to evaluate and rate buildings against best sustainable building design and practices and to integrate principles of sustainable architecture at every stage of project delivery in order to design and construct buildings that will be energy-efficient and resource-efficient using a whole-building approach in five (5) key areas of human and environmental health:
- (a) Sustainable site development;
 - (b) Water savings;
 - (c) Energy efficiency;
 - (d) Material selection; and
 - (e) Environmental quality.

➔Section 2. KRS 56.772 is amended to read as follows:

The General Assembly finds and declares it to be the public policy of the Commonwealth to maximize the use of energy ~~conservation~~~~efficiency~~ measures in the construction, renovation, and maintenance of buildings owned or leased by the Commonwealth. In furtherance of this policy, the cabinet shall administer an energy efficiency program, to be known as the Energy Efficiency Program for State Government Buildings.

➔Section 3. KRS 56.774 is amended to read as follows:

- (1) The Energy Efficiency Program for State Government Buildings shall provide for implementation of low cost/no cost energy ~~conservation~~~~conservation~~ measures, engineering analyses, energy efficiency measures, building improvements, and monitoring of results for state-owned or state-leased buildings.
- (2) Any engineering analysis conducted on a state-owned building shall assess the energy efficiency of the building and make recommendations for improving the efficient use of energy within the building. The analyses shall be performed by qualified engineers, architects, or other persons trained in energy efficiency who may be employees of the cabinet or employed pursuant to KRS Chapter 45A, except that any engineers, architects or other persons trained in energy efficiency and retained under a guaranteed energy savings performance contract, shall not be subject to the provisions of KRS 45A.800 to 45A.835.
- (3) Except as provided in subsection (5) of this section, measures to improve the energy efficiency of a state-owned building, which have an aggregate simple payback period of five (5) years or less, shall be implemented as general fund appropriations become available. No more than five percent (5%) of the cost of energy ~~conservation~~~~efficiency~~ measures for a building may be utilized for monitoring the results.
- (4) If general fund appropriations are available for energy ~~conservation~~~~efficiency~~ improvements, the cabinet shall prioritize projects among the various state-owned buildings to determine which projects shall be implemented to best utilize the available funding.
- (5) If general fund appropriations are unavailable, energy ~~conservation~~~~efficiency~~ measures for a state-owned building may be financed by other means. These other means include but are not limited to guaranteed energy savings performance contracts as defined under KRS 56.770 entered into pursuant to KRS 45A.085 and KRS 45A.045(10). Guaranteed energy savings performance contracts shall not be subject to the provisions of KRS 45A.800 to 45A.835. These energy ~~conservation~~~~efficiency~~ measures shall not be limited to those that have an aggregate simple payback period of five (5) years or less, but shall result in reasonable economic benefit to the Commonwealth. Ownership of the energy ~~conservation~~~~efficiency~~ measures shall be transferred to the Commonwealth upon completion of the guaranteed energy savings performance contract or as otherwise agreed upon in the contract. Savings from the implementation of the energy ~~conservation~~~~efficiency~~ measures under the guaranteed energy savings performance contract shall be used to satisfy the obligations under the guaranteed energy savings performance contract and to repay the cost of the other means used to finance the energy ~~conservation~~~~efficiency~~ measures, and may be used to repay expenses incurred by the cabinet to reimburse the cabinet for expenses related to the guaranteed energy savings performance contract, including but not limited to staff time for monitoring, overseeing, and managing the project. Notwithstanding KRS 45.229, remaining savings shall remain in the state agency account and shall not lapse. All savings projected under a guaranteed energy savings performance contract shall be guaranteed to the Commonwealth.

- (6) The savings in reduced expenditures that are specified as payment sources shall be documented in the guaranteed energy savings performance contract. Savings shall be determined by using one (1) of the measurement and verification methodologies listed in the United States Department of Energy's "International Performance Measurement and Verification Protocol." If specific data limitations or documented unique characteristics of the project prevent use of the "International Performance Measurement and Verification Protocol," an alternative method that is compatible shall be adopted upon documentation and approval of the secretary of the cabinet.

➔Section 4. KRS 56.780 is amended to read as follows:

- (1) Any building which the Finance and Administration Cabinet considers for leasing or purchase shall be evaluated for cost-effective energy use and energy efficiency. This evaluation shall be considered in choosing between competing leases or building purchases. The cabinet shall consider the energy costs of operating a building to ensure the selection of a cost-effective lease, and the cabinet shall compare life-cycle energy cost analyses for competing leases.
- (2) A lease may be structured so that both the lessor and the state agency as lessee may share energy cost savings that can be accomplished by energy-efficient lease arrangements. The lease may incorporate financial incentives to make energy efficiency improvements that are cost effective in reducing the operating cost of the building. The lease may provide for the state agency to make lease payments which may be used to help fund the costs of energy ~~conservation~~~~[efficiency]~~ measures in the building, if the costs are amortized and returned to the state agency over a period of years not to exceed the useful life of the energy ~~conservation~~~~[efficiency]~~ measures. Thereafter, the state agency shall be entitled to a reduction in the lease amount based on any continued savings resulting from the energy ~~conservation~~~~[efficiency]~~ measures. The amount of reduction shall be negotiated between the lessor and the state agency.

➔Section 5. KRS 42.580 is amended to read as follows:

As used in KRS 42.580 to 42.588:

- (1) "Cabinet" means the Finance and Administration Cabinet;
- (2) "Demand-side management" has the same meaning as in KRS 278.010;
- (3) "Energy audit" has the same meaning as in KRS 56.770;
- (4) "Energy-efficient heating, cooling, ventilation, or hot water system" has the same meaning as in KRS 141.435;
- (5) "Energy-efficient interior lighting system" has the same meaning as in KRS 141.435;
- (6) "Energy-efficient windows and storm doors" has the same meaning as in KRS 141.435;
- (7) "Engineered demand-side management project" means a project undertaken to reduce the amount of energy consumed in an existing structure, including but not limited to:
- (a) Energy-efficient heating, cooling, ventilation, or hot water systems;
 - (b) Energy-efficient interior lighting systems;
 - (c) Energy-efficient windows and storm doors;
 - (d) Qualified energy property;
 - (e) Upgraded insulation;
 - (f) Solar water-heating systems; and
 - (g) Any other energy ~~conservation~~~~[efficiency]~~ measures that will reduce energy costs, including those that will use solar power, either active or passive;
- (8) "Private sector building" means a building owned by a private retail, commercial, or industrial business;
- (9) "Public sector building" means a building owned by the Commonwealth of Kentucky, any public university of the Commonwealth, or any public community college of the Commonwealth;
- (10) "Qualified energy property" has the same meaning as in KRS 141.435;
- (11) "Simple payback period" has the same meaning as in KRS 56.770;
- (12) "Solar water-heating system" has the same meaning as in KRS 141.435; and

- (13) "Upgraded insulation" has the same meaning as in KRS 141.435.

Signed by Governor April 9, 2014.

CHAPTER 66

(SB 138)

AN ACT relating to the issuance of legal process.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 454.210 is amended to read as follows:

- (1) As used in this section, "person" includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this Commonwealth.
- (2) (a) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a claim arising from the person's:
 1. Transacting any business in this Commonwealth;
 2. Contracting to supply services or goods in this Commonwealth;
 3. Causing tortious injury by an act or omission in this Commonwealth;
 4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth, provided that the tortious injury occurring in this Commonwealth arises out of the doing or soliciting of business or a persistent course of conduct or derivation of substantial revenue within the Commonwealth;
 5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when the seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
 6. Having an interest in, using, or possessing real property in this Commonwealth, providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated;
 7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;
 8. Committing sexual intercourse in this state which intercourse causes the birth of a child when:
 - a. The father or mother or both are domiciled in this state;
 - b. There is a repeated pattern of intercourse between the father and mother in this state; or
 - c. Said intercourse is a tort or a crime in this state; or
 9. Making a telephone solicitation, as defined in KRS 367.46951, into the Commonwealth.
- (b) When jurisdiction over a person is based solely upon this section, only a claim arising from acts enumerated in this section may be asserted against him.

- (3) (a) When personal jurisdiction is authorized by this section, service of process may be made on such person, or any agent of such person, in any county in this Commonwealth, where he may be found, or on the Secretary of State who, for this purpose, shall be deemed to be the statutory agent of such person;
- (b) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint. The clerk shall execute the summons *either* by:
1. Sending by certified mail two (2) true copies to the Secretary of State and shall also mail with the summons two (2) attested copies of plaintiff's complaint; *or*
 2. ***Transmitting an electronically attested copy of the complaint and summons to the Secretary of State via the Kentucky Court of Justice electronic filing system.***
- (c) The Secretary of State shall, within seven (7) days of receipt thereof in his office, mail a copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The clerk shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure; and
- ~~(d)(e)}~~ The clerk mailing the summons to the Secretary of State shall mail to him, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs in the action. ***The fee for a summons transmitted electronically pursuant to this subsection (3) of this section shall be transmitted to the Secretary of State on a periodic basis.***
- (4) When the exercise of personal jurisdiction is authorized by this section, any action or suit may be brought in the county wherein the plaintiff resides or where the cause of action or any part thereof arose.
- (5) A court of this Commonwealth may exercise jurisdiction on any other basis authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure, notwithstanding this section.

Signed by Governor April 9, 2014.

CHAPTER 67

(SB 150)

AN ACT relating to self-storage liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 359.200 is amended to read as follows:

As used in KRS 359.210 to 359.250, unless the context clearly requires otherwise:

- (1) "Self-service storage facility" means any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a "self-service" basis.
- (2) "Rental agreement" means any written agreement that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility or self-contained storage unit.
- (3) "Leased space" means the individual storage space at a self-service storage facility or in a self-contained storage unit which is rented to an occupant pursuant to a rental agreement.
- (4) "Occupant" means a person, a sublessee, successor, or assign, entitled to the use of a leased space at a self-service storage facility or in a self-contained storage unit under a rental agreement.
- (5) "Operator" means the owner, operator, lessor, or sublessor of a self-service storage facility or a self-contained storage unit, or an agent or any other person authorized to manage the facility or storage unit, but does not mean a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored.

- (6) "Personal property" means movable property located within leased space at a self-service storage facility or in a self-contained storage unit and includes but is not limited to goods, wares, merchandise, motor vehicles, watercraft, and household items and furnishings.
- (7) "Default" means the failure to perform on time any obligation or duty set forth in the rental agreement.
- (8) "Last known address" means that *postal* address **or electronic mail address** provided by the occupant in the *latest* rental agreement or the *postal* address **or electronic mail address** provided by the occupant in a subsequent written notice of a change of address.
- (9) "Self-contained storage unit" means any unit, including but not limited to a trailer, box, or other shipping container, which is leased by an occupant primarily for use as a storage space, whether the unit is located at a self-service storage facility or at another location designated by the occupant.
- (10) ***"Verified electronic mail" means an electronic message or an executable program or computer file that is transmitted between two (2) or more computers or electronic terminals that the sender has verified by any reasonable means as being a working electronic mail address. The term includes electronic messages that are transmitted within or between computer networks.***
- (11) ***"Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.***

➔Section 2. KRS 359.230 is amended to read as follows:

- (1) (a) If the occupant is in default for a period of more than forty-five (45) days, the operator may enforce a lien by selling the property stored in the leased space at a public or private sale, for cash.
- (b) Proceeds shall then be applied to satisfy the lien, with any surplus disbursed as provided in subsection (5) of this section.
- (2) Before conducting a sale under subsection (1) of this section, the operator shall:
 - (a) Notify the occupant of the default by regular **or verified electronic** mail at the occupant's last known address;
 - (b) Send a second notice of default by **verified mail or verified electronic**~~certified~~ mail to the occupant at the occupant's last known address which includes:
 - 1. A statement that the contents of the occupant's leased space are subject to the operator's lien;
 - 2. A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of sale, and the date those additional charges shall become due;
 - 3. A demand for payment of the charges due within a specified time, not less than fourteen (14) days after the date of the notice;
 - 4. A statement that unless the claim is paid within the time stated, the contents of the occupant's leased space shall be sold at a specified time and place; and
 - 5. The name, street address, and telephone number of the operator, or his or her designated agent, whom the occupant may contact to respond to the notice; and
 - (c) At least three (3) days before the sale, advertise the time, place, and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held.
- (3) At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.
- (4) The sale under this section shall be held at the self-service storage facility,~~or~~ the location of the self-contained storage unit where the personal property is stored, **or a publically accessible Web site.**
- (5) If a sale is held under this section, the operator shall:
 - (a) Satisfy the lien from the proceeds of the sale;
 - (b) Hold the balance, if any, for delivery to any other recorded lienholders who present claims within sixty (60) days. Notwithstanding Article 9 of KRS Chapter 355, claims shall be satisfied on a first come first served basis; and

- (c) Deliver, upon expiration of sixty (60) days, the balance of any remaining proceeds to the occupant.
- (6) A purchaser in good faith of any personal property sold under KRS 359.200 to 359.250 takes the property free and clear of any rights of:
 - (a) Persons against whom the lien was valid; and
 - (b) Other lienholders.
- (7) If the operator complies with the provisions of KRS 359.200 to 359.250, the operator's liability:
 - (a) To the occupant shall be limited to the net proceeds received from the sale of the personal property;
 - (b) To other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by that other lien; and
 - (c) To the occupant or valid lienholders shall be relieved upon full distribution of proceeds in accordance with the provisions of KRS 359.200 to 359.250.
- (8) If an occupant is in default, the operator may deny the occupant access to the leased space.
- (9) (a) Unless otherwise specifically provided, all notices required by KRS 359.200 to 359.250 shall be sent by **verified mail or verified electronic~~certified~~** mail.
 - (b) 1. Notices sent to the operator shall be sent to the operator's principal office, as listed on the rental agreement.
 - 2. Notices to the occupant shall be sent to the occupant at the occupant's last known address.
 - (c) Notices shall be deemed delivered when deposited with the United States Postal Service, properly addressed as provided in paragraph (b) of this subsection, with postage paid, **or sent by verified electronic mail.**
- (10) Provided, however, unless the rental agreement specifically provides otherwise and until a lien sale under KRS 359.200 to 359.250, the exclusive care, custody, and control of all personal property stored in the leased space shall remain vested in the occupant.
- (11) ***If the rental agreement specifies a limit on the value of the personal property that may be stored in the occupant's leased space, the limit shall be deemed to be the maximum value of the stored personal property.***
- (12) ***If the occupant is in default for more than sixty (60) days and the personal property stored in the leased space is a motor vehicle as defined in KRS 376.268, the operator may, in lieu of a sale authorized in KRS Chapter 359, have the vehicle or watercraft towed or removed from the self-service storage facility, and the towing company shall execute the notice provisions as specified in KRS Chapter 376.275.***

➔SECTION 3. A NEW SECTION OF KRS 359.200 to 359.250 IS CREATED TO READ AS FOLLOWS:

- (1) ***A reasonable late fee may be imposed and collected by an owner for each service period that an occupant does not pay rent when due under a rental agreement, provided that the due date for the rental payment is not earlier than the day before the first day of the service period to which the rental payment applies. No late payment fee shall be assessed unless the rental fee remains unpaid for at least five (5) days after the date specified within the rental agreement for the payment of the rental fee.***
- (2) ***No late fee may be collected pursuant to this section unless the amount of the fee and the conditions for imposing the fee are stated in the rental agreement or in an addendum to that agreement.***
- (3) ***For the purposes of this section, a late fee of twenty dollars (\$20) or twenty percent (20%) of the rental fee for each month an occupant does not pay rent, whichever is greater, is deemed reasonable and does not constitute a penalty.***
- (4) ***Any reasonable expense incurred as a result of rent collection or lien enforcement by an owner may be charged to the occupant in addition to the late fees permitted by this section.***

Signed by Governor April 9, 2014.

CHAPTER 68

(SB 159)

AN ACT relating to children's dental care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 216B.176 is amended to read as follows:

Notwithstanding any other provision of law, a not-for-profit primary care center licensed under KRS Chapter 216, which ***provides health care services to Kentucky Medicaid members pursuant to a contract between a Medicaid managed care organization and***~~is a participant in the Kentucky Patient Access and Care System of~~ the Department for Medicaid Services, may enter into a written agreement with a board of education ***or a Head Start program*** to provide a school-~~located~~~~based~~ health care program ***or school-located dental care program on Head Start or board of education property***. The agreement shall include the following provisions:

- (1) The services shall include:
 - (a) ***For school-located health care services:***
 1. Basic primary care;~~;~~
 2. Episodic acute care;~~;~~
 3. Care for chronic conditions;~~;~~ and
 4. Preventive health care for the pupils enrolled in the school; ***and***
 - (b) ***For school-located dental care services, oral health and preventative care services using fixed dental operatories, portable equipment, or mobile units;***
- (2) The ~~programs~~~~program~~ shall be located in ***or on the grounds of*** a public school ***or Head Start program***;
- (3) The ~~programs~~~~program~~ shall operate as a satellite of a licensed primary care center under the supervision of the medical director of the primary care center ***and shall not be considered Head Start or public school programs***;
- (4) When in operation as a satellite of a primary care center:~~;~~
 - (a) The program staff ***for a school-located health care program*** shall include a physician, physician assistant, or advanced practice registered nurse and may be staffed with additional health care professionals appropriate for the services being provided; and
 - (b) ***The program staff for a school-located dental care program shall include a dentist and may be staffed with additional health care professionals appropriate for the services being provided; and***
- (5) The ~~programs~~~~program~~ may, under agreement with the school, participate in the school's health education program.

Signed by Governor April 9, 2014.

CHAPTER 69

(SB 176)

AN ACT relating to caregivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 405.023 is amended to read as follows:

- (1) The Cabinet for Health and Family Services shall create a centralized statewide service program that provides information and referrals through a statewide toll-free telephone number to grandparents ***and other caregivers*** who are caring for ***minors who are not their biological children***~~minor grandchildren~~.
- (2) The program shall provide information on a wide variety of services, including but not limited to:

- (a) Kentucky Transitional Assistance Program;
 - (b) **Health care**~~[Medical coverage]~~ and services, including the Kentucky Children's Health Insurance Program;
 - (c) Educational services;
 - (d) Child care;
 - (e) Child support;
 - (f) Support groups;
 - (g) Housing assistance;
 - (h) Legal services; and
 - (i) Respite care for low-income kinship caregivers.
- (3) The cabinet may coordinate this program with the KyCARES Program.
- (4) This program shall be known as the KinCare Support Program.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Cabinet" means the Cabinet for Health and Family Services;*
- (b) *"Caregiver" means an adult person with whom a minor resides, including a grandparent, step-grandparent, stepparent, aunt, uncle, or any other adult relative of the minor;*
- (c) *"De facto custodian" has the same meaning as defined in KRS 403.270;*
- (d) *"Department" means the Department of Education;*
- (e) *"Health care provider" means any licensed medical, surgical, dental, psychological, or osteopathic practitioner; nurse practitioner; occupational, physical, or speech therapist; hospital; public or private health clinic; or their agents or employees; and*
- (f) *"Health care treatment":*
 - 1. *Means any necessary medical and dental examination, diagnostic procedure, and treatment, including but not limited to hospitalization, developmental screening, mental health screening and treatment, preventive care, immunizations recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices, well-child care, blood testing, and occupational, physical, and speech and language therapies; and*
 - 2. *Does not mean any procedure to terminate a pregnancy, pregnancy determination testing, HIV or AIDS testing, controlled substance testing, or any other testing for which a separate court order or informed consent is required under other applicable law.*

(2) *The caregiver shall create an affidavit establishing the caregiver's ability to authorize health care treatment for a minor and to make school-related decisions for a minor. The affidavit shall include but not be limited to the following information:*

- (a) *The name and address of the caregiver;*
- (b) *The caregiver's relationship to the minor to whom the affidavit applies;*
- (c) *A statement that the caregiver is over the age of eighteen (18);*
- (d) *The name and date of birth of the minor to whom the affidavit applies;*
- (e) *A statement that the minor resides in the caregiver's home;*
- (f) *A statement that the caregiver shall be allowed to authorize the provision of health care treatment to the minor, or to withhold such authorization;*
- (g) *A statement that the caregiver shall be the person responsible for enrolling the minor in school and acting as the minor's legal contact with the school for the purposes of making decisions on enrollment, attendance, extracurricular activities, discipline, and all other school-related activities;*

- (h) *A statement identifying the minor's parents, de facto custodian, guardian, or legal custodian and describing the caregiver's relationship to the parents, de facto custodian, guardian, or legal custodian;*
 - (i) *A statement that no other party has legal standing in custody issues for the minor other than those parties identified in paragraph (h) of this subsection;*
 - (j) *The dated signatures of the minor's parents, de facto custodian, guardian, or legal custodian indicating their approval of the caregiver's ability to authorize the provision of health care treatment to the minor and to make school-related decisions for the minor. If a parent or parents, de facto custodian, guardian, or legal custodian are unavailable to sign the affidavit, the affidavit shall include a statement describing the circumstances of their unavailability and a statement of the caregiver's reasonable efforts to locate them;*
 - (k) *The dated signature of the caregiver;*
 - (l) *A statement that acknowledges that a person making false statements in the affidavit shall be subject to criminal penalties;*
 - (m) *A statement that acknowledges that execution of the affidavit does not confer upon the caregiver the status of a de facto custodian, guardian, or legal custodian of the minor; and*
 - (n) *A statement that acknowledges the requirement for the caregiver to notify any health care provider or school to which the affidavit was presented if the minor ceases to reside with the caregiver or the affidavit is revoked by the minor's parent or parents, de facto custodian, guardian, legal custodian, or caregiver.*
- (3) *The health care authorization portion of the affidavit described in subsection (2) of this section shall be valid for one (1) year and may be renewed annually thereafter unless it is revoked by the minor's parent or parents, de facto custodian, guardian, legal custodian, or caregiver, or if the minor no longer resides with the caregiver. Execution or revocation of the health care authorization portion of the affidavit shall not operate as a complete execution or revocation of the entire affidavit.*
- (4) *The education authorization portion of the affidavit described in subsection (2) of this section shall be valid for one (1) year and may be renewed annually thereafter unless it is revoked by the minor's parent or parents, de facto custodian, guardian, legal custodian, or caregiver, or if the minor no longer resides with the caregiver. Execution or revocation of the education authorization portion of the affidavit shall not operate as a complete execution or revocation of the entire affidavit.*
- (5) *A caregiver may authorize the provision of health care treatment or may refuse the provision of health care treatment to a minor residing with the caregiver if the caregiver presents to a health care provider a duly executed affidavit as described in subsection (2) of this section.*
- (6) *The decision of a caregiver to authorize or refuse health care treatment for a minor shall be superseded by a decision of a parent, de facto custodian, guardian, or legal custodian of the minor.*
- (7) *A health care provider shall honor a caregiver's authorization to provide health care treatment to a minor, or the caregiver's decision to withhold such authorization, if the caregiver presents to the provider a duly executed affidavit described in subsection (2) of this section. A health care provider shall refuse to honor the caregiver's decision to seek or refuse health care treatment if the provider has actual knowledge that a parent, de facto custodian, legal custodian, or guardian has made a superseding decision to authorize or refuse health care treatment for the minor. The provisions of this subsection shall not be construed to prohibit a health care provider from providing health care treatment for a condition that, left untreated, could reasonably be expected to substantially threaten the health or life of the minor.*
- (8) *A person who relies in good faith on a duly executed affidavit as described in subsection (2) of this section in providing or refusing health care treatment shall:*
 - (a) *Be under no obligation to undertake further investigation into the circumstances forming the basis of the caregiver's authorization to the provision or refusal of health care treatment; and*
 - (b) *Not be subject to criminal or civil liability or professional disciplinary action because of that reliance.*
- (9) *The provisions of this section shall not be construed to relieve any health care provider from liability for negligence in the provision of health care treatment.*

- (10) *An affidavit described in subsection (2) of this section may be revoked by the minor's parent, de facto custodian, guardian, legal custodian, or caregiver, and shall be revoked if the minor to whom it applies ceases to reside with the caregiver. If an affidavit is revoked, the caregiver shall give written notice of revocation to any health care provider to which the affidavit was presented for the purpose of obtaining health care for the minor.*
- (11) *A person who knowingly makes a false statement in an affidavit described in subsection (2) of this section shall be guilty of a Class A misdemeanor.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "caregiver" has the same meaning as provided in subsection (1) of Section 2 of this Act.*
- (2)
 - (a) *A caregiver may be authorized to make school-related decisions for a minor residing in the caregiver's home, including but not limited to decisions concerning enrollment, attendance, extra-curricular activities, discipline, special education and related services, and other school-related activities, if the caregiver presents to the school a duly executed affidavit as described in subsection (2) of Section 2 of this Act.*
 - (b) *A school shall honor a caregiver's authority to make school-related decisions for a minor residing in the caregiver's home if the caregiver presents the school with a duly executed affidavit as described in subsection (2) of Section 2 of this Act. The affidavit shall be valid in the school district in which the caregiver resides, but a school official charged with the responsibility of enrolling a minor shall not honor the affidavit if the official has reasonable grounds to believe that the affidavit is presented solely for the purpose of enrolling the minor in a school for the purpose of:*
 - 1. *Access to athletics programs, or*
 - 2. *Circumventing the school assignment, attendance, or boundaries policies of the school district to gain access to curricula, services, or programs unique to a particular school and not offered at other schools the minor would be eligible to attend.*
- (3) *A school-related decision made by a caregiver under the affidavit described in subsection (2) of Section 2 of this Act shall be superseded by a decision of a parent, de facto custodian as defined in KRS 403.270, guardian, or legal custodian of the minor. A school official shall refuse to honor a caregiver's decision if he or she has actual knowledge that a parent, de facto custodian as defined in KRS 403.270, guardian, or legal custodian has made a school-related decision superseding the decision of a caregiver.*
- (4) *A person who relies in good faith on a duly executed affidavit as described in subsection (2) of Section 2 of this Act shall be under no obligation to undertake further investigation into the circumstances forming the basis of the caregiver's authority to make school-related decisions for the minor to whom the affidavit applies.*
- (5) *A person who relies in good faith on a duly executed affidavit as described in subsection (2) of Section 2 of this Act in honoring a school-related decision of a caregiver shall not be subject to criminal or civil liability because of that reliance.*
- (6) *An affidavit described in subsection (2) of Section 2 of this Act may be revoked by the minor's parent, de facto custodian, guardian, legal custodian, or caregiver, and shall be revoked if the minor to whom it applies ceases to reside with the caregiver. If an affidavit is revoked, the caregiver shall give written notice of revocation to any school to which the affidavit was presented for the purposes of enrolling the minor and establishing the caregiver's authority to make school-related decisions for the minor.*
- (7) *The provisions of this section shall not supersede the provisions of:*
 - (a) *The Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq., and its accompanying regulations at 34 C.F.R. pts. 300 et seq.;*
 - (b) *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. secs. 705(20) and 794 to 794b, and its accompanying regulations at 34 C.F.R. pts. 104 et seq.; and*
 - (c) *The Family Educational and Privacy Rights Act, 20 U.S.C. sec. 1232g, and its accompanying regulations at 34 C.F.R. pts. 99 et seq.*
- (8) *A person who knowingly makes a false statement in an affidavit described in subsection (2) of Section 2 of this Act shall be guilty of a Class A misdemeanor as required under subsection (11) of Section 2 of this Act.*

Signed by Governor April 9, 2014.

CHAPTER 70

(SB 184)

AN ACT relating to human trafficking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:

- (1) *When a person is charged or convicted under this chapter, or with an offense which is not a violent crime as defined in KRS 17.165, and the person's participation in the offense is determined to be the direct result of being a victim of human trafficking, the person may make a motion in the court in which the charges were filed to expunge all records of the offense.*
- (2) *The motion shall be filed no sooner than sixty (60) days following the date the final judgment was entered by the court in which the charges were filed.*
- (3)
 - (a) *A motion filed under this section, any hearing conducted on the motion, and any relief granted, are governed by KRS 431.076, 431.078, and 431.079 unless otherwise provided in this section.*
 - (b) *For the purposes of expungement under KRS 431.076, a finding by the court that the person's participation in the offense was a direct result of being a victim of human trafficking shall deem the charges as dismissed with prejudice.*
 - (c) *No official determination or documentation is required to find that the person's participation in the offense was a direct result of being a victim of human trafficking, but documentation from a federal, state, local, or tribal governmental agency indicating that the defendant was a victim at the time of the offense shall create a presumption that the defendant's participation in the offense was a direct result of being a victim.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:

A person charged under this chapter, or charged with an offense which is not a violent crime as defined in KRS 17.165, may assert being a victim of human trafficking as an affirmative defense to the charge.

Signed by Governor April 9, 2014.

CHAPTER 71

(SB 199)

AN ACT to revise and correct the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART A

LEGISLATIVE FINDINGS AND DECLARATIONS

➔Section 1. The General Assembly finds and declares as follows:

- (1) Section 2 of this Act repeals and reenacts KRS 38.030, which was amended in 2009 Ky. Acts ch. 95 (HB 541) to provide coordinated benefits for Kentucky National Guard members who were totally or permanently disabled while deployed for the January 2009 Winter Storm Response, Mission #090127G01. However, during the processing of the House Committee Substitute for HB 541, the enacting clause required by Kentucky Constitution Section 62 was inadvertently deleted from the bill. HB 541 was passed by the House and then by the Senate without

the missing enacting clause being discovered. Therefore, KRS 38.030 is being repealed and reenacted to ratify and confirm the General Assembly's action in enacting 2009 HB 541.

(2) Section 3 of this Act amends KRS 6.505 to correct a transposition of numbers in drafting language referring to the statute that established the Legislators' Retirement Fund, KRS 6.530. In the 2013 amendment of KRS 6.505, language in 2013 Ky. Acts ch. 120, sec. 13(1)(d)2.b. improperly referred to KRS 6.530 as KRS 6.350, which is the statute requiring that an actuarial analysis be prepared for certain retirement-related bills before the General Assembly.

(3) Section 4 of this Act amends KRS 75.031 to correct a citation in subsection (1)(f) of that statute to paragraphs of that subsection concerning how an elected firefighter can be removed from the board of trustees of a fire protection district or a volunteer fire department district. In the drafting of 1996 SB 189 (1996 Ky. Acts ch. 127, sec. 2), this statute was amended to add language concerning the removal procedures, but as the bill went through changes during the session, the subsection paragraphs changed, but the reference to the removal procedure paragraphs was not conformed accordingly. Section 4 of this Act corrects that drafting error.

(4) Section 5 of this Act amends KRS 81.010 relating to the classification of cities to correct the names of cities that have changed and to delete the names of listed cities that are no longer incorporated as cities.

(5) Section 6 of this Act amends KRS 134.452 to correct an improper formatting and an incorrect reference to text in subsection (1)(c)2.d. of that statute that was not conformed to the renumbered text contained in 2012 Ky. Acts ch. 161, sec. 13. Subsection (1)(c)2. of that statute has been correctly subdivided and renumbered and the corresponding reference in current subsection (1)(c)2. has been amended to conform.

(6) Section 7 of this Act amends KRS 161.046 to delete a reference to KRS 161.603, which was repealed in 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 42. This conforming amendment should have been included in that Act, but was inadvertently omitted.

(7) Section 8 of this Act amends KRS 186.574 to correct a reference to the statute requiring motor vehicle owners to have liability insurance, KRS 304.39-080. KRS 186.574 authorizes a county attorney to operate a pre-adjudication traffic school for traffic offenders. However, from the record, it is clear that persons charged with failure to have current motor vehicle liability insurance, among others, were to be ineligible for the county attorney-operated traffic school. The correct citation to the statute requiring motor vehicle liability insurance replaces the incorrect one included in 2012 Ky. Acts ch. 107, sec. 1.

(8) Section 9 of this Act amends KRS 189A.345 to correct two improper references to other statutes made when KRS 189A.345 was created in 2000. 2000 Ky. Acts ch. 467, sec. 28, created KRS 189A.345 and made a reference in subsection (2)(a) of that statute to "subsection (2) of Section 27 of this Act or under subsection (2)(b) of Section 17 of this Act." Section 27 of 2000 Ky. Acts ch. 467 created a new section of KRS Chapter 189A, which was subsequently numbered as KRS 189A.340. However, that reference was improperly codified as "KRS 189.340(2)" instead. KRS 189A.340 was again amended in 2002 to delete subsection (1), so subsection (2) then became subsection (1), making the correct citation now read "KRS 189A.340(1)." Section 17 of 2000 Ky. Acts ch. 467 amended KRS 189A.410, which should have made the reference read "KRS 189A.410(2)(b)." However, in codification, that reference was improperly codified as "KRS 189A.440(2)(b)" instead. Section 9 corrects these two codification errors.

(9) Section 10 of this Act amends KRS 218A.1438, to correct an incorrect citation to KRS 218A.1442 in subsection (1) of that statute. 2005 Ky. Acts ch. 150, sec. 11, amended KRS 218A.1438 and contained the phrase "Notwithstanding Section 3 of this Act," at the beginning of that section. Section 3 of that Act was a newly created section, which was codified as KRS 218A.1442, and deals with controlled substance endangerment to children. The drafter of that Act has indicated that the reference should have been to "Section 6 of this Act," a newly created section, which was codified as KRS 218A.1446, and deals with requirements for dispensing certain nonprescription drugs. KRS 218A.1438 is being amended to correct this manifest clerical or typographical error.

(10) Section 11 of this Act amends KRS 248.725 to correct a drafting oversight in the preparation of the Free Conference Committee Report for 2000 HB 611, relating to the Tobacco Master Settlement Agreement. In the Free Conference Committee Report, it was intended that "rural development advisory council" be changed to "agricultural development council" throughout. However, one reference in Section 13 of that report, which was codified as KRS 248.725, was inadvertently not changed. Therefore, KRS 248.725 is being amended to correct that oversight.

(11) Section 12 of this Act amends KRS 446.140 to change a reference to KRS 355.1-109, which was repealed in 2006, to correct the citation to current law, KRS 355.1-107.

(12) Section 13 of this Act repeals KRS 216B.0422. Two bills enacted during the 2000 Regular Session, SB 330 and SB 339, each created new sections of KRS Chapter 216B which contained identical text. In codification, two new statutes, KRS 216B.0422 and 216B.0445 were inadvertently created instead of only the one new statute that was necessary. As KRS 216B.0445 became effective earlier than KRS 216B.0422, KRS 216B.0445 is being retained and KRS 216B.0422 is being repealed to eliminate the confusion caused by the duplicative statutes.

PART B

REPEALED AND REENACTED STATUTE

➔Section 2. KRS 38.030 is repealed and reenacted to read as follows:

- (1) Only the Governor shall have the authority to order units and members of the Kentucky National Guard into state active duty.
 - (a) The Governor may order units and individual members of the Kentucky National Guard into state active duty for any of the following purposes:
 1. Protecting lives and property;
 2. Assisting in disaster relief or other humanitarian efforts;
 3. Preventing or suppressing riot or civil disorder;
 4. Enforcing the laws of the Commonwealth; or
 5. Other similar purpose.
 - (b) In addition to ordering personnel and units to state active duty, the Governor may order other members of the Kentucky National Guard to participate in or perform duty in support of state active duty missions notwithstanding the fact that they are then entitled to receive federal pay and allowances pursuant to Title 32 of the United States Code. The personnel may be ordered to perform state active duty support missions either prior to, during, or after the time that state active duty missions are planned or performed.
 - (c) Members of the National Guard who are ordered to perform duty as provided in subsection (1)(b) of this section while they are entitled to receive federal pay under Title 32 of the United States Code shall have all of the powers, immunities, and benefits conferred by law upon persons ordered to state active duty except that they shall receive no additional pay for the duty and the provisions of KRS 38.235 shall not apply to them. The powers, immunities, and benefits conferred upon those persons shall be in addition to, and not in place of, those powers, immunities, and benefits provided under federal law.
 - (d) Any member of the National Guard may, with his consent, be ordered to state active duty without pay.
- (2) The Governor may direct the commanding officer of the military forces ordered to state active duty to report to any civil officer, including, but not limited to, judge, county judge/executive, mayor, sheriff, or head of law enforcement or other public agency in whose jurisdiction the state active duty mission is to be performed. The civil officer may advise the commanding officer regarding the specific objectives to be accomplished by the military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the mission shall be left solely to the commanding officer of the National Guard.
- (3) Troops shall not be relieved from active field service except by order of the Governor.
- (4) National Guard officers, enlisted soldiers, and airmen who are temporarily or permanently disabled as a direct result of an injury or disease arising out of the performance of an act in the line of duty while on state active duty shall, at the discretion of the Governor, remain on paid state active duty status until a competent medical authority releases them to return to their normal activities or the Governor deems it appropriate to relieve the individual from state active duty status. Compensation paid to the soldier or airman by the department shall be adjusted and maintained at the soldier's or airman's regular rate of active duty pay; however, compensation paid by the department shall be reduced by the amount of payments received from workers' compensation insurance, Social Security benefits, and other federal or state-financed disability programs designed to supplement the soldier's or airman's income. Final compensation shall not be reduced by payments for medical care.

PART C

AMENDED STATUTES

➔Section 3. KRS 6.505 is amended to read as follows:

- (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that date, and any legislator thereafter taking office may within thirty (30) days after the date thereof, elect to make monthly contributions to the Legislators' Retirement Plan, in an amount equal to five percent (5%) of his monthly creditable compensation, as defined in KRS 61.510(13). The election shall be effective to establish membership in the plan as of July 1, 1980, or as of the date from which the thirty (30) day period is measured, as the case may be. Provided, however, that any legislator who was in office on July 1, 1980, and who is in office at the time he makes the election may, after the expiration of the thirty (30) day period and until May 1, 1982, make the election, in which event he shall pay to the Legislators' Retirement Plan, for the months between July 1, 1980, and the date of his election such sum as, when added to any member's contribution by him that is transferred from another retirement system under KRS 6.535, will equal the member's contribution required by this section. If the member makes his election after February 1, 1981, he shall in addition pay to the plan interest on the foregoing sum, at six percent (6%) per annum, calculated as if the sum consisted of equal monthly payments, one (1) of which was due at the end of each month between July 1, 1980, and the date the election was made. The election shall be addressed to and filed with the secretary of the Finance and Administration Cabinet and shall constitute an authorization to the secretary to thereafter cause to be deducted from the member's monthly creditable compensation an amount equal to five percent (5%) thereof, as a voluntarily elected contribution by the member towards the funding of the Legislators' Retirement Plan.
- (b)
 1. For a member who begins participating in the Legislators' Retirement Plan prior to January 1, 2014, the election shall operate to create an inviolable contract between such member and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under KRS 6.515 to 6.530.
 2.
 - a. For members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 6.500 to 6.577 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
 - b. For purposes of this subparagraph, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
 - c. The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 6.500 to 6.577, for members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014, except the benefits specified by subparagraph 2.b. of this paragraph.
 3. The provisions of this paragraph shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the Legislators' Retirement Plan as provided by KRS 6.500 to 6.577 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.
- (c) An election once made under this section either to participate or not to participate in the Legislators' Retirement Plan, shall be considered to apply to all future service as a legislator, whether in the same or a different office as a legislator, and whether or not it is in successive terms.
- (d) Notwithstanding the provisions of this subsection:
 1. A legislator who becomes a member of the Legislators' Retirement Plan on or after September 1, 2008, but prior to January 1, 2014, shall make monthly contributions to the Legislators' Retirement Plan in an amount equal to six percent (6%) of his monthly creditable compensation, as defined in KRS 61.510(13).
 2. A legislator who becomes a member of the Legislators' Retirement Plan on or after January 1, 2014, shall make monthly contributions to the Legislators' Retirement Plan in an amount equal to six percent (6%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), of which:
 - a. Five percent (5%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), shall be used to provide funding for benefits provided under KRS 21.402; and

- b. One percent (1%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), shall be used exclusively to help fund retiree health benefits as provided by KRS 6.577 and shall not be refunded to the member if the member withdraws his or her accumulated account balance as provided by KRS 21.460. The amounts deducted under this subdivision shall be credited to an account established pursuant to 26 U.S.C. sec. 401(h), within the fund established by KRS ~~6.530~~~~6.350~~.
- (2) A legislator entitled to elect membership in the retirement system who failed to elect membership within thirty (30) days after taking office may elect membership not later than August 31, 2005. An election, upon being made pursuant to this section, shall operate to create an inviolable contract between the member entitled to elect membership under this subsection and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under the terms and conditions of KRS 6.500 to 6.577.
- (3) When any legislator makes a delayed election of membership in the Legislators' Retirement Plan under subsection (2) of this section, his active membership in the Kentucky Employees Retirement System shall terminate, as of the date his membership in the Legislators' Retirement Plan becomes effective, and any credit in the Kentucky Employees Retirement System, earned for service as a legislator, which he then has or which he subsequently regains while being an active member of the Legislators' Retirement Plan, shall be transferred to and counted as service credit in the Legislators' Retirement Plan, and shall no longer constitute credit in the Kentucky Employees Retirement System, except for the purpose of validating any other credit in that system if the member pays the difference, if any, between the amount transferred from the Kentucky Employees Retirement System and the actuarial value of the transferred service. However, any credit he then has in the Kentucky Employees Retirement System, earned for service in any capacity other than a legislator, shall not be affected. No person may attain credit in more than one (1) of the retirement plans or systems mentioned in this section for the same period of service. When credit is transferred from the Kentucky Employees Retirement System to the Legislators' Retirement Plan, the Kentucky Employees Retirement System shall transfer to the Legislators' Retirement Fund an amount equal to the employee's and employer's contributions attributable to that credit, together with interest on the contributions from the date made to the date of transfer at the actuarially assumed interest rate of the Kentucky Employees Retirement System in effect at the time the contributions were made, compounded annually at that same interest rate.
- (4) The state shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employee contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(10). The picked-up employee contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. The state shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to the same extent as employee contributions made prior to August 1, 1982.
- (5) When any legislator elects membership in the Legislators' Retirement Plan in accordance with this section, his active membership in the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or Teachers' Retirement System shall terminate, as of the date his membership in the Legislators' Retirement Plan becomes effective, and any credit in such other system or systems, earned for service as a legislator, which he then has or which he subsequently regains while being an active member of the Legislators' Retirement Plan, shall be transferred to and counted as service credit in the Legislators' Retirement Plan, and shall no longer constitute credit in such other retirement system except for the purpose of validating any other credit in that system. However, any credit he then has in such other retirement system, earned for service in any capacity other than a legislator, shall not be affected. No person may attain credit in more than one (1) of the retirement plans or systems mentioned in this section, for the same period of service.
- (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS 61.552, to repurchase credit in the Kentucky Employees Retirement System, for previous service as a legislator, which credit had been lost by refund of contributions, may pay the amount required by KRS 61.552 directly to the Legislators' Retirement Plan and thereby obtain credit in that plan for such service, rather than making payment to the Kentucky Employees Retirement System for credit which would be transferred to the Legislators' Retirement Plan. In such event, the Kentucky Employees Retirement System shall transfer to the Legislators' Retirement Plan an amount equal to the employer's contributions that originally were made to the Kentucky Employees Retirement System for the regained service credit, with interest as provided in KRS 6.535. Six (6) months'

current service shall be required in the Legislators' Retirement Plan in order for the repurchased credit to remain in force, the same as provided in KRS 61.552. Service purchased under this subsection on or after January 1, 2014, shall not be used to determine the member's participation date in the Legislators' Retirement Plan.

➔Section 4. KRS 75.031 is amended to read as follows:

- (1) (a) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive or mayor in a consolidated local government pursuant to the provisions of KRS 67C.139. Two (2) members of the board of trustees shall be elected by the members of the firefighters of the district and shall be members of the district. Two (2) members of the board of trustees shall be property owners who own real or personal property which is subject to the fire protection tax pursuant to KRS 75.040, who personally reside in the district, and who are not active firefighters and shall be elected by the property owners of the district. Property owners voting to select representatives to the board of trustees shall have attained the age of eighteen (18). The county judge/executive of the county in which the greater part of the district is located shall, with the approval of the fiscal court, appoint three (3) members of the board of trustees. In counties containing a city of the first class, trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that county. In counties governed by a consolidated local government, trustees appointed by the mayor to serve in volunteer fire prevention districts shall reside within the boundaries of the consolidated local government. At the first election held after the district is formed, one (1) firefighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years, and one (1) nonfirefighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms, the successor to each shall have the same qualifications as his or her predecessor and shall be elected for a term of four (4) years. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three (3) years. Upon the establishment of a consolidated local government, incumbent members shall continue to serve until the expiration of their current term of office. In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall appoint with the approval of the fiscal court a trustee for the remainder of the term, except in a county containing a consolidated local government. In a county containing a consolidated local government, the mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for the remainder of the term.
- (b) An appointed trustee may be removed from office as provided by KRS 65.007.
- (c) No person shall be an elected trustee who, at the time of his or her election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).
- (d) Unless otherwise provided by law, an elected firefighter trustee may be removed from office by the mayor of a consolidated local government, or in a county not containing a consolidated local government, by the county judge/executive of the county in which the greater part of the district is located. An elected firefighter trustee may be removed after a hearing with notice as required by KRS Chapter 424, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive of a county or the mayor of a consolidated local government, who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The person proposed to be removed may employ counsel to represent him or her. A record of the hearing shall be made by the county judge/executive or mayor respectively.
- (e) The removal of an elected firefighter trustee of a fire protection district shall be subject to the approval of the fiscal court of the county in which the greater part of the district is located in those counties not containing a consolidated local government or the legislative council in a county containing a consolidated local government.
- (f) An elected firefighter trustee removed pursuant to paragraphs ~~(c) and~~ (d) **and (e)** of this subsection may appeal, within ten (10) days of the rendering of the decision of the fiscal court or legislative council, respectively, to the Circuit Court of the county in which the greater part of the district is

located. The scope of the appeal shall be limited to whether the county judge/executive, mayor, legislative council, or the fiscal court respectively, abused their discretion in removing the trustee.

- (2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in the district. The date, time, and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. In lieu of the published notice for the election of the firefighter trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member of the firefighters of the fire protection district or volunteer fire department district, addressed to the firefighter at his or her residence, at least thirty (30) days prior to the election date. The nominations for candidates for trustees both representing the firefighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive or mayor shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966, all departments organized prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.
- (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located or the mayor in a consolidated local government, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.

➔Section 5. KRS 81.010 is amended to read as follows:

Cities are classified as follows:

- (1) First class:
Louisville, Jefferson County
- (2) Second class:
Ashland, Boyd County
Bowling Green, Warren County
Covington, Kenton County
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County
Jeffersontown, Jefferson County
Lexington, Fayette County
Newport, Campbell County
Owensboro, Daviess County
Paducah, McCracken County
Radcliff, Hardin County
Richmond, Madison County
- (3) Third class:
Campbellsville, Taylor County
Danville, Boyle County
Erlanger, Kenton County
Flatwoods, Greenup County

Florence, Boone County
Glasgow, Barren County
Hazard, Perry County
Independence, Kenton County
Mayfield, Graves County
Maysville, Mason County
Middlesboro, Bell County
Murray, Calloway County
Nicholasville, Jessamine County
Paris, Bourbon County
Prospect, Jefferson County
Shively, Jefferson County
Somerset, Pulaski County
Winchester, Clark County

(4) Fourth class:

Albany, Clinton County
Alexandria, Campbell County
Anchorage, Jefferson County
Augusta, Bracken County
Barbourville, Knox County
Bardstown, Nelson County
Beaver Dam, Ohio County
Bellevue, Campbell County
Benton, Marshall County
Berea, Madison County
Burnside, Pulaski County
Cadiz, Trigg County
Calvert City, Marshall County
Carlisle, Nicholas County
Carrollton, Carroll County
Catlettsburg, Boyd County
Cave City, Barren County
Central City, Muhlenberg County
Columbia, Adair County
Corbin, Whitley and Knox Counties
Crescent Springs, Kenton County
Crestview Hills, Kenton County
Cumberland, Harlan County
Cynthiana, Harrison County

Dawson Springs, Hopkins County
Dayton, Campbell County
Douglass Hills, Jefferson County
Earlington, Hopkins County
Edgewood, Kenton County
Eddyville, Logan County
Elizabethtown, Hardin County
Elkhorn City, Pike County
Elkton, Todd County
Elsmere, Kenton County
Eminence, Henry County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Fort Mitchell, Kenton County
Fort Thomas, Campbell County
Fort Wright, Kenton County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Graymoor/Devondale, Jefferson County
Grayson, Carter County
Greensburg, Green County
Greenville, Muhlenberg County
Guthrie, Todd County
Harlan, Harlan County
Harrodsburg, Mercer County
Hickman, Fulton County
Highland Heights, Campbell County
Hillview, Bullitt County
Hodgenville, Larue County
Horse Cave, Hart County
Hurstbourne, Jefferson County
Hurstbourne Acres, Jefferson County
Indian Hills, Jefferson County
Irvine, Estill County
Jackson, Breathitt County
Jenkins, Letcher County
Junction City, Boyle County
LaGrange, Oldham County

Lancaster, Garrard County
Lawrenceburg, Anderson County
Lebanon, Marion County
Leitchfield, Grayson County
London, Laurel County
Ludlow, Kenton County
Lyndon, Jefferson County
Madisonville, Hopkins County
Manchester, Clay County
Marion, Crittenden County
Martin, Floyd County
Middletown, Jefferson County
Midway, Woodford County
Monticello, Wayne County
Morehead, Rowan County
Morganfield, Union County
Mount Sterling, Montgomery County
Mount Washington, Bullitt County
Oak Grove, Christian County
Olive Hill, Carter County
Owingsville, Bath County
Paintsville, Johnson County
Park Hills, Kenton County
Pikeville, Pike County
Pineville, Bell County
Pioneer Village, Bullitt County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Russell, Greenup County
Russellville, Logan County
Saint Regis Park, Jefferson County
Salyersville, Magoffin County
Scottsville, Allen County
Shelbyville, Shelby County
Shepherdsville, Bullitt County
Southgate, Campbell County
Springfield, Washington County
St. Matthews, Jefferson County

Stanford, Lincoln County
Stanton, Powell County
Sturgis, Union County
Taylor Mill, Kenton County
Taylorsville, Spencer County
Union, Boone County
Vanceburg, Lewis County
Versailles, Woodford County
Villa Hills, Kenton County
Vine Grove, Hardin County
Warsaw, Gallatin County
West Liberty, Morgan County
Whitesburg, Letcher County
Williamsburg, Whitley County
Wilmore, Jessamine County

(5) Fifth class:

Adairville, Logan County
Auburn, Logan County
Audubon Park, Jefferson County
Barbourmeade, Jefferson County
Bardwell, Carlisle County
Beattyville, Lee County
Beechwood Village, Jefferson County
Benham, Harlan County
Bloomfield, Nelson County
Brandenburg, Meade County
Brodhead, Rockcastle County
Bromley, Kenton County
Brooksville, Bracken County
Brownsville, Edmonson County
Burgin, Mercer County
Burkesville, Cumberland County
Butler, Pendleton County
Calhoun, McLean County
Camargo, Montgomery County
Campbellsburg, Henry County
Clay, Webster County
Clay City, Powell County
Clinton, Hickman County

Cloverport, Breckinridge County

Cold Spring, Campbell County

Columbus, Hickman County

Corydon, Henderson County

Crestwood, Oldham County

Crittenden, Grant County

Crofton, Christian County

~~[Devondale, Jefferson County]~~

Drakesboro, Muhlenberg County

Dry Ridge, Grant County

Edmonton, Metcalfe County

Evarts, Harlan County

Ferguson, Pulaski County

Fleming-Neon, Letcher County

Fredonia, Caldwell County

Goshen, Oldham County

Grand ~~**Rivers**~~[River], Livingston County

Greenup, Greenup County

Hardin, Marshall County

Hardinsburg, Breckinridge County

Hartford, Ohio County

Hawesville, Hancock County

Hebron Estates, Bullitt County

Heritage Creek, Jefferson County

Hindman, Knott County

Hollow Creek, Jefferson County

Hustonville, Lincoln County

Indian Hills-Cherokee, Jefferson County

Irvington, Breckinridge County

Jamestown, Russell County

Jeffersonville, Montgomery County

Kuttawa, Lyon County

La Center, Ballard County

Lakeside Park, Kenton County

Lebanon Junction, Bullitt County

Lewisburg, Logan County

Lewisport, Hancock County

Liberty, Casey County

Livermore, McLean County

Louisa, Lawrence County

Loyall, Harlan County

Lynch, Harlan County

Lynnview, Jefferson County

McKee, Jackson County

Meadowvale, Jefferson County

Millersburg, Bourbon County

~~[Minor Lane Heights, Jefferson County]~~

Morgantown, Butler County

Morton's Gap, Hopkins County

Mt. Olivet, Robertson County

Mt. Vernon, Rockcastle County

Muldraugh, Meade County

Munfordville, Hart County

New Castle, Henry County

North Middletown, Bourbon County

Northfield, Jefferson County

Nortonville, Hopkins County

Orchard Grass Hills, Oldham County

Owenton, Owen County

Park City, Barren County

Pembroke, Christian County

Perryville, Boyle County

Pewee Valley, Oldham County

Plantation, Jefferson County

Powderly, Muhlenberg County

Raceland, Greenup County

Ravenna, Estill County

Rolling Hills, Jefferson County

Russell Springs, Russell County

Ryland Heights, Kenton County

Sadieville, Scott County

Sandy Hook, Elliott County

Sebree, Webster County

Silver Grove, Campbell County

Simpsonville, Shelby County

Smiths Grove, Warren County

South Shore, Greenup County

Tompkinsville, Monroe County

Uniontown, Union County

~~[Van Lear, Johnson County]~~

Walton, Boone County

~~[Washington, Mason County]~~

Watterson Park, Jefferson County

West Buechel, Jefferson County

West Point, Hardin County

White Plains, Hopkins County

Wickliffe, Ballard County

Wilder, Campbell County

Williamstown, Grant County

Windy Hills, Jefferson County

Woodlawn Park, Jefferson County

Worthington, Greenup County

Wurtland, Greenup County

- (6) All other incorporated cities belong to the sixth class.

➔Section 6. KRS 134.452 is amended to read as follows:

- (1) Notwithstanding any other provisions of this chapter, a third-party purchaser of a certificate of delinquency shall be entitled to collect only the following prelitigation fees:

- (a) The amount actually paid for the certificate of delinquency;
- (b) Interest as provided in KRS 134.125, calculated on the amount actually paid to the county clerk from the date the certificate of delinquency was purchased until paid; and
- (c)
 - 1. Prelitigation attorneys' fees, which may include amounts incurred for collection efforts and costs related to notification, processing, research, communication, compliance, legal costs, documentation, and similar expenses, from the date the third-party purchaser purchases the certificate of delinquency from the county clerk, to the date on which the notice required by KRS 134.490(2) is mailed by the third-party purchaser.
 - 2. The amount that may be collected by the third-party purchaser as prelitigation attorneys' fees shall be subject to the following limitations:
 - ~~[2.—]~~a. *i.* If the amount paid for a certificate of delinquency is between five dollars (\$5) and three hundred fifty dollars (\$350), actual reasonable fees incurred up to one hundred percent (100%) of the amount of the certificate of delinquency, not to exceed three hundred fifty dollars (\$350);
 - ii.*~~[b.—]~~ If the amount paid for a certificate of delinquency is between three hundred fifty-one dollars (\$351) and seven hundred dollars (\$700), actual reasonable fees incurred up to eighty percent (80%) of the amount of the certificate of delinquency, not to exceed five hundred sixty dollars (\$560); and
 - iii.*~~[c.—]~~ If the amount paid for a certificate of delinquency is above seven hundred one dollars (\$701), actual reasonable fees incurred up to seventy percent (70%) of the amount of the certificate of delinquency, not to exceed seven hundred dollars (\$700); *and*~~[d.—]~~
 - b.*~~[d.—]~~ If a third-party purchaser is the owner of more than one (1) certificate of delinquency against the same taxpayer, actual and reasonable prelitigation attorneys' fees for all certificates of delinquency against the same taxpayer shall not exceed one and one-half (1.5) times the maximum amount permitted in *subdivision a. of this*

~~subparagraph~~ ~~paragraph (a) of this subsection~~ for the largest tax bill owed by the taxpayer. ~~and~~

3. The amounts allowed by subparagraph 2. of this paragraph shall not accrue to the account of the delinquent taxpayer, nor be charged by the third-party purchaser against the delinquent taxpayer all at one (1) time unless the amount of certificate of delinquency is one hundred seventy-five dollars (\$175) or less. The third-party purchaser may accrue to the account of the delinquent taxpayer, and charge the delinquent taxpayer an amount equal to the lesser of prelitigation attorney's fees incurred by the third-party purchaser since the prior notice was sent or one hundred seventy-five dollars (\$175), for each notice sent to the delinquent taxpayer, provided that:
 - a. The total aggregate amount of prelitigation attorneys' fees that may accrue to the account of the delinquent taxpayer and be charged by the third-party purchaser against the delinquent taxpayer shall not exceed the limitations established by paragraph (a) of this subsection; and
 - b. Additional fees shall not accrue to the account of the delinquent taxpayer or be charged by the third-party purchaser against the delinquent taxpayer more frequently than every ninety (90) days, regardless of how many notices the third-party purchaser may send.
 - (2) If the delinquent taxpayer and the third-party purchaser enter into a payment agreement, the third-party purchaser may collect the installment payment processing fee authorized by KRS 134.490(5).
 - (3) (a) In addition to the fees established by subsections (1), (2), and (4) of this section, a third-party purchaser may collect actual, reasonable attorneys' fees and costs that arise due to the prosecution of collection remedies or the protection of a certificate of delinquency that is involved in litigation. Fees and costs permitted under this subsection include fees and costs incurred from the first day after the notice required by KRS 134.490(2) is sent through the day any litigation is finally concluded.
 - (b) For purposes of this subsection:
 1. Actual attorneys' litigation fees up to two thousand dollars (\$2,000) may be reasonable if the fees are based upon documented work performed at a rate commensurate with hourly rates customarily charged by private attorneys in that jurisdiction for similar services. A flat rate, without hours documented for work performed, may be reasonable if the flat fee is determined to be discounted from the usual and customary rates for comparable work; and
 2. Any attorneys' litigation fee in excess of two thousand dollars (\$2,000) shall be allowed if authorized by the court upon a finding that the third-party purchaser incurred actual attorneys' litigation fees in excess of two thousand dollars (\$2,000) and that those attorneys' litigation fees were warranted based upon the complexity of the issues presented in the litigation.
 - (4) The third-party purchaser may collect administrative fees incurred for preparing, recording, and releasing an assignment of the certificate of delinquency in the county clerk's office, not to exceed one hundred fifteen dollars (\$115).
 - (5) The General Assembly recognizes that third-party purchasers play an important role in the delinquent tax collection system, allowing taxing districts to receive needed funds on a timely basis. The General Assembly has carefully considered the fees and charges authorized by this section, and has determined that the amounts established are reasonable based on the costs of collection and fees and charges incurred in litigation.
 - (6) A certificate of delinquency owned by a third-party purchaser shall be deemed a general intangible for the purposes of Article 9 of KRS Chapter 355.
- ➔Section 7. KRS 161.046 is amended to read as follows:
- (1) For purposes of this section, "adjunct instructor" means an individual who has training or experience in a specific subject area and who has met the requirements for certification as an adjunct instructor established by the Education Professional Standards Board.
 - (2) The Education Professional Standards Board shall adopt administrative regulations governing the qualifications and utilization of adjunct instructors. These administrative regulations shall specify the minimum essential competencies which must be demonstrated by persons seeking an adjunct instructor certificate.

- (3) Holders of an adjunct instructor certificate shall be employed on an annual contract basis and shall not be eligible for continuing service status pursuant to KRS 161.740 or for the retirement provisions of KRS 161.220 through 161.714, except that the return to work limitations set forth in KRS ~~161.603 and~~ 161.605 shall apply to any retired member of the Kentucky Teachers' Retirement System who resumes employment as an adjunct instructor. The granting of successive annual contracts to the holder of an adjunct instructor certificate shall not give rise to a claim of expectation of continuing employment.
- (4) Local school boards may contract with certificated adjunct instructors for part-time services on an hourly, daily, or other periodic basis as best meets the needs of the board. An adjunct instructor shall not fill a position that will result in the displacement of a qualified teacher with a regular certificate who is already employed in the district.
- (5) An orientation program shall be developed and implemented for adjunct instructors by the local school board.

➔Section 8. KRS 186.574 is amended to read as follows:

- (1) The Transportation Cabinet shall establish a state traffic school for new drivers and for traffic offenders. The school shall be composed of uniform education and training elements designed to create a lasting influence on new drivers and a corrective influence on traffic offenders. District Courts may in lieu of assessing penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to state traffic school and no other. The Transportation Cabinet shall enroll a person in state traffic school who fails to complete a driver's education course pursuant to KRS 186.410(5).
- (2) If a District Court stipulates in its judgment of conviction that a person attend state traffic school, the court shall indicate this in the space provided on the abstract of conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the Transportation Cabinet, or its representative, shall schedule the person to attend state traffic school. Failure of the person to attend and satisfactorily complete state traffic school in compliance with the court order, may be punished as contempt of the sentencing court. The Transportation Cabinet shall not assess points against a person who satisfactorily completes state traffic school. However, if the person referred to state traffic school holds or is required to hold a commercial driver's license, the underlying offense shall appear on the person's driving history record.
- (3) The Transportation Cabinet shall supervise, operate, and administer state traffic school, and shall promulgate administrative regulations pursuant to KRS Chapter 13A governing facilities, equipment, courses of instruction, instructors, and records of the program. In the event a person sentenced under subsection (1) of this section does not attend or satisfactorily complete state traffic school, the Transportation Cabinet may deny that person a license or suspend the license of that person until he reschedules attendance or completes state traffic school, at which time a denial or suspension shall be rescinded.
- (4) Persons participating in the state traffic school as provided in this section shall pay a fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c), a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are dedicated to the road fund for use in the state driver education program may be used for the purposes of state traffic school.
- (5) The following procedures shall govern persons attending state traffic school pursuant to this section:
 - (a) A person convicted of any violation of traffic codes set forth in KRS Chapters 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of the trial judge, be sentenced to attend state traffic school. Upon payment of the fee required by subsection (4) of this section, and upon successful completion of state traffic school, the sentence to state traffic school shall be the person's penalty in lieu of any other penalty, except for the payment of court costs;
 - (b) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school who has been cited for a violation of KRS Chapters 177, 186, or 189 that has a penalty of mandatory revocation or suspension of an offender's driver's license;
 - (c) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school for any violation if, at the time of the violation, the person did not have a valid driver's license or the person's driver's license was suspended or revoked by the cabinet;
 - (d) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school more than once in any one (1) year period, unless the person wants to attend state traffic school to comply with the driver education requirements of KRS 186.410; and

- (e) The cabinet shall notify the sentencing court regarding any person who was sentenced to attend state traffic school who was ineligible to attend state traffic school. A court notified by the cabinet pursuant to this paragraph shall return the person's case to an active calendar for a hearing on the matter. The court shall issue a summons for the person to appear and the person shall demonstrate to the court why an alternative sentence should not be imposed.
- (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may operate a traffic safety program for traffic offenders prior to the adjudication of the offense.
- (b) Offenders alleged to have violated KRS 189A.010 or ~~304.39-080~~~~[304.30-010]~~, offenders holding a commercial driver's license under KRS Chapter 281A, or offenders coming within the provisions of subsection (5)(b) or (c) of this section shall be excluded from participation in a county attorney-operated program.
- (c) A county attorney that operates a traffic safety program:
 - 1. May charge a reasonable fee to program participants, which shall only be used for payment of county attorney office operating expenses; and
 - 2. Shall, by October 1 of each year, report to the Prosecutors Advisory Council the fee charged for the county attorney-operated traffic safety program and the total number of traffic offenders diverted into the county attorney-operated traffic safety program for the preceding fiscal year categorized by traffic offense.
- (d) Each participant in a county attorney-operated traffic safety program shall, in addition to the fee payable to the county attorney, pay a twenty-five dollar (\$25) fee to the court clerk, which shall be paid into a trust and agency account with the Administrative Office of the Courts and is to be used by the circuit clerks to hire additional deputy clerks and to enhance deputy clerk salaries.

➔Section 9. KRS 189A.345 is amended to read as follows:

- (1) No person shall operate a motor vehicle or motorcycle without a functioning ignition interlock device when prohibited to do so under KRS 189A.340(1) or under KRS 189A.410(2).
- (2) (a) No person shall start a motor vehicle or motorcycle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle or motorcycle to a person subject to the prohibition established in KRS ~~189A.340(1)~~~~[189.340(1)]~~ or under KRS ~~189A.410~~~~[189A.440]~~(2)(b).
- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor.
- (3) (a) No person shall:
 - 1. Knowingly install a defective ignition interlock device on a motor vehicle or motorcycle; or
 - 2. Tamper with an installed ignition interlock device with the intent of rendering it defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from installing ignition interlock devices or directing others in the installation of ignition interlock devices.
- (4) (a) No person shall direct another person to install a defective ignition interlock device on a motor vehicle or motorcycle when the person giving the direction knows that the ignition interlock device is defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from directing others in the installation of ignition interlock devices or installing ignition interlock devices.

➔Section 10. KRS 218A.1438 is amended to read as follows:

- (1) Notwithstanding KRS ~~218A.1446~~^[218A.1442], a person is guilty of unlawful distribution of a methamphetamine precursor when he or she knowingly and unlawfully sells, transfers, distributes, dispenses, or possesses with the intent to sell, transfer, distribute, or dispense any drug product or combination of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or any of their salts, isomers, or salts of isomers, if the person knows that the purchaser intends that the drug product or combination of drug products will be used as a precursor to methamphetamine or other controlled substance, or if the person sells, transfers, distributes, or dispenses the drug product or combination of drug products with reckless disregard as to how the drug product or combination of drug products will be used.
- (2) Unlawful distribution of a methamphetamine precursor is a Class D felony for the first offense and a Class C felony for each subsequent offense.
- (3) In addition to the criminal penalty specified in subsection (2) of this section, or in lieu of the criminal penalty specified in subsection (2) of this section, any person who traffics in or transfers any drug product or combination of drug products specified in subsection (1) of this section intentionally or recklessly with knowledge of or reason to know that the drug product or combination of drug products will be used to illegally manufacture methamphetamine or other controlled substance shall be liable for damages in a civil action for all damages, whether directly or indirectly caused by the sale or trafficking or transfer of the drug product or drug products.
 - (a) Damages may include but are not limited to:
 1. Any and all costs of detecting, investigating, and cleaning up or remediating unlawfully operated laboratories or other facilities for the illegal manufacture of methamphetamine or other controlled substance;
 2. Costs of prosecution of criminal cases arising from the illegal sale, transfer, distribution, manufacture, or dispensing of a controlled substance or their precursors;
 3. Court costs and reasonable attorney's fees for bringing this civil action;
 4. Consequential damages; and
 5. Punitive damages.
 - (b) A civil action to recover damages against a person or persons violating this section may be brought by the Attorney General, an attorney of the Justice and Public Safety Cabinet, or by any Commonwealth's attorney in whose jurisdiction the defendant may be shown to have committed an act specified in this section.
 - (c) All moneys collected pursuant to such civil action shall be distributed in the following order:
 1. Court costs and reasonable attorney's fees for bringing this civil action;
 2. The reimbursement of all reasonable costs of detecting, investigating, cleaning up or remediating the laboratory or other facility utilized for manufacture of methamphetamine underlying the present judgment;
 3. The reasonable costs of prosecution of criminal cases arising from trafficking in or transfer of a precursor for the illegal manufacture of methamphetamine giving rise to the present judgment; and
 4. All remaining moneys shall be distributed to the General Fund.

➔Section 11. KRS 248.725 is amended to read as follows:

The Kentucky Department of Agriculture may provide technical assistance to local individuals and entities, county ***agricultural development***~~[rural development advisory]~~ councils, and regional entities in developing proposals and in implementing proposals approved by the Agricultural Development Board.

➔Section 12. KRS 446.140 is amended to read as follows:

Title heads, chapter heads, section and subsection heads or titles, and explanatory notes and cross references, in the Kentucky Revised Statutes, do not constitute any part of the law, except as provided in KRS ~~355.1-107~~^[355.1-109].

PART D

REPEALED STATUTE

➔Section 13. The following KRS sections are repealed:

216B.0422 Hospital's outpatient health facility -- Licensure and certificate-of-need requirements.

PART E

EFFECT OF REVISIONS

➔Section 14. Nothing in this Act shall be construed under KRS 7.123(4) as appearing to effect any substantive change in the statute law of Kentucky, and the actions contained within this Act shall not operate under KRS 446.250 or 446.260 to defeat any amendments in other Acts of this 2014 Regular Session of the General Assembly to the statutes contained in this Act.

Signed by Governor April 9, 2014.

CHAPTER 72

(SB 225)

AN ACT relating to voyeurism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 531.090 is amended to read as follows:

- (1) A person is guilty of voyeurism when:
 - (a) He or she intentionally:
 1. Uses or causes the use of any camera, videotape, photooptical, photoelectric, or other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, ***an undergarment worn without being publicly visible***, or nipple of the female breast of another person without that person's consent; or
 2. Uses the unaided eye or any device designed to improve visual acuity for the purpose of observing or viewing the sexual conduct, genitals, ***an undergarment worn without being publicly visible***, or nipple of the female breast of another person without that person's consent; or
 3. Enters or remains unlawfully in or upon the premises of another for the purpose of observing or viewing the sexual conduct, genitals, ***an undergarment worn without being publicly visible***, or nipple of the female breast of another person without the person's consent; and
 - (b) The other person is in a place where a reasonable person would believe that his or her sexual conduct, genitals, ***undergarments***, or nipple of the female breast will not be observed, viewed, photographed, filmed, or videotaped without his or her knowledge.
- (2) The provisions of subsection (1) of this section shall not apply to:
 - (a) A law enforcement officer during a lawful criminal investigation; or
 - (b) An employee of the Department of Corrections, the Department of Juvenile Justice, a private prison, a local jail, or a local correctional facility whose actions have been authorized for security or investigative purposes.
- (3) Unless objected to by the victim or victims of voyeurism, the court on its own motion or on motion of the Commonwealth's attorney shall:
 - (a) Order the sealing of all photographs, film, videotapes, or other images that are introduced into evidence during a prosecution under this section or are in the possession of law enforcement, the prosecution, or the court as the result of a prosecution under this section; and
 - (b) At the conclusion of a prosecution under this section, unless required for additional prosecutions, order the destruction of all of the photographs, film, videotapes, or other images that are in possession of law enforcement, the prosecution, or the court.
- (4) Voyeurism is a Class A misdemeanor.

Signed by Governor April 9, 2014.

CHAPTER 73

(SCR 102)

A CONCURRENT RESOLUTION directing the staff of the Legislative Research Commission to study family care-giving and long-term supports and services in Kentucky.

WHEREAS, the population of the state that is 85 years of age or older and most likely to need care-giving assistance is projected to reach 106,052 in 2030; and

WHEREAS, almost all older adults who need assistance with activities of daily living want to remain in their homes and communities; and

WHEREAS, providing services and supports to older adults in their homes and communities is generally much less expensive than nursing home care; and

WHEREAS, older adults who receive services from caregivers in their homes are much less likely to need public assistance; and

WHEREAS, almost three-fourths of older people living in the community who received personal assistance relied exclusively on unpaid caregivers; and

WHEREAS, an estimated 735,000 adults in the state provide care to adult relatives or friends, which equates to an estimated 704 million hours each year and an estimated value of \$7.1 billion each year; and

WHEREAS, nationally 70 percent of people with Alzheimer's disease or a related disorder live at home and need assistance with activities of daily living; and

WHEREAS, to successfully address the surging population of older adults who have significant needs for long-term services and supports, the state must develop methods to both encourage and support families to assist their aging relatives and develop ways to recruit and retain a qualified, responsive in-home care workforce;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

➔Section 1. The staff of the Legislative Research Commission shall conduct a study of family care-giving and long-term supports and services in Kentucky to:

- (1) Identify policies, resources, and programs available for family caregivers and identify additional innovative and creative means to support family caregivers to continue to provide needed in-home support for older adults;
- (2) Interview family caregivers about their needs, including the designation of caregivers, training, respite services, medical leave policies, delegation of tasks to non-medical aides, and relevant state policies;
- (3) Compile an inventory of the resources available to family caregivers; and
- (4) Identify possible legislative and administrative actions to support family caregivers.

➔Section 2. Staff shall transmit the results of the study to the Legislative Research Commission for distribution to the appropriate interim joint committee or committees by December 1, 2014.

➔Section 3. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.

Signed by Governor April 9, 2014.

CHAPTER 74

(HB 5)

AN ACT relating to the safety and security of personal information held by public agencies.

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As used in Sections 1 to 4 of this Act:

- (1) *"Agency" means:*
 - (a) *The executive branch of state government of the Commonwealth of Kentucky;*
 - (b) *Every county, city, municipal corporation, urban-county government, charter county government, consolidated local government, and unified local government;*
 - (c) *Every organizational unit, department, division, branch, section, unit, office, administrative body, program cabinet, bureau, board, commission, committee, subcommittee, ad hoc committee, council, authority, public agency, instrumentality, interagency body, special purpose governmental entity, or public corporation of an entity specified in paragraph (a) or (b) of this subsection or created, established, or controlled by an entity specified in paragraph (a) or (b) of this subsection;*
 - (d) *Every public school district in the Commonwealth of Kentucky; and*
 - (e) *Every public institution of postsecondary education, including every public university in the Commonwealth of Kentucky and public college of the entire Kentucky Community and Technical College System;*
- (2) *"Commonwealth Office of Technology" means the office established by KRS 42.724;*
- (3) *"Encryption" means the conversion of data using technology that:*
 - (a) *Meets or exceeds the level adopted by the National Institute of Standards Technology as part of the Federal Information Processing Standards; and*
 - (b) *Renders the data indecipherable without the associated cryptographic key to decipher the data;*
- (4) *"Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, unified local government, or any combination of these entities, responsible for the detection of crime and the enforcement of the general criminal federal and state laws;*
- (5) *"Nonaffiliated third party" means any person that:*
 - (a) *Has a contract or agreement with an agency; and*
 - (b) *Receives personal information from the agency pursuant to the contract or agreement;*
- (6) *"Personal information" means an individual's first name or first initial and last name; personal mark; or unique biometric or genetic print or image, in combination with one (1) or more of the following data elements:*
 - (a) *An account number, credit card number, or debit card number that, in combination with any required security code, access code, or password, would permit access to an account;*
 - (b) *A Social Security number;*
 - (c) *A taxpayer identification number that incorporates a Social Security number;*
 - (d) *A driver's license number, state identification card number, or other individual identification number issued by any agency;*
 - (e) *A passport number or other identification number issued by the United States government; or*
 - (f) *Individually identifiable health information as defined in 45 C.F.R. sec. 160.103 except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g;*

- (7) (a) *"Public record or record," as established by KRS 171.410, means all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.*
- (b) *"Public record" does not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority;*
- (8) *"Reasonable security and breach investigation procedures and practices" means data security procedures and practices developed in good faith and set forth in a written security information policy; and*
- (9) *"Security breach" means:*
 - (a) 1. *The unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of unencrypted or unredacted records or data that compromises or the agency or nonaffiliated third party reasonably believes may compromise the security, confidentiality, or integrity of personal information and result in the likelihood of harm to one (1) or more individuals; or*
 - 2. *The unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of encrypted records or data containing personal information along with the confidential process or key to unencrypt the records or data that compromises or the agency or nonaffiliated third party reasonably believes may compromise the security, confidentiality, or integrity of personal information and result in the likelihood of harm to one (1) or more individuals.*
 - (b) *"Security breach" does not include the good-faith acquisition of personal information by an employee, agent, or nonaffiliated third party of the agency for the purposes of the agency if the personal information is used for a purpose related to the agency and is not subject to unauthorized disclosure.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *An agency or nonaffiliated third party that maintains or otherwise possesses personal information, regardless of the form in which the personal information is maintained, shall implement, maintain, and update security procedures and practices, including taking any appropriate corrective action, to protect and safeguard against security breaches.*
- (b) *Reasonable security and breach investigation procedures and practices established and implemented by organizational units of the executive branch of state government shall be in accordance with relevant enterprise policies established by the Commonwealth Office of Technology. Reasonable security and breach investigation procedures and practices established and implemented by units of government listed under subsection (1)(b) of Section 1 of this Act and subsection (1)(c) of Section 1 of this Act that are not organizational units of the executive branch of state government shall be in accordance with policies established by the Department for Local Government. The Department for Local Government shall consult with public entities as defined in KRS 65.310 in the development of policies establishing reasonable security and breach investigation procedures and practices for units of local government pursuant to this subsection. Reasonable security and breach investigation procedures and practices established and implemented by public school districts listed under subsection (1)(d) of Section 1 of this Act shall be in accordance with administrative regulations promulgated by the Kentucky Board of Education. Reasonable security and breach investigation procedures and practices established and implemented by educational entities listed under subsection (1)(e) of Section 1 of this Act shall be in accordance with policies established by the Council on Postsecondary Education. The Commonwealth Office of Technology shall, upon request of an agency, make available technical assistance for the establishment and implementation of reasonable security and breach investigation procedures and practices.*
- (c) 1. *If an agency is subject to any additional requirements under the Kentucky Revised Statutes, or under federal law, protocols or agreements relating to the protection and privacy of personal information, the agency shall comply with these additional requirements, in addition to the requirements of Sections 1 to 4 of this Act.*
- 2. *If a nonaffiliated third party is required by federal law or regulation to conduct security breach investigations or to make notifications of security breaches, or both, as a result of the nonaffiliated third party's unauthorized disclosure of one (1) or more data elements of personal information that is the same as one (1) or more of the data elements of personal*

information listed in subsection (6)(a) to (f) of Section 1 of this Act, the nonaffiliated third party shall meet the requirements of Sections 1 to 4 of this Act by providing to the agency a copy of any and all reports and investigations relating to such security breach investigations or notifications that are required to be made by federal law or regulations. This subparagraph of this paragraph shall not apply if the security breach includes the unauthorized disclosure of data elements that are not covered by federal law or regulation but are listed in subsection (6)(a) to (f) of Section 1 of this Act.

- (2) (a) *For agreements executed or amended on or after January 1, 2015, any agency that contracts with a nonaffiliated third party and that discloses personal information to the nonaffiliated third party shall require as part of that agreement that the nonaffiliated third party implement, maintain, and update security and breach investigation procedures that are appropriate to the nature of the information disclosed, that are at least as stringent as the security and breach investigation procedures and practices referenced in subsection (1)(b) of this section, and that are reasonably designed to protect the personal information from unauthorized access, use, modification, disclosure, manipulation, or destruction.*
- (b) 1. *A nonaffiliated third party that is provided access to personal information by an agency, or that collects and maintains personal information on behalf of an agency shall notify the agency in the most expedient time possible and without unreasonable delay but within seventy-two (72) hours of determination of a security breach relating to the personal information in the possession of the nonaffiliated third party. The notice to the agency shall include all information the nonaffiliated third party has with regard to the security breach at the time of notification. Agreements referenced in subsection (2)(a) of this section shall specify how the cost of the notification and investigation requirements under Section 3 of this Act are to be apportioned when a security breach is suffered by the agency or nonaffiliated third party.*
- 2. *The notice required by subparagraph 1. of this paragraph may be delayed if a law enforcement agency notifies the nonaffiliated third party that notification will impede a criminal investigation or jeopardize homeland or national security. If notice is delayed pursuant to this paragraph, notification shall be given as soon as reasonably feasible by the nonaffiliated third party to the agency with which the nonaffiliated third party is contracting. The agency shall then record the notification in writing on a form developed by the Commonwealth Office of Technology that the notification will not impede a criminal investigation and will not jeopardize homeland or national security. The Commonwealth Office of Technology shall promulgate administrative regulations under Sections 1 to 4 of this Act regarding the content of the form.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Any agency that collects, maintains, or stores personal information that determines or is notified of a security breach relating to personal information collected, maintained, or stored by the agency or by a nonaffiliated third-party on behalf of the agency shall as soon as possible, but within seventy-two (72) hours of determination or notification of the security breach:*
 - 1. *Notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, and the Attorney General. In addition, an agency shall notify the Secretary of the Finance and Administration Cabinet or his or her designee if an agency is an organizational unit of the executive branch of state government; notify the Commissioner of the Department for Local Government if the agency is a unit of government listed in subsection (1)(b) of Section 1 of this Act or subsection (1)(c) of Section 1 of this Act that is not an organizational unit of the executive branch of state government; notify the Commissioner of the Kentucky Department of Education if the agency is a public school district listed in subsection (1)(d) of Section 1 of this Act; and notify the President of the Council on Postsecondary Education if the agency is an educational entity listed under subsection (1)(e) of Section 1 of this Act. Notification shall be in writing on a form developed by the Commonwealth Office of Technology. The Commonwealth Office of Technology shall promulgate administrative regulations under Sections 1 to 4 of this Act regarding the contents of the form; and*
 - 2. *Begin conducting a reasonable and prompt investigation in accordance with the security and breach investigation procedures and practices referenced in subsection (1)(b) of this section to determine whether the security breach has resulted in or is likely to result in the misuse of the personal information.*

(b) Upon conclusion of the agency's investigation:

1. *If the agency determined that a security breach has occurred and that the misuse of personal information has occurred or is reasonably likely to occur, the agency shall:*
 - a. *Within forty-eight (48) hours of completion of the investigation, notify in writing all officers listed in subparagraph (1)(a)1. of this section, and the Commissioner of the Department for Libraries and Archives, unless the provisions of subsection (3) of this section apply;*
 - b. *Within thirty-five (35) days of providing the notifications required by subparagraph a. of this paragraph, notify all individuals impacted by the security breach as provided in subsection (2) of this section, unless the provisions of subsection (3) of this section apply; and*
 - c. *If the number of individuals to be notified exceeds one thousand (1,000), the agency shall notify, at least seven (7) days prior to providing notice to individuals under subparagraph b. of this paragraph, the Commonwealth Office of Technology if the agency is an organizational unit of the executive branch of state government, the Department for Local Government if the agency is a unit of government listed under subsection (1)(b) of Section 1 of this Act or subsection (1)(c) of Section 1 of this Act that is not an organizational unit of the executive branch of state government, the Kentucky Department of Education if the agency is a public school district listed under subsection (1)(d) of Section 1 of this Act, or the Council on Postsecondary Education if the agency is an educational entity listed under subsection (1)(e) of Section 1 of this Act; and notify all consumer credit reporting agencies included on the list maintained by the Office of the Attorney General that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. sec. 1681a(p), of the timing, distribution, and content of the notice; or*
2. *If the agency determines that the misuse of personal information has not occurred and is not likely to occur, the agency is not required to give notice, but shall maintain records that reflect the basis for its decision for a retention period set by the State Archives and Records Commission as established by KRS 171.420. The agency shall notify the appropriate entities listed in subsection (1)(a)1. of this section that the misuse of personal information has not occurred.*

(2) (a) The provisions of this subsection establish the requirements for providing notice to individuals under subsection (1)(b)1.b. of this section. Notice shall be provided as follows:

1. *Conspicuous posting of the notice on the Web site of the agency;*
2. *Notification to regional or local media if the security breach is localized, and also to major statewide media if the security breach is widespread, including broadcast media, such as radio and television; and*
3. *Personal communication to individuals whose data has been breached using the method listed in subdivisions a., b., and c. of this subparagraph that the agency believes is most likely to result in actual notification to those individuals, if the agency has the information available:*
 - a. *In writing, sent to the most recent address for the individual as reflected in the records of the agency;*
 - b. *By electronic mail, sent to the most recent electronic mail address for the individual as reflected in the records of the agency, unless the individual has communicated to the agency in writing that they do not want email notification; or*
 - c. *By telephone, to the most recent telephone number for the individual as reflected in the records of the agency.*

(b) The notice shall be clear and conspicuous, and shall include:

1. *To the extent possible, a description of the categories of information that were subject to the security breach, including the elements of personal information that were or were believed to be acquired;*

2. *Contact information for the notifying agency, including the address, telephone number, and toll-free number if a toll-free number is maintained;*
 3. *A description of the general acts of the agency, excluding disclosure of defenses used for the protection of information, to protect the personal information from further security breach; and*
 4. *The toll-free numbers, addresses, and Web site addresses, along with a statement that the individual can obtain information from the following sources about steps the individual may take to avoid identity theft, for:*
 - a. *The major consumer credit reporting agencies;*
 - b. *The Federal Trade Commission; and*
 - c. *The Office of the Kentucky Attorney General.*
- (c) *The agency providing notice pursuant to this subsection shall cooperate with any investigation conducted by the agencies notified under subsection (1)(a) of this section and with reasonable requests from the Office of Consumer Protection of the Office of the Attorney General, consumer credit reporting agencies, and recipients of the notice, to verify the authenticity of the notice.*
- (3) (a) *The notices required by subsection (1) of this section shall not be made if, after consultation with a law enforcement agency, the agency receives a written request from a law enforcement agency for a delay in notification because the notice may impede a criminal investigation. The written request may apply to some or all of the required notifications, as specified in the written request from the law enforcement agency. Upon written notification from the law enforcement agency that the criminal investigation has been completed, or that the sending of the required notifications will no longer impede a criminal investigation, the agency shall send the notices required by subsection (1)(b)1. of this section.*
- (b) *The notice required by subsection (1)(b)1.b. of this section may be delayed if the agency determines that measures necessary to restore the reasonable integrity of the data system cannot be implemented within the timeframe established by subsection (1)(b)1.b. of this section, and the delay is approved in writing by the Office of the Attorney General. If notice is delayed pursuant to this subsection, notice shall be made immediately after actions necessary to restore the integrity of the data system have been completed.*
- (4) *Any waiver of the provisions of this section is contrary to public policy and shall be void and unenforceable.*
- (5) *This section shall not apply to:*
- (a) *Personal information that has been redacted;*
 - (b) *Personal information disclosed to a federal, state, or local government entity, including a law enforcement agency or court, or their agents, assigns, employees, or subcontractors, to investigate or conduct criminal investigations and arrests, delinquent tax assessments, or to perform any other statutory duties and responsibilities;*
 - (c) *Personal information that is publicly and lawfully made available to the general public from federal, state, or local government records;*
 - (d) *Personal information that an individual has consented to have publicly disseminated or listed; or*
 - (e) *To any document recorded in the records of either a county clerk or circuit clerk of a county, or in the records of a United States District Court.*
- (6) *The Office of the Attorney General may bring an action in the Franklin Circuit Court against an agency or a nonaffiliated third party that is not an agency, or both, for injunctive relief, and for other legal remedies against a nonaffiliated third party that is not an agency to enforce the provisions of Sections 1 to 4 of this Act. Nothing in Sections 1 to 4 of this Act shall create a private right of action.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *The legislative and judicial branches of state government shall implement, maintain, and update reasonable security and breach investigation procedures and practices, including taking any appropriate corrective action, to protect and safeguard against security breaches consistent with Sections 1 to 4 of this Act.*

- (2) ***The Department for Libraries and Archives shall establish procedures for the appropriate disposal or destruction of records that include personal information pursuant to the authority granted the Department for Libraries and Archives under Section 8 of this Act.***

➔Section 5. KRS 42.722 is amended to read as follows:

As used in KRS 42.720 to 42.742~~[-, unless the context requires otherwise]:~~:

- (1) "Communications" or "telecommunications" means any transmission, emission, or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems, and includes all facilities and equipment performing these functions;
- (2) "Geographic information system" or "GIS" means a computerized database management system for the capture, storage, retrieval, analysis, and display of spatial or locationally defined data;
- (3) "Information resources" means the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel;
- (4) "Information technology" means data processing and telecommunications hardware, software, services, supplies, facilities, maintenance, and training that are used to support information processing and telecommunications systems to include geographic information systems;~~[-and]~~
- (5) ***"Personal information" has the same meaning as in Section 1 of this Act;***
- (6) "Project" means a program to provide information technologies support to functions within an executive branch state agency, which should be characterized by well-defined parameters, specific objectives, common benefits, planned activities, expected outcomes and completion dates, and an established budget with a specified source of funding;***; and***
- (7) ***"Security breach" has the same meaning as in Section 1 of this Act.***

➔Section 6. KRS 42.726 is amended to read as follows:

- (1) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
 - (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
 - (b) Assuring compatibility and connectivity of Kentucky's information systems;
 - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
 - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture~~[-. This specifically includes but is not limited to directions, standards, and architecture related to the privacy and confidentiality of data collected and stored by state agencies];~~
 - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;
 - (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth;
 - (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
 - (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
 - (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;

- (j) Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
 - (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
 - (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
 - (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council;~~[- and]~~
 - (p) ***Developing for state executive branch agencies a coordinated security framework and model governance structure relating to the privacy and confidentiality of personal information collected and stored by state executive branch agencies, including but not limited to:***
 - 1. ***Identification of key infrastructure components and how to secure them;***
 - 2. ***Establishment of a common benchmark that measures the effectiveness of security, including continuous monitoring and automation of defenses;***
 - 3. ***Implementation of vulnerability scanning and other security assessments;***
 - 4. ***Provision of training, orientation programs, and other communications that increase awareness of the importance of security among agency employees responsible for personal information; and***
 - 5. ***Development of and making available a cyber security incident response plan and procedure.***
 - (q) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (2) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
 - (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
 - (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
 - (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:

1. New and emerging technologies as approved by the executive director or her or his designee; or
 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (3) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.
- (4) ***The Commonwealth Office of Technology shall, on or before October 1 of each year, submit to the Legislative Research Commission a report in accordance with KRS 57.390 detailing:***
- (a) ***Any security breaches that occurred within organizational units of the executive branch of state government during the prior fiscal year that required notification to the Commonwealth Office of Technology under Section 2 of this Act;***
 - (b) ***Actions taken to resolve the security breach, and to prevent additional security breaches in the future;***
 - (c) ***A general description of what actions are taken as a matter of course to protect personal data from security breaches; and***
 - (d) ***Any quantifiable financial impact to the agency reporting a security breach.***

➔Section 7. KRS 42.732 is amended to read as follows:

- (1) There is hereby created the Kentucky Information Technology Advisory Council to:
- (a) Advise the executive director of the Commonwealth Office of Technology on approaches to coordinating information technology solutions among libraries, public schools, local governments, universities, and other public entities; ~~and~~
 - (b) ***Advise the executive director of the Commonwealth Office of Technology on coordination among and across the organizational units of the executive branch of state government to prepare for, respond to, and prevent attacks; and***
 - (c) Provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services.
- (2) The Kentucky Information Technology Advisory Council shall consist of:
- (a) The state budget director or a designee;
 - (b) The state librarian or a designee;
 - (c) One (1) representative from the public universities to be appointed by the Governor from a list of three (3) persons submitted by the Council on Postsecondary Education;
 - (d) Three (3) citizen members from the private sector with information technology knowledge and experience appointed by the Governor;
 - (e) Two (2) representatives of local government appointed by the Governor;
 - (f) One (1) representative from the area development districts appointed by the Governor from a list of names submitted by the executive directors of the area development districts;
 - (g) One (1) member of the media appointed by the Governor;
 - (h) The executive director of the Kentucky Authority for Educational Television;
 - (i) The chair of the Public Service Commission or a designee;
 - (j) Two (2) members of the Kentucky General Assembly, one (1) from each chamber, selected by the Legislative Research Commission;
 - (k) One (1) representative of the Administrative Office of the Courts;
 - (l) One (1) representative from the public schools system appointed by the Governor;
 - (m) One (1) representative of the Kentucky Chamber of Commerce; and
 - (n) The executive director of the Commonwealth Office of Technology.

- (3) Appointed members of the council shall serve for a term of two (2) years. Members who serve by virtue of an office shall serve on the council while they hold the office.
- (4) Vacancies on the council shall be filled in the same manner as the original appointments. If a nominating organization changes its name, its successor organization having the same responsibilities and purposes shall be the nominating organization.
- (5) Members shall receive no compensation but shall receive reimbursement for actual and necessary expenses in accordance with travel and subsistence requirements established by the Finance and Administration Cabinet.

➔Section 8. KRS 171.450 is amended to read as follows:

- (1) The department shall establish:
 - (a) Procedures for the compilation and submission to the department of lists and schedules of public records proposed for disposal;
 - (b) Procedures for the disposal or destruction of public records authorized for disposal or destruction, *including appropriate procedures to protect against unauthorized access to or use of personal information as defined by Section 1 of this Act*;
 - (c) Standards and procedures for recording, managing, and preserving public records and for the reproduction of public records by photographic or microphotographic process;
 - (d) Procedures for collection and distribution by the central depository of all reports and publications, except the Kentucky Revised Statutes editions, issued by any department, board, commission, officer or other agency of the Commonwealth for general public distribution after July 1, 1958.
- (2) The department shall enforce the provisions of KRS 171.410 to 171.740 by appropriate rules and regulations.
- (3) The department shall make copies of such rules and regulations available to all officials affected by KRS 171.410 to 171.740 subject to the provisions of KRS Chapter 13A.
- (4) Such rules and regulations when approved by the department shall be binding on all state and local agencies, subject to the provisions of KRS Chapter 13A. The department shall perform any acts deemed necessary, legal and proper to carry out the duties and responsibilities imposed upon it pursuant to the authority granted herein.

➔Section 9. KRS 171.680 is amended to read as follows:

- (1) The head of each state and local agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.
- (2) Such program shall provide for:
 - (a) Effective controls over the creation, maintenance, and use of records in the conduct of current business;
 - (b) Cooperation with the department in applying standards, procedures, and techniques designed to improve the management of records;
 - (c) Promotion of the maintenance and security of records deemed appropriate for preservation, and facilitation of the segregation and disposal of records of temporary value;
 - (d) Compliance with the provisions of KRS 171.410 to 171.740 and the rules and regulations of the department; *and*
 - (e) *Compliance with the provisions of Sections 1 to 4 of this Act.*

➔Section 10. The provisions of this Act shall not impact the provisions of KRS 61.870 to KRS 61.884.

➔Section 11. This Act takes effect January 1, 2015.

Signed by Governor April 10, 2014.

AN ACT relating to the Code of Legislative Ethics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 6.611 is amended to read as follows:

As used in this code, unless the context requires otherwise:

- (1) "Adversarial proceeding" means a proceeding in which decisions are made based upon evidence presented as measured against established standards, with parties having the right to appeal the decision on the record to a court.
- (2) (a) "Anything of value" includes the following:
 1. A pecuniary item, including money, or a bank bill or note;
 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
 4. A stock, bond, note, or other investment interest in an entity;
 5. A receipt given for the payment of money or other property;
 6. A right in action;
 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
 8. A loan or forgiveness of indebtedness;
 9. A work of art, antique, or collectible;
 10. An automobile or other means of personal transportation;
 11. Real property or an interest in real property, including title to realty; a fee simple or partial interest, present or future, contingent or vested, within realty; a leasehold interest; or other beneficial interest in realty;
 12. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a legislator;
 13. A promise or offer of employment; or
 14. Any other thing of value that is pecuniary or compensatory in value to a person, or the primary significance of which is economic gain.
- (b) "Anything of value" does not include:
 1. A campaign contribution properly received and reported, if reportable, as required under KRS Chapter 121;
 2. Compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer or by a person other than a legislative agent or employer;
 3. A usual and customary commercial loan made in the ordinary course of business, without regard to the recipient's status as a legislator, and by a person or institution authorized by law to engage in the business of making loans;
 4. A certificate, plaque, or commemorative token of less than one hundred fifty dollars (\$150) value;
 5. ~~Informational or~~ Promotional items **of less than fifty dollars (\$50)**;
 6. Educational items;
 7. **Informational items**~~[Food and beverages consumed on the premises];~~
 8. The cost of attendance or participation, and of food and beverages consumed, at events:

- a. To which all members of the Kentucky Senate or the Kentucky House of Representatives, or both, are invited;
 - b. To which all members of a joint committee or task force of the Kentucky Senate and the Kentucky House of Representatives are invited;
 - c. To which a caucus of legislators approved as a caucus by the Legislative Research Commission is invited;
 - d. Sponsored or coordinated by a state or local government entity, including a state institution of higher education, provided that the cost thereof is covered by the state or local government entity or state institution of higher education; or
 - e. To which an individual legislator is invited *that are held in-state*, and for which the legislator receives prior approval from a majority of the Legislative Research Commission~~[- Costs of admittance or attendance, or the value of food or beverages consumed at these events shall not be considered anything of value. Transportation, lodging, and other ancillary expenses related to attendance or participation in these events shall be included in the definition of anything of value];~~
9. Gifts from a person related by blood or marriage or a member of the legislator's household;
10. A gift that:
- a. Is not used; and
 - b. No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
11. The cost, paid, reimbursed, raised, or obtained by the Legislative Research Commission, for attendance or participation, and for food and beverages consumed at, and funds, goods, and services provided for conducting events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators if the attendance and expenditures~~[- by the legislator]~~ are approved in advance by the Legislative Research Commission;
12. The cost of attendance or participation provided by the sponsoring entity, of lodging, and of food and beverages consumed, at *in-state* events sponsored by or in conjunction with a civic, charitable, governmental, trade association, or community organization~~[- if the event is held within the Commonwealth of Kentucky];~~
13. A gift or gifts from one member of the General Assembly to another member of the General Assembly;
14. Anything for which the recipient pays or gives full value; or
15. Any service spontaneously extended to a legislator in an emergency situation.
- (3) "Associated," if used with reference to an organization, includes an organization in which an individual or a member of the individual's family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, an interest of ten thousand dollars (\$10,000) or more, or an interest of five percent (5%) or more of the outstanding equity;
- (4) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;
- (5) "Business associate" includes the following:
- (a) A private employer;
 - (b) A general or limited partnership, or a general or limited partner within the partnership;
 - (c) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
 - (d) A corporation in which the legislator or other person subject to this code has an investment interest, owns, or has a beneficial interest in shares of stock which constitute more than:

1. Five percent (5%) of the value of the corporation; or
2. Ten thousand dollars (\$10,000) at fair market value;
- (e) A corporation, business association, or other business entity in which the legislator or other person subject to this code serves as an agent or a compensated representative;
- (6) "Candidate" means an individual who seeks nomination or election to the General Assembly. An individual is a candidate when the individual:
 - (a) Files a notification and declaration for nomination for office with the Secretary of State; or
 - (b) Is nominated for office by his *or her* party under KRS 118.105, 118.115, 118.325, or 118.760;
- (7) "Charitable organization" means an organization described in 26 U.S.C. Sec. 170(c) as it currently exists or as it may be amended;
- (8) "Child" means the unemancipated minor daughter, son, stepdaughter, or stepson;
- (9) "Commission" means the Kentucky Legislative Ethics Commission;
- (10) (a) "Compensation" means:
 1. An advance, salary, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; or
 2. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money for services rendered or to be rendered;
 - (b) "Compensation" does not include reimbursement of expenses if:
 1. The reimbursement is equal to, or less than, the amount paid for the expenses;
 2. Expense records are itemized; and
 3. No portion of the reimbursed expense is used to give anything of value to a legislator, candidate, or the spouse of a legislator or candidate;
- (11) "Economic interest" means an interest distinct from that of the general public in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a legislator may gain an economic benefit of fifty dollars (\$50) or more;
- (12) "Employer" means any person who engages a legislative agent and in the case of a business other than a sole proprietorship or self-employed individual, it means the business entity, and not an individual officer, director, or employee thereof, except when an officer, director, or employee makes an expenditure for which he *or she* is reimbursed by the business entity;
- (13) "Engage" means to make any arrangement, and "engagement" means any arrangement, by which an individual is employed or retained for compensation to act for or on behalf of an employer to lobby;
- (14) "Ethical misconduct" means any violation of the Kentucky Code of Legislative Ethics;
- (15) (a) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of those officials:
 1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
 2. A contract, promise, or agreement, to make an expenditure; or
 3. The purchase, sale, or gift of services or any other thing of value.
 - (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection;

- (16) "Family member" means a person:
- (a) Who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of an individual; or
 - (b) Who is a member of the individual's household, and is dependent upon the *individual*~~[member]~~;
- (17) "Filer" means an individual who is required to file a statement of financial interests pursuant to KRS 6.781;
- (18) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:
1. A legislative agent, his *or her* employer, or a member of the immediate family of the legislative agent or his *or her* employer; and
 2. Any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this subparagraph;
- (b) "Financial transaction" does not include any transaction or activity:
1. Described in paragraph (a) of this subsection if it is available to the general public on the same or similar terms and conditions; or
 2. Made or let after public notice and competitive bidding or contracts that are available on similar terms to other members of the general public;
- (19) "Former legislator" means a person who previously held a position as a legislator and who no longer holds that position;
- (20) "Immediate family" means an unemancipated child residing in an individual's household, a spouse of an individual, or a person claimed by the *individual*~~[individual's spouse]~~ as a dependent for tax purposes;
- (21) ***"In-state" means within the borders of Kentucky or outside Kentucky in a county that is contiguous with the border of Kentucky;***
- (22) "Legislation" means bills, resolutions, amendments, nominations, ***administrative regulations***, and any other matter pending before the General Assembly or any of its interim *or statutory* committees, or the executive approval or veto of any bill acted upon by the General Assembly;
- ~~(23)~~~~(22)~~ (a) "Legislative agent" means any individual who is engaged:
1. during at least a portion of his *or her* time to lobby as one (1) of his *or her* official responsibilities; or
 2. In lobbying activities as a legislative liaison of an association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation.
- (b) "Legislative agent" does not include:
1. Any person who limits his *or her* lobbying activities to appearing before public meetings of legislative committees, subcommittees, or task forces, or public hearings or meetings of public agencies;
 2. A private citizen who receives no compensation for lobbying and who expresses a personal opinion; or
 3. A public servant acting in his *or her* fiduciary capacity as a representative of his *or her* agency, college, university, or city, county, urban-county, ***consolidated local government, unified local government***, or charter county government, except persons engaged by a de jure municipal corporation, such as the Kentucky Lottery Corporation or the Kentucky Housing Corporation, institutions of higher education, or local governments, whose primary responsibility during sessions of the General Assembly is to lobby;
- ~~(24)~~~~(23)~~ "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one (1) or more legislative matters;
- ~~(25)~~~~(24)~~ "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any interim committee, committee, subcommittee, task force, or commission of the General Assembly;

- ~~(26)~~~~(25)~~ "Legislator" means a member or member-elect of the General Assembly;
- ~~(27)~~~~(26)~~ (a) "Lobby" means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation by direct communication with any member of the General Assembly, the Governor, the secretary of any cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this paragraph.
- (b) "Lobbying" does not include:
1. Appearances before public meetings of the committees, subcommittees, task forces, and interim committees of the General Assembly;
 2. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
 3. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in paragraph (b)2. of this subsection;
 4. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
 5. Professional services in drafting bills or resolutions, preparing arguments on these bills or resolutions, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, if the services are not otherwise connected with lobbying; or
 6. The action of any person not engaged by an employer who has a direct interest in legislation, if the person, acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any official listed in this subsection for the redress of grievances, or other proper purposes;
- ~~(28)~~~~(27)~~ "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert;
- ~~(29)~~~~(28)~~ "Public servant" means an elected or appointed officer or employee of a federal or state agency; state institution of higher education; or a city, county, urban-county, or charter county government;
- ~~(30)~~~~(29)~~ "State agency" means any department, office, commission, board, or authority within the executive department, and includes state-supported universities and colleges but does not include local boards of education; and
- ~~(31)~~~~(30)~~ "Through others" means a scheme, artifice, or mechanism, the sole purpose of which is to accomplish by indirect means, using third parties, results which would be unlawful under this code if accomplished directly between a legislator or candidate and another person or entity.

➔Section 2. KRS 6.711 is amended to read as follows:

- (1) The commission shall design the general curriculum of orientation courses, which shall include, but not be limited to, explanations and discussions of the ethics laws, administrative regulations, relevant internal policies, specific technical and legal requirements, summaries of advisory opinions, underlying purposes and principles of ethics laws, examples of practical application of the laws and principles, and a question-and-answer participatory segment regarding common problems and situations. The commission shall prepare the methods and materials necessary to implement the curriculum.
- (2) The commission shall:
 - (a) Administer the orientation courses for legislators;
 - (b) Designate instructors to conduct their courses who shall be trained by the commission; and
 - (c) Notify legislators regarding attendance in these courses.
- (3) The orientation courses shall be conducted *for new legislators in December of each even-numbered year*~~January of each odd-numbered year~~. Each course shall be at least *two (2)*~~three (3)~~ hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the courses dedicated to group participation ~~may~~~~shall~~ be closed to the public.

- (5) Each legislator shall complete the initial orientation course offered under this section. Each legislator elected after the initial orientation course shall complete the next orientation course conducted. The commission may grant permission for a legislator to attend a later course for good cause shown.

➔Section 3. KRS 6.716 is amended to read as follows:

- (1) The commission shall design the general curriculum of a current issues seminar, which shall include, but not be limited to, discussion of changes in the ethics laws and administrative regulations, new advisory opinions, current ethical issues confronting public servants, practical application of ethics laws and principles to specific issues and situations, and development of problem-solving skills. The commission shall prepare the methods and materials necessary to implement the curriculum.
- (2) The commission shall:
 - (a) Administer the current issues seminars for legislators;
 - (b) Designate instructors to conduct their current issues courses who shall be trained by the commission; and
 - (c) Notify legislators regarding attendance in these seminars.
- (3) The current issues seminars shall be conducted in January of each year. Each course shall be at least three (3) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the seminars dedicated to group participation ~~may~~**shall** be closed to the public.
- (5) Each legislator, after completion of an orientation training course, shall complete one (1) current issues seminar annually.

➔Section 4. KRS 6.747 is amended to read as follows:

- (1) A legislator shall not accept any compensation in consideration for an appearance, speech, or article unless the appearance, speech, or article is both related to the legislator's employment outside the General Assembly and is unrelated to his **or her** position as a legislator.
- (2) A legislator may accept prepaid transportation, food, and lodging or be reimbursed for actual expenses for out-of-state travel associated with the performance of his **or her** duties as a legislator if he **or she** obtains prior approval of the travel from a majority of the Legislative Research Commission. ***However, a legislative agent or employer shall not furnish or pay for out-of-state transportation or lodging for a legislator. A legislative agent or employer may furnish food, beverages, or local transportation for an event held in conjunction with a meeting of a multistate or national organization referenced in subsection (2)(b)11. of Section 1 of this Act, if the event is conducted in accordance with subsection (2)(b)8.a. to d. of Section 1 of this Act.*** The reimbursement of expenses pursuant to this subsection shall be reported to the Legislative Research Commission.
- (3) Violation of this section is ethical misconduct.

➔Section 5. KRS 6.767 is amended to read as follows:

- (1) A member of the General Assembly, candidate for the General Assembly, or his **or her** campaign committee shall not accept a campaign contribution from a legislative agent. Violation of this provision is ethical misconduct.
- (2) ***A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not, during a regular session of the General Assembly, accept a campaign contribution from an employer of a legislative agent, or from a permanent committee as defined in KRS 121.015. This subsection shall not apply to candidates for the General Assembly in a special election held during a regular session of the General Assembly. Violation of this provision is ethical misconduct.***
- (3) It shall be a complete defense ***under this section*** if the legislator,~~or~~ candidate, ***or his or her campaign committee*** receives a campaign contribution from a legislative agent ***or, during a regular session, from an employer or from a permanent committee,*** which fact is unknown to the legislator,~~or~~ candidate, ***or committee*** at the time of receipt, if the legislator,~~or~~ candidate, ***or his or her campaign committee*** either returns the contribution within ***thirty (30)***~~fourteen (14)~~ days of receipt, and within fourteen (14) additional days makes that fact, together with the name of the contributor, amount of the contribution, and the date of

return or payment known, in writing to the commission. It shall also be a defense if a legislator, ~~or~~ candidate, **or his or her campaign committee** receives a campaign contribution from a legislative agent whose name does not yet appear on the list of legislative agents **and their employers** furnished to the Legislative Research Commission if the legislator, ~~or~~ candidate, **or his or her campaign committee** returns the campaign contribution within **thirty (30)** ~~fourteen (14)~~ days of the Legislative Research Commission's receipt of the list bearing the name of the legislative agent **and their employers** and makes the written disclosure to the commission required in this subsection. The ~~fourteen (14) day~~ time periods shall be tolled upon the filing with the commission of a request for an advisory opinion regarding the campaign contribution. Upon the issuance of the opinion or decision not to render an opinion, the ~~time~~ ~~fourteen (14) day~~ period shall resume.

➔Section 6. KRS 6.811 is amended to read as follows:

- (1) A legislative agent or employer shall not knowingly fail to register, as required under KRS 6.807.
- (2) A legislative agent or employer shall not knowingly fail to keep a receipt or maintain a record which KRS 6.821 requires the person to keep or maintain.
- (3) A person shall not knowingly fail to file a statement that KRS 6.807, 6.821, or 6.824 requires the person to file.
- (4) A legislative agent or employer shall not knowingly offer, give, or agree to give anything of value to a legislator, **a candidate, or the** ~~his~~ spouse, ~~or~~ child **of a legislator or candidate**.
- (5) A legislative agent shall not serve as a campaign treasurer, **and shall not directly solicit, control, or deliver a campaign contribution,** ~~for as a fundraiser as set forth in KRS 121.170(2)~~ for a candidate or legislator.
- (6) A legislative agent shall not make a campaign contribution to a legislator, a candidate, or his **or her** campaign committee.
- (7) ***During a regular session of the General Assembly, an employer of a legislative agent shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. This subsection shall not apply to candidates for the General Assembly in a special election held during a regular session of the General Assembly*** ~~(a) — A legislative agent or agents and their employer shall not collectively spend more than one hundred dollars (\$100) in a calendar year on the purchase of food and beverages consumed on the premises for each legislator and his immediate family, collectively.~~
~~(b) — A legislative agent shall not spend more than one hundred dollars (\$100) in a calendar year on the purchase of food and beverages consumed on the premises for each legislator and member of a legislator's immediate family, collectively. This provision shall apply regardless of the number of employers by whom the legislative agent is engaged.~~
- (8) An employer shall not knowingly employ, appoint, or retain a serving legislator or former legislator as a legislative agent until at least two (2) years have elapsed from the date on which he **or she** vacated his **or her** office.
- (9) No person shall engage any person to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any legislation. No person shall accept any engagement to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any legislation. Violation of this provision is a Class D felony.
- (10) A legislative agent or other lobbyist shall not go upon the floor of either house of the General Assembly while the house is in session, except upon invitation of that house. Violation of this provision is a Class B misdemeanor.
- (11) If any legislative agent or employer violates any provision in subsections (4) to (8) of this section, he **or she** shall for the first violation be guilty of ethical misconduct. For the second and each subsequent violation, he **or she** shall be guilty of a Class D felony.

➔Section 7. KRS 6.821 is amended to read as follows:

- (1) With the updated registration statement required by KRS 6.807(3), each legislative agent, or representative of an organized association, coalition, or public interest entity, and each employer shall file a statement of expenditures as provided in subsections (2), (3), and (4) of this section. A representative of an organized association, coalition, or public interest entity shall identify the source of the entity or association's funds and

financial resources. A legislative agent shall file a separate statement of expenditures for each employer engaging him.

- (2) If an employer or any legislative agent whom he *or she* engaged made expenditures, either separately or in combination with each other, either directly or indirectly, for food, ~~and~~ beverages, *or the costs of admittance or attendance, lodging, or other expenses related to events conducted or approved under subsection (2)(b)8., 11., or 12. of Section 1 of this Act* ~~consumed on the premises~~ on behalf of any particular member of the General Assembly *or candidate*, or his *or her* immediate family, the employer or legislative agent shall also state the following:
 - (a) The name of the legislator, *candidate*, or member of his *or her* immediate family on whose behalf the expenditures were made;
 - (b) The total amount of the expenditures made;
 - (c) A ~~brief~~ description of the expenditures made; and
 - (d) The ~~approximate~~ date *and specific location of the event for which* the expenditures were made.
- (3) In addition to the information required by subsection (2) of this section, a statement filed by a legislative agent shall show:
 - (a) The total amount of lobbying expenditures made by the legislative agent during the reporting period covered by the statement, *including any expenditures for events conducted or approved under subsection (2)(b)8., 11., or 12. of Section 1 of this Act, if the expenditures are* ~~whether or~~ not reimbursed by the employer; and
 - (b) *Expenditures made* ~~Cumulative amounts, except personal expenses, expended~~ by the legislative agent for *informational, educational, or promotional items or activities* ~~food, beverages, lodging, transportation, entertainment~~, and other expenses directly associated with the legislative agent's lobbying activities during the reporting period, *if the expenditures were not reimbursed by the employer.*
- (4) (a) In addition to the information required by subsection (2) of this section, a statement filed by an employer shall list:
 1. The total amount of lobbying related expenditures made by the employer filing the statement during the period covered by the statement;
 2. A complete and itemized account of all amounts expended for receptions or other events *conducted or approved under subsection (2)(b)8., 11., or 12. of Section 1 of this Act* ~~held under subsection (5) of this section~~, including the date and *specific* location of the event and the name of the group of public servants invited to the event;
 3. A complete and itemized account of all other amounts expended for lobbying, including ~~food and lodging expenses and~~ reimbursements *paid to any*, ~~and not including personal expenses incurred by an employer or a~~ legislative agent; ~~and~~
 4. The ~~cumulative~~ compensation *earned by each* ~~paid to~~ legislative *agent* ~~agents~~, prorated to reflect the time the legislative *agent was* ~~agents were~~ engaged in lobbying during the period covered by the statement; *and*
 5.
 - a. *The cost of advertising which appears during a session of the General Assembly, and which supports or opposes legislation, if the cost is paid by an employer or a person or organization affiliated with an employer;*
 - b. *As used in this subparagraph, "advertising" means statements disseminated to the public either in print, by radio or television broadcast, or by any other electronic means, including Internet or telephonic communications, and may include direct or bulk mailings of printed materials.*
- (b) No employer is required to show any expenditure on a statement filed under this subsection if the expenditure is reported on a statement filed under subsection (2) of this section by a legislative agent engaged by the employer.

- (5) (a) Any statement required to be filed under this section shall be filed at the times specified in KRS 6.807. Each statement shall cover expenditures made during the period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.
- (b) ~~No portion of the amount of an expenditure for a dinner, party, or other function sponsored by an employer or legislative agent shall be attributed to, or counted toward the amount for a calendar year if the event qualifies under KRS 6.611(2)(b)8., 11., or 12.~~
- (c) ~~The amount spent for a function described in paragraph (b) of this subsection shall be added with other expenditures to determine the total amount of expenditures reported in the statement under subsections (2) and (3) of this section.~~
- (d) ~~If it is impractical or impossible for a legislative agent or employer to determine exact dollar amounts or values of expenditures, reporting of good faith estimates, based upon reasonable accounting procedures, constitutes compliance with this subsection.~~
- (6) All legislative agents and employers shall retain receipts or maintain records for all expenditures that are required to be reported pursuant to this section. These receipts or records shall be maintained for a period ending on the thirty-first day of December of the second calendar year after the year in which the expenditure was made.
- (7) Any legislative agent or employer who fails to file a required statement of expenditures, or who fails to remedy any deficiency in his *or her* filing in a timely manner may be fined by the commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars (\$1,000) without the necessity of a complaint being filed, notwithstanding KRS 6.686(1)(a), but only after notice has been given to the alleged violator of the intent of the commission to impose a fine, including the amount of the fine, and an opportunity has been afforded the alleged violator to appear before the commission or otherwise offer evidence as he *or she* may choose in mitigation of the imposition of the fine.
- (8) Any legislative agent or employer who intentionally files a statement of expenditures which he *or she* knows to contain false information or to omit required information shall be guilty of a Class D felony.

➔ SECTION 8. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

The Legislative Research Commission shall require all members of the General Assembly to attend a sexual and workplace harassment training course to be held at the beginning of each session of the General Assembly.

➔ Section 9. KRS 7.090 is amended to read as follows:

- (1) There is created a Legislative Research Commission as an independent agency in the legislative branch of state government, which is exempt from control by the executive branch and from reorganization by the Governor. The Commission shall have the duties, responsibilities, and powers assigned to it or authorized it by the General Assembly, by statute or otherwise.
- (2) The Legislative Research Commission shall be composed of the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, the majority and minority whips of the Senate, the majority and minority whips of the House, and the majority and minority caucus chairmen of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members thereof who are of the same chamber membership and political party affiliation as the person having vacated Commission membership. If the vacancy is in the membership of the House of Representatives, the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission, the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The President of the Senate and the Speaker of the House of Representatives shall serve as co-chairmen of the Commission.
- (3) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the co-chairmen may determine. Meetings of the Commission shall be called by the co-chairmen on their own initiative, or at the written request of any three (3) members of the Commission. Any action of the Commission shall require an affirmative roll call vote of a majority of the Commission's entire membership. For attending meetings of the Commission or any of its subcommittees whose membership consists only of members of the Commission between sessions of the General Assembly, the members of the Commission shall be paid their necessary traveling expenses and in addition thereto an amount per day equal to the per diem compensation they receive during any session. For attending meetings of interim joint committees or other Commission subcommittees,

members of the Commission shall be paid an amount per day equal to that received by all other members of the committees or subcommittees who are not designated as chairmen or co-chairmen thereof.

- (4) The Commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the Commission. The salary of the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.
- (5) Any professional, clerical, or other employees required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of the employees.
- (6) The director shall, at the discretion of the Commission and under its supervision and control, provide for the allocation of the work and activities of all employees of the Commission.
- (7) ***The director shall inform the President of the Senate, the Speaker of the House, and the Minority Floor Leaders of each chamber of any personnel matter or allegation of wrongdoing involving a member of the General Assembly that has potential of leading to litigation in which the General Assembly or Legislative Research Commission may be a party. The members so informed shall keep the matter confidential. The director shall inform the members within forty-eight (48) hours of becoming aware of the allegation or situation.***
- (8) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.
- ~~(9)~~~~(8)~~ The Legislative Research Commission shall constitute administrative offices for the General Assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.
- ~~(10)~~~~(9)~~ A Senate bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the Senate members of that interim joint committee. A House of Representatives bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the House members of that interim joint committee. An interim joint committee shall not pre-file a bill or approve a bill as pre-filed in any other manner.
- ~~(11)~~~~(10)~~ The President of the Senate and the Speaker of the House of Representatives shall have the authority to approve the in-state and out-of-state per diem and expenses for members of their respective chambers.
- ~~(12)~~~~(11)~~ The Legislative Research Commission shall display the national motto "In God We Trust" on the wall directly above and behind the dais of the Speaker of the House of Representatives. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.

➔Section 10. KRS 7.410 is amended to read as follows:

- (1) It is the intent of the General Assembly to provide an efficient system of common schools which shall be operated without waste, duplication, mismanagement, and political influence. The system of schools shall have the goal of providing all students with at least the seven (7) capacities referred to in KRS 158.645.
- (2) (a) An Office of Education Accountability is hereby created and shall be under the direction of the Legislative Research Commission and shall be advised and monitored by the Education Assessment and Accountability Review Subcommittee.
- (b) The Office of Education Accountability shall be administered by a deputy director appointed by the Legislative Research Commission upon recommendation of the director of the Legislative Research Commission. The deputy director shall have the qualifications set by the Commission. The salary of the deputy director shall be set by the Commission. The Commission shall have exclusive jurisdiction over the employment of personnel necessary to carry out the provisions of this section. The deputy director shall be subject to the direction of and report to the director of the Legislative Research Commission.
- (c) The Office of Education Accountability shall have the following duties and responsibilities:

1. Monitor the elementary and secondary public education system, including actions taken and reports issued by the Kentucky Board of Education, the Education Professional Standards Board, the commissioner of education, the Department of Education, and local school districts. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, the monitoring of the elementary and secondary public education system shall also include periodic reviews of local district and school-based decision making policies relating to the recruitment, interviewing, selection, evaluation, termination, or promotion of personnel. The office shall report any district or school when evidence demonstrates a pattern of exclusionary personnel practices relating to race or sex to the Kentucky Department of Education, which shall then independently investigate facts raised in or associated with the report. The results of the investigation conducted by the department shall be forwarded to the Kentucky Board of Education which shall conduct an investigative hearing on the matter.
2. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, review the elementary and secondary public education finance system. The review shall include an analysis of the level of equity achieved by the funding system and whether adequate funds are available to all school districts and an analysis of the weights of various education program components developed by the Department of Education. The review may also include recommendations for the base per pupil funding for the Support Education Excellence in Kentucky Program and a statewide salary schedule, and studies of other finance issues identified by the Education Assessment and Accountability Review Subcommittee.
3. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, verify the accuracy of reports of school, district, and state performance by conducting, requesting, or upon approval of the Legislative Research Commission, contracting for periodic program and fiscal audits. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability shall monitor and verify the accuracy of reports of the Department of Education and the Kentucky Board of Education, including but not limited to the annual fiscal conditions of grants, categorical programs, and other educational initiatives set forth by the General Assembly.
4. Investigate allegations of wrongdoing of any person or agency, including but not limited to waste, duplication, mismanagement, political influence, and illegal activity at the state, regional, or school district level; make appropriate referrals to other agencies with jurisdiction over those allegations; and make recommendations for legislative action to the Education Assessment and Accountability Review Subcommittee. Upon acceptance by the subcommittee, recommendations for legislative action shall be forwarded to the Legislative Research Commission. The Office of Education Accountability shall submit to the subcommittee, for each of its regular meetings, a report that summarizes investigative activity initiated pursuant to this subparagraph. The subcommittee may consider each report as it determines and in its discretion. Each report, and the consideration thereof by the subcommittee, shall be exempt from the open records and open meetings requirements contained in KRS Chapter 61.
5. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, conduct studies, analyze, verify, and validate the state assessment program through other external indicators of academic progress including but not limited to American College Test scores, Scholastic Assessment Test scores, National Assessment of Educational Progress scores, Preliminary Scholastic Assessment Test scores, Advanced Placement Program participation, standardized test scores, college remediation rates, retention and attendance rates, dropout rates, and additional available data on the efficiency of the system of schools and whether progress is being made toward attaining the goal of providing students with the seven (7) capacities as required by KRS 158.645.
6. Make periodic reports to the Education Assessment and Accountability Review Subcommittee as directed by the subcommittee. Upon acceptance by the subcommittee, the reports shall be forwarded to the Legislative Research Commission.
7. Make periodic reports to the Legislative Research Commission as may be directed by the Commission.
8. Prepare an annual report, which shall consist of a summary of the status and results of the current year annual research agenda provided in paragraph (d) of this subsection, a summary of completed investigative activity conducted pursuant to subparagraph 4. of this paragraph, and

other items of significance as determined by the Education Assessment and Accountability Review Subcommittee. The annual report shall be submitted to the Education Assessment and Accountability Review Subcommittee. Upon acceptance by the subcommittee, the annual report shall be submitted to the Governor, the Legislative Research Commission, and the Kentucky Board of Education.

- (d) On or before December 1 of each calendar year, the Education Assessment and Accountability Review Subcommittee shall adopt the annual research agenda for the Office of Education Accountability. The annual research agenda may include studies, research, and investigations considered to be significant by the Education Assessment and Accountability Review Subcommittee. Staff of the Office of Education Accountability shall prepare a suggested list of study and research topics related to elementary and secondary public education for consideration by the Education Assessment and Accountability Review Subcommittee in the development of the annual research agenda. An adopted annual research agenda shall be amended to include any studies mandated by the next succeeding General Assembly for completion by the Office of Education Accountability.
 - (e) The Office of Education Accountability shall have access to all public records and information on oath as provided in KRS 7.110. The office shall also have access to otherwise confidential records, meetings, and hearings regarding local school district personnel matters. However, the office shall not disclose any information contained in or derived from the records, meetings, and hearings that would enable the discovery of the specific identification of any individual who is the focus or subject of the personnel matter.
 - (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and Administration Cabinet and the Governor's Office for Policy and Management shall provide to the Office of Education Accountability access to all information and records, other than preliminary work papers, relating to allotment of funds, whether by usual allotment or by other means, to the Department of Education, local school districts, and to other recipients of funds for educational purposes.
 - (g) Any state agency receiving a complaint or information which, if accurate, may identify a violation of the Kentucky Education Reform Act of 1990, 1990 Ky. Acts ch. 476, shall notify the office of the complaint or information.
 - (h) The Office of Education Accountability may contract for services as approved by the Legislative Research Commission pursuant to KRS 7.090(8)(7).
- (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992 Regular Session of the General Assembly to the contrary notwithstanding, the testimony of investigators, work products, and records of the Office of Education Accountability relating to duties and responsibilities under subsection (2) of this section shall be privileged and confidential during the course of an ongoing investigation or until authorized, released, or otherwise made public by the Office of Education Accountability and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power.

➔Section 11. KRS 11A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit;
- (2) "Commission" means the Executive Branch Ethics Commission;
- (3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;
- (4) "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister;
- (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, or door prizes available to the public;

- (6) "Income" means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of compensation or any combination thereof;
- (7) "Officer" means all major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, executive directors, principal assistants, division directors, members and full-time chief administrative officers of the Parole Board, Board of Tax Appeals, Board of Claims, Kentucky Retirement Systems board of trustees, Kentucky Teachers' Retirement System board of trustees, Public Service Commission, Worker's Compensation Board and its administrative law judges, the Kentucky Occupational Safety and Health Review Commission, the Kentucky Board of Education, the Council on Postsecondary Education, and any person who holds a personal service contract to perform on a full-time basis for a period of time not less than six (6) months a function of any position listed in this subsection;
- (8) "Official duty" means any responsibility imposed on a public servant by virtue of his *or her* position in the state service;
- (9) "Public servant" means:
 - (a) The Governor;
 - (b) The Lieutenant Governor;
 - (c) The Secretary of State;
 - (d) The Attorney General;
 - (e) The Treasurer;
 - (f) The Commissioner of Agriculture;
 - (g) The Auditor of Public Accounts; and
 - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees;
- (10) "Agency" means every state office, cabinet, department, board, commission, public corporation, or authority in the executive branch of state government. A public servant is employed by the agency by which his *or her* appointing authority is employed, unless his *or her* agency is attached to the appointing authority's agency for administrative purposes only, or unless the agency's characteristics are of a separate independent nature distinct from the appointing authority and it is considered an agency on its own, such as an independent department;
- (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS 6.611(23)~~((22))~~ or any person employed as an executive agency lobbyist as defined in KRS 11A.201(8);
- (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes, opposes, or acts;
- (13) "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of this section;
- (14) "Does business with" or "doing business with" means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement;
- (15) "Public agency" means any governmental entity;
- (16) "Appointing authority" means the agency head or any person whom he *or she* has authorized by law to act on behalf of the agency with respect to employee appointments;
- (17) "Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else;
- (18) "Directly involved" means to work on personally or to supervise someone who works on personally;

- (19) "Sporting event" means any professional or amateur sport, athletic game, contest, event, or race involving machines, persons, or animals, for which admission tickets are offered for sale and that is viewed by the public; and
- (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert.

Signed by Governor April 10, 2014.

CHAPTER 76

(HB 47)

AN ACT relating to disabled parking placards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 189.456 is amended to read as follows:

- (1) On the application of any person who has a severe visual, audio, or physical impairment, including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's personal mobility or ability to walk, the county clerk in the county of the person's residence shall issue the person with a disability an accessible parking placard. In addition, any agency or organization which transports persons with a disability as a part of the service provided by that agency or organization shall receive an accessible parking placard upon application to the county clerk for each vehicle used in the transportation of persons with a disability. The accessible parking placard issued shall be a two (2) sided hanger style placard and shall on each side bear the international symbol of access adopted by Rehabilitation International in 1969, the date of expiration of the placard, a seal or other identification of the Kentucky Transportation Cabinet, and shall contain the accessible parking placard identification number and other information the Transportation Cabinet may by regulation require. The international symbol of access shall be at least three (3) inches in height, be centered on the placard and in a white color on a blue shield. Any information contained on the placard shall be written in indelible ink or inscribed in other permanent fashion so as to prevent tampering with or the changing of information contained on the placard.
- (2) The county clerk shall issue an accessible parking placard at no charge that shall be valid for a period of two (2) years and which may be twice renewed for a period of two (2) years, without any fee being charged to the applicant. The application shall be made on a form prepared by the Transportation Cabinet. Placards shall be printed at cabinet expense and distributed to the county clerk of each county who shall keep a record of applications filed and placards issued.
- (3) For every person seeking an accessible parking placard, proof of the disability shall be required by:
 - (a) Evidence that the individual has a license plate for a person with a disability as provided by KRS 186.041 or 186.042;
 - (b) The county clerk issuing the permit ascertaining that the applicant is obviously disabled; or
 - (c) A statement from a licensed physician, **chiropractor, or advanced practice registered nurse** that the applicant is a person whose mobility, flexibility, coordination, respiration, or perceptiveness is significantly reduced by a permanent disability to that person's arms, legs, lungs, heart, ears, or eyes.
- (4) For every agency or organization seeking an accessible parking placard for a person with a disability, application for the placard shall include:
 - (a) Name of the agency or organization requesting use of an accessible parking placard;
 - (b) Number of vehicles being used in the transportation of persons with a disability; and
 - (c) A statement from the director of the agency or organization verifying the need for the parking placard.

- (5) The accessible parking placard shall, when the vehicle is parked in a parking space identified as accessible to a person with a disability, be displayed so that it may be viewed from the front and rear of the vehicle by hanging the placard from the front windshield rear view mirror. When there is no rear view mirror, the placard shall be displayed on the dashboard.
- (6) A person who has not been issued a license plate for a person with a disability under the provisions of KRS 186.041 or 186.042 may be issued a second parking placard at no charge.
- (7) A person with a disability who has been issued a parking placard pursuant to this section may make application for a replacement placard by swearing in an affidavit that the original placard has been lost, stolen, or destroyed. The replacement parking placard shall be issued at no charge by the county clerk.
- (8) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement or administer this section.

➔Section 2. KRS 189.458 is amended to read as follows:

- (1) Upon application of any person who has a severe temporary visual, audio, or physical impairment, including partial paralysis, heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's personal mobility or ability to walk as defined in KRS 186.042, the county clerk in the county of the person's residence shall issue the person with a disability a temporary accessible parking placard.
- (2) The accessible parking placard issued shall be a two (2) sided hanger style placard and shall on each side bear the international symbol of access adopted by Rehabilitation International in 1969, the date of expiration of the placard, a seal or other identification of the Kentucky Transportation Cabinet, and shall contain the accessible parking placard identification number and other information the Transportation Cabinet may by administrative regulation require. The international symbol of access shall be at least three (3) inches in height, be centered on the placard and in a white color on a red shield.
- (3) A temporary accessible parking placard shall be issued at no charge by the county clerk, and the placard shall be valid for a period of not more than three (3) months.
- (4) The application shall be made on a form prepared by the Transportation Cabinet. Placards shall be printed at cabinet expense and distributed to the county clerk of each county who shall keep a record of applications filed and placards issued.
- (5) For every person seeking a temporary accessible parking placard, proof of the disability shall be required by a statement from a licensed physician, **chiropractor, or advanced practice registered nurse** that the applicant is a person whose mobility, flexibility, coordination, respiration, or perceptiveness is significantly reduced by a temporary disability to that person's arms, legs, lungs, heart, ears, or eyes.
- (6) The temporary accessible parking placard, when the vehicle is parked in a parking space designated as accessible to and for the use of a person with a disability, shall be displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rear view mirror. When there is no rear view mirror, the placard shall be displayed on the dashboard.
- (7) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement or administer this section.

Signed by Governor April 10, 2014.

CHAPTER 77

(HB 75)

AN ACT relating to training and assessment of new superintendents and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 156.111 is amended to read as follows:

- (1) ~~[[Prior to July 1, 1992,]]~~ The Department of Education shall establish a Superintendents Training Program and Assessment Center. ~~[[The assessment center shall be modeled after the American Association of School~~

~~Administrators assessment process or a similar validated process.]~~ The department ~~[may provide assessment centers regionally and]~~ shall provide for assessor training **and shall ensure that an assessment** ~~[the]~~ center **includes** ~~[shall include,]~~ but **is not** ~~[be]~~ limited to ~~[,]~~ training **and participation in the following components** ~~[for superintendents in the following subjects]:~~

- (a) Core concepts of **leadership and quality practices** ~~[management];~~
- (b) **Effective implementation of** school-based decision making;
- (c) Kentucky school law;
- (d) Kentucky school finance **and budgeting**; ~~[and]~~
- (e) School curriculum and assessment;
- (f) **Instructional leadership;**
- (g) **School improvement;**
- (h) **Community and board relations;**
- (i) **Effective communication; and**
- (j) **An executive coaching and mentoring program with an emphasis on demonstrated professional growth.**

The department may provide assessment centers regionally.

- (2) *Notwithstanding any other statute to the contrary, an employing local board of education shall not be responsible for any training costs associated with a superintendent's participation in the training and assessment center process.*
- (3) At the conclusion of the training, each participant shall **deliver to the employing board of education and the Kentucky Department of Education a comprehensive collection of work products and assessments that demonstrate proficiency in each area of training** ~~[complete a written comprehensive examination based on the content of the training].~~

~~(4) [(3)]~~ In addition to any applicable certification and experience requirements, **any** ~~[to be qualified and eligible for continued employment as a school superintendent, effective July 1, 1994, the school superintendent shall have successfully completed the assessment center process. a]~~ person hired for the first time as superintendent in Kentucky ~~[after June 30, 1994,]~~ shall successfully complete the assessment center process within **two (2) years** ~~[one (1) year]~~ of **taking office** ~~[assuming his duties]~~ as superintendent.

~~(5) [(4)]~~ The Kentucky Board of Education shall adopt administrative regulations to govern the training content, number of hours, **assessments, and work products** ~~[written examination, and criteria]~~ for successful completion of the training and assessment center process. The board shall also establish the continuing professional development requirements for school superintendents ~~[, to be effective July 1, 1994].~~

- (6) **The Department of Education may contract with qualified agencies, organizations, or institutions or may approve programs offered by training providers to carry out the provisions of this section.**

➔Section 2. KRS 160.350 is amended to read as follows:

- (1) After considering the recommendations of a screening committee, as provided in KRS 160.352, each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1, following the individual's appointment. The appointment may be for a term of no more than four (4) years. In the event a vacancy occurs in the office of superintendent prior to the expiration of the term set by the board, the term shall expire on the date the vacancy occurs. Therefore, the board may appoint a superintendent for a new term as provided in this subsection, which shall begin on the date of the superintendent's appointment, except when the vacancy occurs after a school board election and before the newly elected members take office. When a vacancy occurs during this period, the position shall not be filled until the new members take office, but the board may appoint an acting superintendent to serve a term not to exceed six (6) months. This appointment may be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a local board may also appoint an acting superintendent during the period the screening committee pursuant to KRS 160.352 conducts its business and prior to the actual appointment of the new superintendent. No superintendent shall resign during a term and accept a new term from the same board of education prior to the expiration date of the present term. In the case of a vacancy in the office for an unexpired term, the board of education shall make

the appointment so that the term will end on June 30. The board shall set the salary of the superintendent to be paid in regular installments.

- (2) An individual shall not assume the duties of superintendent in a district until he or she provides the board of education with a copy of a certificate for school superintendent issued by the Education Professional Standards Board or its legal predecessor. A superintendent shall hold a valid certificate throughout the period of employment. A superintendent ~~candidate who is to begin the duties of superintendent after June 30, 1994,~~ shall successfully complete the training program and assessment center process within **two (2) years**~~one (1) year~~ of assuming the duties of superintendent. A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association that has the school district's funds on deposit. Following appointment, the superintendent shall establish residency in Kentucky.
- (3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5) of the membership of a board of education and upon approval by the commissioner of education. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the commissioner of education, the board shall terminate the superintendent's contract. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent. The board shall seek approval by the commissioner of education for removing the superintendent. The commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request.
- (4) After the completion of a superintendent's first contract or after four (4) years, whichever comes last, the board of education may, no later than June 30, extend the contract of the superintendent for one (1) additional year beyond the current term of employment.

➔Section 3. Whereas it is necessary for the Kentucky Board of Education to promulgate administrative regulations in order to implement the provisions of this Act before July 1, 2014, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

CHAPTER 78

(HB 79)

AN ACT relating to the enrollment of refugee or legal alien students in schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 158.100 is amended to read as follows:

- (1) Notwithstanding any statute to the contrary, each school district shall provide an approved preschool school program through twelve (12) grade school service. An approved preschool school program through eight (8) grade school service shall be provided for the children residing in the district by maintaining schools. An approved high school service for all children of high school grade under twenty-one (21) years of age residing in the district shall be provided either by maintaining the schools within the district or by contract with another district. The board of education of any school district, subject to the approval of the chief state school officer, may establish night schools, industrial schools, and other schools for the residents of the district as it deems advisable.
- (2) *A school district may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reached the age of twenty-one (21), whichever occurs first.*

Signed by Governor April 10, 2014.

CHAPTER 79

(HB 81)

AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 7.090 is amended to read as follows:

- (1) There is created a Legislative Research Commission as an independent agency in the legislative branch of state government, which is exempt from control by the executive branch and from reorganization by the Governor. The Commission shall have the duties, responsibilities, and powers assigned to it or authorized it by the General Assembly, by statute or otherwise.
- (2) The Legislative Research Commission shall be composed of the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, the majority and minority whips of the Senate, the majority and minority whips of the House, and the majority and minority caucus ~~chairs~~~~chairmen~~ of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members~~thereof~~ who are of the same chamber membership and political party affiliation as the person having vacated Commission membership. If the vacancy is in the membership of the House of Representatives, the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission, the successor shall be from the Senate. A member~~thus~~ elected to fill any vacancy shall hold office for the unexpired term of his *or her* predecessor. The President of the Senate and the Speaker of the House of Representatives shall serve as *co-chairs*~~co-chairmen~~ of the Commission.
- (3) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the *co-chairs*~~co-chairmen~~ may determine. Meetings of the Commission shall be called by the *co-chairs*~~co-chairmen~~ on their own initiative, or at the written request of any three (3) members of the Commission. Any action of the Commission shall require an affirmative roll call vote of a majority of the Commission's entire membership. For attending meetings of the Commission or any of its subcommittees whose membership consists only of members of the Commission between sessions of the General Assembly, the members of the Commission shall be paid their necessary traveling expenses and in addition thereto an amount per day equal to the per diem compensation they receive during any session. For attending meetings of interim joint committees or other Commission subcommittees, members of the Commission shall be paid an amount per day equal to that received by all other members of the committees or subcommittees who are not designated as *chairs or co-chairs*~~chairmen or co-chairmen thereof~~.
- (4) The Commission shall appoint a director, who shall ***be a person who has demonstrated exemplary moral and ethical leadership while holding a significant leadership position in business, government, military service, or a nonprofit organization or charity***~~have had graduate training in government in a recognized university or college or practical experience in governmental administration~~, and who shall hold office at the pleasure of the Commission. The salary of the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of~~such~~ personnel~~as may be~~ necessary to effectuate the provisions of KRS 7.090 to 7.110.
- (5) Any professional, clerical, or other employees required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The *chair*~~chairman~~ of the committee shall advise the director of the Legislative Research Commission of his *or her* need for personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of the employees.
- (6) The director shall, at the discretion of the Commission and under its supervision and control, provide for the:
 - (a) Allocation of the work and activities of all employees of the Commission; ***and***
 - (b) ***Implementation of a work-related incentive program for employees of the Commission using an employee suggestion system. Employees may be recognized and rewarded for submitting suggestions that result in the improvement of services or in the realization of financial savings by the legislative branch. When an employee suggestion has been adopted and resulted in financial savings to the legislative branch of government, the employee who submitted the suggestion may be compensated***

through a cash bonus in an amount that is the lesser of ten percent (10%) of the amount saved or two thousand five hundred dollars (\$2,500).

- (7) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.
- (8) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.
- (9) A Senate bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the Senate members of that interim joint committee. A House of Representatives bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the House members of that interim joint committee. An interim joint committee shall not pre-file a bill or approve a bill as pre-filed in any other manner.
- (10) The President of the Senate and the Speaker of the House of Representatives shall have the authority to approve the in-state and out-of-state per diem and expenses for members of their respective chambers.
- (11) The Legislative Research Commission shall display the national motto "In God We Trust" ~~on the wall~~ directly above and behind *the chairman or chairwoman in each committee room used by members of the General Assembly in the Capitol and Capitol Annex and behind* the dais of the Speaker of the House of Representatives *and the President of the Senate*. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.

Signed by Governor April 10, 2014.

CHAPTER 80

(HB 84)

AN ACT relating to the transfer of financial information by state agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 56.813 is amended to read as follows:

- (1) An agency may request that the Finance and Administration Cabinet provide additional space in a building in which space is already leased by the state. If the cabinet determines there is need for more space, the current lease may be amended, with agreement of the lessor, to increase the leased space. However, the rental rate paid for the additional space shall not exceed the square foot rental rate fixed by the original lease. A lease may also be modified with agreement of the lessor to decrease the number of square feet leased and the rent shall be appropriately reduced.
- (2) (a) When an agency occupying leased premises desires improvements in the premises, the agency shall obtain the cabinet secretary's approval for the improvements at an estimated cost before the lessor makes the improvements.
 1. If the improvements cost more than *ten thousand dollars (\$10,000)*~~one thousand dollars (\$1,000)~~, the agency shall obtain the cabinet secretary's approval for the rent increase necessary to amortize the cost of the improvements in full over the life of the lease. No other financing method shall be used.
 2. *a.* If the improvements cost *ten thousand dollars (\$10,000)*~~one thousand dollars (\$1,000)~~ or less, the agency shall obtain the cabinet secretary's approval for the dollar amount necessary to pay for the cost of the improvements at direct state expense or the rent increase necessary to amortize the cost of the improvements in full over a period of time which shall run no longer than the life of the lease. No other financing method shall be used. No improvement shall be artificially divided so as to qualify under the provisions of this subparagraph.

b. Any improvements approved under this subparagraph with a cost between one thousand dollars (\$1,000) and ten thousand dollars (\$10,000) shall be reported semiannually by the Finance and Administration Cabinet to the Capital Projects and Bond Oversight Committee established by KRS 45.790. The report shall include, for each project, the agency for which the improvement was made, the cost, a description of the work performed, and the property identification number.

- (b) Any rent increase necessary to amortize a cost pursuant to paragraph (a) of this subsection shall not extend beyond the period required to accomplish the agreed amortization.
- (c) The cabinet secretary shall amend a lease to reflect a rent increase necessary to amortize a cost pursuant to paragraphs (a) and (b) of this subsection, and the amendment shall state that the rent increase is for the purpose of amortizing this cost.
- (3) Any modification to an existing lease which is required because of an emergency as described at KRS 56.805(3) shall be made pursuant to KRS 56.805(3) and (4) and this section.
- (4) The Division of Real Properties, within the Department for Facilities and Support Services, shall maintain a register of all proposed lease modifications which, if approved, will result in the payment of a square foot rate for the leased space which is greater than the square foot rate contained in the original lease. All such proposed modifications shall be filed and kept in the register for public inspection and comment for thirty (30) calendar days. Comments received from the public during the period shall be considered before the lease modification is executed by the parties and becomes binding against the Commonwealth. After receiving comments, if the secretary determines that the proposed modifications are not in the interest of the Commonwealth, he ***or she*** may require the agency to continue operation in its present space or cancel the lease and seek more suitable space. The lessor, under any lease proposed to be modified as contemplated therein, shall be advised of the requirements of this subsection and cautioned that the Commonwealth shall have no liability for any action undertaken by the lessor in anticipation of, but prior to execution of, the modifications of the lease.

➔ Section 2. KRS 342.260 is amended to read as follows:

- (1) The commissioner shall ***promulgate***~~[prepare]~~ administrative regulations as he or she considers necessary to carry on the work of the department and the work of the administrative law judges and may promulgate administrative regulations not inconsistent with this chapter and KRS Chapter 13A for carrying out the provisions of this chapter.
- (2) ***The commissioner shall promulgate administrative regulations on or before December 31, 2015, establishing the information necessary to be received to create an e-mail notification system where a person may enter his or her e-mail address into the Insurance Coverage Look-up database established by the Department of Workers' Claims and be notified of any cancellation of a specific business' workers' compensation coverage.***
- (3) The commissioner shall develop or adopt life expectancy tables for use in making computations for the apportionment of benefits under KRS 342.120, computation of attorneys' fees under KRS 342.320, and for use in all other situations arising under this chapter in which the calculation of a life expectancy is necessary or desirable, including the computation of assessments or reserves for self-insurers. The commissioner may adopt life tables published by the United States Department of Health and Human Services or other life tables developed by a qualified entity, as determined by the commissioner. The life tables ***developed or adopted***~~[designated]~~ by the commissioner through ***the promulgation of administrative regulations***~~[regulation]~~ in effect as of the date of an opinion, award, or settlement approved by an administrative law judge shall apply to computations concerning that opinion, award, or settlement.
- ~~(4)(3)~~ Processes and ***procedures***~~[procedure]~~ under this chapter shall be as summary and simple as reasonably possible. The board or any member thereof or any administrative law judge for the purpose of this chapter, may subpoena witnesses, administer or cause to have administered oaths, and examine or cause to have examined those parts of the books and records of the parties to a proceeding as relate to questions in dispute.
- ~~(5)(4)~~ The sheriff shall serve all subpoenas of the board and administrative law judges and shall receive the same fee as provided by law for like service in civil actions. Each witness who appears in obedience to the subpoena of the board or any administrative law judge shall receive for attendance the fees and mileage for witnesses in civil cases in the Circuit Courts.

~~(6)(5)~~ The Circuit Court shall, on application of the board, any member thereof, or any administrative law judge, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

➔Section 3. KRS 342.340 is amended to read as follows:

(1) Every employer under this chapter shall:

(a) ~~either~~ Insure and keep insured its liability for compensation ~~hereunder~~ in some corporation, association, or organization authorized to transact the business of workers' compensation insurance in this state; or

(b) ~~shall~~ Furnish to the commissioner satisfactory proof of its financial ability to pay directly the compensation in the amount and manner and when due as provided ~~for~~ in this chapter. In ~~this~~ ~~the latter~~ case, the commissioner shall require the deposit of an acceptable security, indemnity, or bond to secure, to the extent the commissioner directs, the payment of compensation liabilities as they are incurred. A public sector self-insured employer shall not be required to deposit funds as security, indemnity, or bond to secure the payment of liabilities under this chapter, if the public employer has authority to raise taxes, notwithstanding provisions of KRS 68.245, 132.023, 132.027, and 160.470 relating to recall and reconsideration of local taxes; raise tuition; issue bonds; raise fees or fares for services provided; or has other authority to generate funds for its operation.

(2) Every employer subject to this chapter shall file, or have filed on its behalf, with the department, as often as may be necessary, evidence of its compliance with the provisions of this section and all others relating hereto. Any insurance carrier or self-insured group providing workers' compensation insurance coverage for a Kentucky location shall file on behalf of the employer, with the commissioner, evidence of the employer's compliance with this chapter. Evidence of compliance filed with the department may include a named additional insured who has been provided proof of workers' compensation insurance coverage by the employer. The filing shall be made within ten (10) days after the issuance of a policy, endorsement to a policy, or similar documentation of coverage. Every employer who has complied with the foregoing provision and has subsequently canceled its insurance or its membership in an approved self-insured group, as the case may be, shall immediately notify, or have notice given on its behalf to the department of the cancellation, the date ~~thereof~~, and the reasons ~~therefor~~; and every insurance carrier or self-insured group shall in like manner notify the commissioner upon the cancellation, lapse, termination, expiration by reason of termination of policy period, or nonrenewal of any policy issued by it or termination of any membership agreement, whichever is applicable under the provisions of this chapter, except that the carrier or self-insured group need not set forth its reasons ~~therefor~~ unless requested by the commissioner. The above filings are to be made on the forms prescribed by the commissioner. Termination of any policy of insurance issued under the provisions of this chapter shall take effect no greater than ten (10) days prior to the receipt of the notification by the commissioner unless the employer has obtained other insurance and the commissioner is notified of that fact by the insurer assuming the risk. Upon determination that any employer under this chapter has failed to comply with these provisions, the commissioner shall promptly notify interested government agencies of this failure and, with particular reference to employers engaged in coal mining, the commissioner shall promptly report any failures to the Department for Natural Resources so that appropriate action may be undertaken pursuant to KRS 351.175.

~~[(3) The Department of Workers' Claims shall notify a named additional insured at the address listed on the evidence of coverage under a workers' compensation insurance policy upon the cancellation, lapse, termination, expiration, or nonrenewal of a workers' compensation insurance policy issued by the insurance carrier. The notice required in this subsection shall be provided by the department no later than ten (10) days after the insurance notice is provided to the commissioner as required in subsection (2) of this section.]~~

Signed by Governor April 10, 2014.

CHAPTER 81

(HB 90)

AN ACT relating to the operation of a motor vehicle by persons under the age of 18.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 189.999 is amended to read as follows:

- (1) All offenses under this chapter classified as violations shall be prepayable except for:
 - (a) Any offense that could result in license suspension or revocation by the court or the Transportation Cabinet;
 - (b) Any offense relating to KRS 189.393, 189.520, or 189.580;
 - (c) When the defendant is speeding in a restricted zone;
 - (d) When the defendant is speeding more than twenty-five (25) miles per hour over the posted speed limit under KRS 189.394;
 - (e) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;
 - (f) The offense is cited with another offense that is not prepayable;
 - (g) ***When the defendant is under the age of eighteen (18);*** or
 - ~~(h)(e)~~ An arrest is made under KRS 431.015.

- (2) In the event that a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 2. KRS 24A.175 is amended to read as follows:

- (1) Court costs for a criminal case in the District Court shall be one hundred dollars (\$100), regardless of whether the offense is one for which prepayment is permitted.
- (2) There shall be no court costs for a parking citation when:
 - (a) The fine is paid to the clerk before the trial date in the same manner as provided for speeding citations under KRS 189.394(3); and
 - (b) The citation does not involve parking in a fire lane or blocking the traveled portion of the highway.
- (3) The taxation of court costs against a defendant, upon conviction in a case, including persons sentenced to state traffic school as provided under KRS 186.574, shall be mandatory and shall not be subject to probation, suspension, proration, deduction, or other form of nonimposition in the terms of a plea bargain or otherwise, unless the court finds that the defendant is a poor person as defined by KRS 453.190(2) and that he or she is unable to pay court costs and will be unable to pay the court costs in the foreseeable future.
- (4) If the court finds that the defendant does not meet the standard articulated in subsection (3) of this section and that the defendant is nonetheless unable to pay the full amount of the court costs, fees, and fines at the time of sentencing, then the court shall establish a show cause date by which time court costs, fees, and fines shall be paid and may establish an installment payment plan whereby the defendant pays the full amount of the court costs, fees, and fines to the circuit clerk in installments as established by the court. The court costs, fees, and fines under the installment plan shall be paid within one (1) year of the date of sentencing notwithstanding any remaining restitution or other monetary penalty owed by the defendant and arising out of the conviction. Installment payments will be applied first to court costs, then to restitution, then to fees, and then to fines.
- (5) ***Notwithstanding any other provision to the contrary, the court shall not adjudicate a traffic violation involving a defendant who is under the age of eighteen (18), unless the person that assumed liability of the minor under the provisions of KRS 186.590 is present. This subsection shall not apply to emancipated minors.***

➔Section 3. This Act shall be known as the "Denzel Steward Act of 2014."

Signed by Governor April 10, 2014.

(HB 138)

AN ACT relating to public employee health insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 18A.2254 is amended to read as follows:

- (1) Based on the recommendation of the secretary of the Personnel Cabinet, the secretary of the Finance and Administration Cabinet, in lieu of contracting with one (1) or more insurers licensed to do business in this state, shall procure, in compliance with KRS 45A.080, 45A.085, and 45A.090, and reviewed by the Government Contract Review Committee pursuant to KRS 45A.705, a contract with one (1) or more third-party administrators licensed to do business in the Commonwealth pursuant to KRS 304.9-052 to administer a self-insured plan offered to the Public Employee Health Insurance Program for public employees. The requirements for the self-insured plan shall be as follows:
 - (a)
 1. The secretary of the Personnel Cabinet shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the plan year handbook distributed by the Department of Employee Insurance in the Personnel Cabinet to public employees covered under the self-insured plan. The plan year handbook shall contain, at a minimum, the premiums, employee contributions, employer contributions, and a summary of benefits, copays, coinsurance, and deductibles for each plan provided to public employees covered under the self-insured plan;
 2. Prior to filing an administrative regulation for the self-insured plan with the Legislative Research Commission, the secretary of the Personnel Cabinet shall submit the administrative regulation to the secretary of the Cabinet for Health and Family Services for review. Notwithstanding any other provision of KRS Chapter 18A to the contrary, the administrative regulation shall not be subject to review by the Personnel Board prior to filing the administrative regulation with the Legislative Research Commission; and
 3. The secretary of the Personnel Cabinet shall file the administrative regulation for the self-insured plan with the Legislative Research Commission on or before September 15 of the year before each new plan year begins;
 - (b) The self-insured plan offered by the program shall cover hospice care at least equal to the Medicare benefit;
 - (c) The Personnel Cabinet shall provide written notice of any formulary change to employees covered under the self-insured plan who are directly impacted by the formulary change and to the Kentucky Group Health Insurance Board fifteen (15) days before implementation of any formulary change. If, after consulting with his or her physician, the employee still disagrees with the formulary change, the employee shall have the right to appeal the change. The employee shall have sixty (60) days from the date of the notice of the formulary change to file an appeal with the Personnel Cabinet. The cabinet shall render a decision within thirty (30) days from the receipt of the request for an appeal. After a final decision is rendered by the Personnel Cabinet, the employee shall have a right to file an appeal pursuant to the utilization review statutes in KRS 304.17A-600 to 304.17A-633. During the appeal process, the employee shall have the right to continue to take any drug prescribed by his or her physician that is the subject of the formulary changes;
 - (d) The Personnel Cabinet shall develop the necessary capabilities to ensure that an independent review of each formulary change is conducted and includes but is not limited to an evaluation of the fiscal impact and therapeutic benefit of the formulary change. The independent review shall be conducted by knowledgeable medical professionals and the results of the independent review shall be posted on the Web sites of the Personnel Cabinet and the Cabinet for Health and Family Services and made available to the public upon request within thirty (30) days of the notice from the Personnel Cabinet required in paragraph (c) of this subsection;
 - (e) If the self-insured plan restricts pharmacy benefits to a drug formulary, the plan shall comply with and have an exceptions policy in accordance with KRS 304.17A-535;
 - (f) Premiums for all plans offered by the Public Employee Health Insurance Program to employees shall be based on the experience of the entire group;
 - (g) The plan year for the Public Employee Health Insurance Program, whether for fully insured or self-insured benefits, shall be on a calendar year basis.

- (2) In addition to any fully insured health benefit plans or self-insured plans, beginning January 1, ~~2015~~²⁰⁰⁷, the Personnel Cabinet shall offer a health reimbursement account *or health flexible spending account* for public employees insured under the Public Employee Health Insurance Program.
- (a) If a public employee waives coverage provided by his or her employer under the Public Employee Health Insurance Program, the employer shall forward a monthly amount to be determined by the secretary of the Personnel Cabinet, ~~[but not less than one hundred seventy-five dollars (\$175).]~~ for that employee as an employer contribution to the health reimbursement account *or health flexible spending account, but not less than one hundred seventy-five dollars (\$175) per month, subject to any conditions or limitations imposed by the secretary to comply with applicable federal law.*
- (b) The administrative fees associated with the health reimbursement account *or health flexible spending account* shall be an authorized expense to be charged to the public employee health insurance trust fund.
- (3) (a) The public employee health insurance trust fund is established in the Personnel Cabinet. The purpose of the public employee health insurance trust fund is to provide funds to pay medical claims and other costs associated with the administration of the Public Employee Health Insurance Program self-insured plan under a competitively bid contract as provided by KRS Chapter 45A and reviewed by the Government Contract Review Committee pursuant to KRS 45A.705. Unless authorized by the General Assembly, the trust fund shall not utilize funds for any other purpose and the trust fund receipts from prior plan years shall not be used to pay claims and expenses for current or subsequent plan years, except as provided by paragraph (b) of this subsection.
- (b) In the event of a projected deficit in the trust fund balance of a prior plan year, the secretary of the Finance and Administration Cabinet may declare an emergency and transfer up to twenty-five percent (25%) of another prior plan year's balance to that plan year, provided the Governor, all members of the General Assembly, and Legislative Research Commission are notified at least thirty (30) days prior to the transfer. The Legislative Research Commission shall refer the notice to appropriate committees of jurisdiction for their review.
- (c) The following moneys shall be directly deposited into the trust fund:
1. Employer and employee premiums collected under the self-insured plan;
 2. Interest and investment returns earned by the self-insured plan;
 3. Rebates and refunds attributed to the self-insured plan; and
 4. All other receipts attributed to the self-insured plan.
- (d) Any balance remaining in the public employee health insurance trust fund at the end of a fiscal year shall not lapse. Any balance remaining at the end of a fiscal year shall be carried forward to the next fiscal year and be used solely for the purpose established in paragraphs (a) and (b) of this subsection. The balance of funds in the public employee health insurance trust fund shall be invested by the Office of Financial Management consistent with the provisions of KRS Chapter 42, and interest income shall be credited to the trust fund. Any balance for a specific plan year and any subsequent interest income for that specific plan year shall be accounted for separately.
- (e) The Auditor of Public Accounts shall be responsible for a financial audit of the books and records of the trust fund. The audit shall be conducted in accordance with generally accepted accounting principles and shall be completed within ninety (90) days of the close of the fiscal year. All audit reports shall be filed with the Governor, the President of the Senate, the Speaker of the House of Representatives, and the secretary of the Personnel Cabinet.
- (f) The secretary of the Personnel Cabinet shall file a quarterly report on the status of the trust fund with the Governor, the Interim Joint Committee on Appropriations and Revenue, the Kentucky Group Health Insurance Board, and the Advisory Committee of State Health Insurance Subscribers. The first status report shall be submitted no later than July 30, 2006, and subsequent reports shall be submitted no later than sixty (60) days following the end of each calendar quarter. The report shall include the following:
1. The current balance of the trust fund and the amount of the balance associated with each plan year;
 2. A detailed description of all income to the trust fund since the last report;

3. A detailed description of any receipts due to the trust fund;
4. A total amount of payments made for medical and pharmacy claims from the trust fund by plan year;
5. A detailed description of all payments made to the third-party administrator of the self-insured plan by the trust fund;
6. Current enrollment data, including monthly enrollment since the last report, of the Public Employee Health Insurance Program self-insured plan;
7. Any other information the secretary may include;
8. Any other information requested by the Interim Joint Committee on Appropriations and Revenue concerning the operation of the Public Employee Health Insurance Program self-funded plan or the trust fund; and
9. In addition to the information required under subparagraphs 1. to 8. of this paragraph, the quarterly report filed in July and January shall also include the following:
 - a. A projection of the medical claims incurred but not yet reported that are considered liabilities to the trust fund;
 - b. A statement of any other trust fund liabilities;
 - c. A detailed calculation outlining proposed premium rates for the next plan year, including base claims, trend assumptions, administrative fees, and any proposed plan or benefit changes;
 - d. A detailed description of the current in-state and out-of-state networks provided under the plan, any changes to the networks since the last report, and any proposed changes to the in-state or out-of-state networks during the next six (6) months; and
 - e. Specific data regarding the third-party administrator's performance under the contract. The data shall include the following:
 - i. Any results or outcomes of disease management and wellness programs;
 - ii. Results of case management audits and educational and communication efforts; and
 - iii. Comparison of actual measurable results to contract performance guarantees.

Signed by Governor April 10, 2014.

CHAPTER 83

(HB 169)

AN ACT relating to motor vehicle dealers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 190.030 is amended to read as follows:

- (1) A motor vehicle dealer, new, used, or auction motor vehicle dealer, nonprofit motor vehicle dealer, motor vehicle leasing dealer, restricted motor vehicle dealer, motorcycle dealer, broker, wholesaler, automotive recycling dealer, or a salesperson of motor vehicles shall not engage in business in this state at any location without a license issued for that location as provided in KRS 190.010 to 190.080. If a person acts as a motor vehicle salesperson, he shall secure a motor vehicle salesperson's license in addition to a license for a motor vehicle dealer. The motor vehicle commission may provide by administrative regulation for other licensee activities and an appropriate fee.
- (2) A manufacturer of motor vehicles, factory branch, distributor, distributor branch, or wholesaler shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.

- (3) A factory representative or distributor representative shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.
- (4) Application for license shall be made to the licensor, at a time, in a form, and containing information the licensor shall require and shall be accompanied by the required fee. The licensor may require in the application, or otherwise, information relating to the applicant's solvency, his financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business. The information may be considered by the licensor in determining the fitness of the applicant to engage in business as set forth in this section.
- (5) All licenses shall be granted or refused within thirty (30) days after submission of a complete application and shall expire, unless revoked or suspended, on December 31 of the calendar year for which they are granted. If a complaint of unfair cancellation of dealer franchise is in the process of being heard, a replacement application for the franchise shall not be considered until a decision is rendered by the commission.
- (6) The license fee for a calendar year, or part thereof, shall be as follows:
 - (a) For new motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof, plus one hundred dollars (\$100) for a supplemental license for each used car lot not immediately adjacent to the office or to a branch;
 - (b) For used motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (c) For motor vehicle leasing dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (d) For restricted motor vehicle dealers, one hundred dollars (\$100) for each office or branch or agent thereof;
 - (e) For motorcycle dealers, one hundred dollars (\$100) for each office, branch, or agent thereof;
 - (f) For motor vehicle manufacturers, one hundred dollars (\$100); and for each factory branch in this state, one hundred dollars (\$100);
 - (g) For distributors, motor vehicle auction dealers or wholesalers, the same as for dealers;
 - (h) For motor vehicle salespersons, twenty dollars (\$20), to be paid by the licensed dealer for every salesperson the dealer employs;
 - (i) For factory representatives, or distributor branch representatives, one hundred dollars (\$100);
 - (j) For automotive mobility dealers, one hundred dollars (\$100);
 - (k) For nonprofit motor vehicle dealers, one hundred dollars (\$100); and
 - (l) For nonprofit motor vehicle dealer salespersons, a license fee shall not be imposed.
- (7) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and shall be conspicuously displayed there. If the location is changed, the licensor shall endorse the change of location on the license. A licensee shall not be charged a fee for changing locations. A change of location shall require a new application. ***A motor vehicle dealer who is not a new motor vehicle dealer licensee may conduct a temporary sale or display in the county where the dealer is licensed to conduct business. A new motor vehicle dealer may conduct a temporary sale or display in the dealer's market area as defined in KRS 190.047(6). A temporary sale or display under this subsection shall be allowed*** if the temporary sale or display is permitted under an enabling ordinance enacted by the city, county, urban-county, or consolidated local government within whose boundaries the temporary sale or display is to be conducted. A temporary sale or display shall be advertised as temporary in nature and shall consist of a representative sampling of the inventory of each participating licensee. The provisions of this subsection shall not apply to a nonprofit motor vehicle dealer.
- (8) Every salesperson, factory representative, or distributor representative shall carry his license when engaged in business, and display it upon request. The license shall name his employer; and in case of a change of employer, the salesperson shall immediately mail his license to the licensor who shall endorse the change on the license without charge.
- (9) If the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute, the licensor may require the applicant or licensee to furnish and maintain a bond in a form, amount and with sureties ***up to one hundred*** ~~not less than fifteen~~ thousand dollars ***(\$100,000)*** ~~(\$15,000)~~, conditioned upon the applicant or licensee complying with the provisions of the

statutes applicable to the licensee. The bonds shall be executed in the name of the State of Kentucky for the benefit of any aggrieved parties, but the penalty of the bond shall not be invoked except after a court adjudication. The commission may promulgate administrative regulations to permit the applicant to submit evidence, in lieu of posting bond, that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a bond complying with this subsection, for payment on conditions and indemnity set forth in this subsection. The bonding requirements of this subsection shall not apply to manufacturers, factory branches, and their agents.

- (10) Application for dealer's license shall be submitted to the commission and contain information the commission may require. A motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall not be permitted to register, receive, or use any motor vehicle registration plates.
- (11) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at intervals and show information the licensor may require.

➔Section 2. KRS 190.033 is amended to read as follows:

- (1) ***Except as provided in subsection (4) of this section,*** a motor vehicle dealer's license, motor vehicle auction dealer's license, or wholesaler's license shall not be issued or renewed unless the applicant or holder of the license shall have on file with the commission an approved indemnifying bond or insurance policy issued by a surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until canceled under proper notice. All bonds or policies shall be issued in the name of the holder or applicant for the dealer's license or wholesaler's license. The bond or policy for all dealers except automotive recycling dealers shall provide public liability and property damage coverage for the operation of any vehicle owned or being offered for sale by the dealer or wholesaler when being operated by the owner or seller, his agents, servants, employees, prospective customers, or other persons. In circumstances where a customer's or other person's vehicle is out of use because of breakdown, repair, or servicing and a motor vehicle is loaned, with or without consideration, the coverage mandated by this section shall be in excess of, and be deemed secondary to, the collision, bodily injury, and property damage liability coverage under a customer's or other person's own coverage for that person's own negligence; otherwise the coverage mandated by this section shall be primary.
- (2) The amount of insurance shall be ***two hundred fifty***~~one hundred~~ thousand dollars ***(\$250,000)***~~(\$100,000)~~ for bodily injury or death of any one (1) person; ***five***~~three~~ hundred thousand dollars ***(\$500,000)***~~(\$300,000)~~ for bodily injury or death in any one (1) accident; and ***two hundred fifty*** thousand dollars ***(\$250,000)***~~(\$50,000)~~ property damage. The bond or policy for automotive recycling dealers shall provide commercial general liability coverage in the amount of ***two hundred fifty***~~one hundred~~ thousand dollars ***(\$250,000)***~~(\$100,000)~~ for bodily injury or death of any one (1) person; ***five***~~three~~ hundred thousand dollars ***(\$500,000)***~~(\$300,000)~~ for bodily injury or death in any one (1) accident; and ***two hundred fifty*** thousand dollars ***(\$250,000)***~~(\$50,000)~~ property damage.
- (3) A bond or insurance policy shall not be canceled unless fifteen (15) days' notice by the bondsman or insurance carrier has been given in writing to the commission. Upon the cancellation of any bond or insurance policy required, the right to engage in the business of a motor vehicle dealer or wholesaler shall immediately abate. If the bond or insurance policy is reinstated within thirty (30) days from the date of cancellation, the rights granted by the license shall again be in force and effect; otherwise, the license shall become void.
- (4) ***A dealer that has a certificate of authority from the Department of Insurance demonstrating proof of self-insurance is exempt from this section.***

➔Section 3. KRS 190.058 is amended to read as follows:

- (1) The Motor Vehicle Commission is hereby created as an agency of the Commonwealth to carry out the functions and duties conferred upon it by this section.
- (2) The commission shall consist of twelve (12) members, eleven (11) of whom shall be appointed by the Governor, and the twelfth shall be the commissioner of the Department of Vehicle Regulation. The appointed members shall be:
 - (a) One (1) representative of an automobile manufacturer;
 - (b) One (1) representative of automobile wholesalers;
 - (c) One (1) representative of consumers who shall have no direct financial interest in the industry;

- (d) Four (4) new motor vehicle dealers, but no more than two (2) shall represent the same automobile manufacturer as a franchise dealer; and
 - (e) Four (4) used motor vehicle dealers.
- (3) In addition to the requirements of membership on the commission in subsection (2), the following requirements shall apply to the composition of the commission:
- (a) No more than seven (7) members shall be from the same political party; and
 - (b) From the eight (8) members specified in subsection (2)(d) and (e), seven (7) shall be from separate Supreme Court districts.
- (4) Each member shall serve for a term of three (3) years. The staggered terms of membership dating from the gubernatorial appointments of July 15, 1982, shall remain in effect.
- (5) (a) Members of the commission shall qualify by taking the constitutional oath of office which shall, with the certificate of appointment, be evidence of the authority of the member to act.
- (b) Each member of the commission shall be entitled to two hundred dollars (\$200) per day for each day actually engaged in the duties of the office, including time spent in necessary travel to and from meetings and otherwise, together with all travel and other necessary expenses incurred while performing official duties.
- (6) The commission shall hold a regular annual meeting in September of each year and elect a chairman and vice chairman to serve for the ensuing year. The commission shall have regular meetings as the majority of the members specifies and special meetings at the request of any five (5) members. Reasonable notice of all meetings shall be given as commission administrative regulations prescribe.
- (7) A member of the commission shall not participate in the deliberations of the commission and shall not vote on any matter before the commission in which the member has a financial interest or is an interested party. A member shall voluntarily disqualify himself or herself from deliberating or voting upon matters that affect the member but shall not be required to disqualify from matters of general interest affecting the member, the member's employer, or a business unit in which the member has a financial interest as a member of a class of persons to be affected by an administrative regulation or order of the commission.
- (8) A majority of the commissioners, excluding any disqualified commissioner, shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. A vacancy in the commission, whether due to disqualification or otherwise, shall not impair the right of the remaining commissioners to exercise all the powers of the commission.
- (9) The commission shall employ an executive director who shall be the chief administrative officer of the commission. He shall maintain all minutes of the commission proceedings and shall be custodian of the files and records of the commission. The executive director shall employ the staff authorized by the commission. The commission may, by interagency contract, utilize assistance of any state agency.
- (10) The commission shall deposit all moneys received by it from license fees paid under this law with the State Treasurer, who shall keep them in a separate fund to be known as the "Motor Vehicle Commission Fund." The commission may use this fund for salaries, wages, per diem, professional and consulting fees, grants, loans, contracts, travel expenses, equipment, office rent and expenses, and other necessary expenses incurred in carrying out its duties under this section as provided by legislative appropriation. **Notwithstanding KRS 45.229**, at the close of each biennium, the unexpended balance remaining in the motor vehicle commission fund shall **not lapse but shall be carried forward to the next biennium**~~be transferred to the general fund~~.
- (11) The commission shall administer the provisions of this section, establish the qualifications of manufacturers and dealers, and insure that the distribution and sale of new motor vehicles is conducted as provided in this chapter and under the commission's administrative regulations.
- (12) The commission may issue orders and make determinations necessary to carry out the provisions of KRS 190.010 to 190.080. The orders shall set forth the findings on which the order is based, and the reason for the particular action taken. All orders shall be signed by the chairman or vice chairman and attested by the executive director.
- (13) The commission may hold hearings that shall be conducted in accordance with KRS Chapter 13B. A member of the commission shall not participate in the deliberations of the commission and shall not vote on any matter if the member has been disqualified on any of the grounds under KRS 13B.040.

- (14) The commission may cause legal proceedings to be instituted to enforce the provisions of this section and its administrative regulations, orders, and decisions. If it appears from any investigation of a possible violation of any other law or administrative regulation that a violation of the provisions of KRS 190.010 to 190.080 may have occurred, the matter shall be referred to the commission to determine whether proceedings under KRS 190.010 to 190.080 are appropriate. The commission may make contracts and execute instruments necessary or convenient to the exercise of its power or performance of its duties.
- (15) The availability of administrative procedures under this section shall not preclude the utilization of other remedies for violation of the provisions of this chapter which are available to the affected parties, including actions for injunctive relief.

➔Section 4. KRS 138.470 is amended to read as follows:

There is expressly exempted from the tax imposed by KRS 138.460:

- (1) Motor vehicles titled or registered to the United States, or to the Commonwealth of Kentucky or any of its political subdivisions;
- (2) Motor vehicles titled or registered to institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation;
- (3) Motor vehicles which have been previously titled in Kentucky on or after July 1, 2005, or previously registered and titled in any state or by the federal government when being sold or transferred to licensed motor vehicle dealers for resale. The motor vehicles shall not be leased, rented, or loaned to any person and shall be held for resale only;
- (4) Motor vehicles sold by or transferred from dealers registered and licensed in compliance with the provisions of KRS 186.070 and KRS 190.010 to 190.080 to nonresident members of the Armed Forces on duty in this Commonwealth under orders from the United States government;
- (5) Commercial motor vehicles, excluding passenger vehicles having a seating capacity for nine (9) persons or less, owned by nonresident owners and used primarily in interstate commerce and based in a state other than Kentucky which are required to be registered in Kentucky by reason of operational requirements or fleet proration agreements and are registered pursuant to KRS 186.145;
- (6) Motor vehicles titled in Kentucky on or after July 1, 2005, or previously registered in Kentucky, transferred between husband and wife, parent and child, stepparent and stepchild, or grandparent and grandchild;
- (7) Motor vehicles transferred when a business changes its name and no other transaction has taken place or an individual changes his or her name;
- (8) Motor vehicles transferred to a corporation from a proprietorship or limited liability company, to a limited liability company from a corporation or proprietorship, or from a corporation or limited liability company to a proprietorship, within six (6) months from the time that the business is incorporated, organized, or dissolved, if the transferor and the transferee are the same business entity except for a change in legal form;
- (9) Motor vehicles transferred by will, court order, or under the statutes covering descent and distribution of property, if the vehicles were titled in Kentucky on or after July 1, 2005, or previously registered in Kentucky;
- (10) Motor vehicles transferred between a subsidiary corporation and its parent corporation if there is no consideration, or nominal consideration, or in sole consideration of the cancellation or surrender of stock;
- (11) Motor vehicles transferred between a limited liability company and any of its members, if there is no consideration, or nominal consideration, or in sole consideration of the cancellation or surrender of stock;
- (12) The interest of a partner in a motor vehicle when other interests are transferred to him;
- (13) Motor vehicles repossessed by a secured party who has a security interest in effect at the time of repossession and a repossession affidavit as required by KRS 186.045(6). The reposessor shall hold the vehicle for resale only and not for personal use, unless he has previously paid the motor vehicle usage tax on the vehicle;
- (14) Motor vehicles transferred to an insurance company to settle a claim. These vehicles shall be junked or held for resale only;
- (15) Motor carriers operating under a charter bus certificate issued by the Transportation Cabinet under KRS Chapter 281;

- (16) (a) 1. Motor vehicles registered under KRS 186.050 that have a declared gross vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds or greater; and
- 2. Farm trucks registered under KRS 186.050(4) that have a declared gross vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds or greater;
- (b) To be eligible for the exemption established in paragraph (a) of this subsection, motor vehicles shall be registered at the appropriate range for the declared gross weight of the vehicle established in KRS 186.050(3)(b) and shall be prohibited from registering at a higher weight range. If a motor vehicle is initially registered in one (1) declared gross weight range and subsequently is registered at a declared gross weight range lower than forty-four thousand and one (44,001) pounds, the person registering the vehicle shall be required to pay the county clerk the usage tax due on the vehicle unless the person can provide written proof to the clerk that the tax has been previously paid;
- (17) Motor vehicles transferred to a trustee to be held in trust, or from a trustee to a beneficiary of the trust, if a direct transfer from the grantor of the trust to all individual beneficiaries of the trust would have qualified for an exemption from the tax pursuant to subsection (6) or (9) of this section;
- (18) Motor vehicles transferred to a trustee to be held in trust, if the grantor of the trust is a natural person and is treated as the owner of any portion of the trust for federal income tax purposes under the provisions of 26 U.S.C. secs. 671 to 679; and
- (19) Motor vehicles transferred from a trustee of a trust to another person if:
 - (a) The grantor of the trust is a natural person and is treated as the owner of any portion of the trust for federal income tax purposes under the provisions of 26 U.S.C. secs. 671 to 679; ~~and~~
 - (b) A direct transfer from the grantor of the trust to the person would have qualified for an exemption from the tax pursuant to subsection (6) or (9) of this section; *and*
- (20) *Motor vehicles under a manufacturer's statement of origin in possession of a licensed new motor vehicle dealer that are titled and transferred to a licensed used motor vehicle dealer and held for sale.*

Signed by Governor April 10, 2014.

CHAPTER 84

(HB 232)

AN ACT relating to the security of personal information.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, unless the context otherwise requires:*

- (a) *"Breach of the security of the system" means unauthorized acquisition of unencrypted and unredacted computerized data that compromises the security, confidentiality, or integrity of personally identifiable information maintained by the information holder as part of a database regarding multiple individuals that actually causes, or leads the information holder to reasonably believe has caused or will cause, identity theft or fraud against any resident of the Commonwealth of Kentucky. Good faith acquisition of personally identifiable information by an employee or agent of the information holder for the purposes of the information holder is not a breach of the security of the system if the personally identifiable information is not used or subject to further unauthorized disclosure;*
- (b) *"Information holder" means any person or business entity that conducts business in this state; and*
- (c) *"Personally identifiable information" means an individual's first name or first initial and last name in combination with any one (1) or more of the following data elements, when the name or data element is not redacted:*
 - 1. *Social Security number;*

2. *Driver's license number; or*
 3. *Account number, credit or debit card number, in combination with any required security code, access code, or password permit access to an individual's financial account.*
- (2) *Any information holder shall disclose any breach of the security of the system, following discovery or notification of the breach in the security of the data, to any resident of Kentucky whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (4) of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.*
 - (3) *Any information holder that maintains computerized data that includes personally identifiable information that the information holder does not own shall notify the owner or licensee of the information of any breach of the security of the data as soon as reasonably practicable following discovery, if the personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person.*
 - (4) *The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section shall be made promptly after the law enforcement agency determines that it will not compromise the investigation.*
 - (5) *For purposes of this section, notice may be provided by one (1) of the following methods:*
 - (a) *Written notice;*
 - (b) *Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. sec. 7001; or*
 - (c) *Substitute notice, if the information holder demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars (\$250,000), or that the affected class of subject persons to be notified exceeds five hundred thousand (500,000), or the information holder does not have sufficient contact information. Substitute notice shall consist of all of the following:*
 1. *E-mail notice, when the information holder has an e-mail address for the subject persons;*
 2. *Conspicuous posting of the notice on the information holder's Internet Web site page, if the information holder maintains a Web site page; and*
 3. *Notification to major statewide media.*
 - (6) *Notwithstanding subsection (5) of this section, an information holder that maintains its own notification procedures as part of an information security policy for the treatment of personally identifiable information, and is otherwise consistent with the timing requirements of this section, shall be deemed to be in compliance with the notification requirements of this section, if it notifies subject persons in accordance with its policies in the event of a breach of security of the system.*
 - (7) *If a person discovers circumstances requiring notification pursuant to this section of more than one thousand (1,000) persons at one (1) time, the person shall also notify, without unreasonable delay, all consumer reporting agencies and credit bureaus that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. sec. 1681a, of the timing, distribution, and content of the notices.*
 - (8) *The provisions of this section and the requirements for nonaffiliated third parties in KRS Chapter 61 shall not apply to any person who is subject to the provisions of Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102, as amended, or the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, as amended, or any agency of the Commonwealth of Kentucky or any of its local governments or political subdivisions.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Cloud computing service" means a service that provides, and that is marketed and designed to provide, an educational institution with account-based access to online computing resources;*
 - (b) *"Cloud computing service provider" means any person other than an educational institution that operates a cloud computing service;*

- (c) *"Educational institution" means any public, private, or school administrative unit serving students in kindergarten to grade twelve (12);*
 - (d) *"Person" means an individual, partnership, corporation, association, company, or any other legal entity;*
 - (e) *"Process" means to use, access, collect, manipulate, scan, modify, analyze, transform, disclose, store, transmit, aggregate, or dispose of student data;*
 - (f) *"Student data" means any information or material, in any medium or format, that concerns a student and is created or provided by the student in the course of the student's use of cloud computing services, or by an agent or employee of the educational institution in connection with the cloud computing services. Student data includes the student's name, email address, email messages, postal address, phone number, and any documents, photos, or unique identifiers relating to the student.*
- (2) *A cloud computing service provider shall not process student data for any purpose other than providing, improving, developing, or maintaining the integrity of its cloud computing services, unless the provider receives express permission from the student's parent. However, a cloud computing service provider may assist an educational institution to conduct educational research as permitted by the Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. sec. 1232g. A cloud computing service provider shall not in any case process student data to advertise or facilitate advertising or to create or correct an individual or household profile for any advertisement purpose, and shall not sell, disclose, or otherwise process student data for any commercial purpose.*
 - (3) *A cloud computing service provider that enters into an agreement to provide cloud computing services to an educational institution shall certify in writing to the educational institution that it will comply with subsection (2) of this section.*
 - (4) *The Kentucky Board of Education may promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to carry out the requirements of this section.*

Signed by Governor April 10, 2014.

CHAPTER 85

(HB 246)

AN ACT relating to military affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 171.345 is amended to read as follows:

- (1) There is established the Kentucky Military **History** Museum which shall be housed in the ~~the Old~~ State Arsenal, and shall serve as repository of objects relating to the Commonwealth's military history.
- (2) The Kentucky Historical Society and its staff shall maintain the museum, receive, store and catalogue all military historical items, and exercise fiduciary responsibility in the preservation and maintenance of the ~~the Old~~ State Arsenal and all objects placed or loaned for display therein.
- (3) The Department for Military Affairs and the adjutant general shall provide the ~~the Old~~ State Arsenal as the museum facility, shall maintain and operate the building and grounds, and shall cooperate in contributing items of military history for display within the museum.
- (4) There is hereby created the Kentucky Military **History** Museum Committee which shall establish policies and procedures for operation of the Military **History** Museum.
- (5) (a) The committee shall be composed of the following:
 - 1. The adjutant general, as an ex officio voting member;
 - 2. *The commissioner of the Department of Veterans Affairs, as an ex officio voting member;*

3. *The executive director of the Commission on Military Affairs, as an ex officio voting member;*
 - ~~4[2].~~ The director of the Historical Society, as an ex officio voting member; and
 - ~~5[3].~~ Twelve (12) members appointed by the Governor under paragraph (b) of this subsection.
- (b) 1. Members of the Kentucky Military **History** Museum Committee shall be appointed under this paragraph. By December 15, 2005, the adjutant general and the director of the Historical Society shall each submit six (6) lists of three (3) nominees each. By December 31, 2005, the Governor shall appoint the twelve (12) new members by selecting one (1) member from each list as provided for in subparagraph 2. of this paragraph. Every list shall include at least one (1) nominee with military service, and the ex officio members and the Governor shall give due consideration to fair representation on the committee from all branches of the military.
 2. The Governor shall appoint the first member from a list submitted by the adjutant general, the second from a list submitted by the director of the Historical Society, and the third from a list submitted by the adjutant general. In this manner, the Governor shall alternate until the twelve (12) new members are appointed. The terms of the twelve (12) new members shall begin January 1, 2006.
 3. The terms of the twelve (12) new members shall be staggered by one (1) year upon each successive appointment, the first member appointed to serve a term of one (1) year with each successive member to serve one (1) more year than the prior appointed member's term. This cycle shall begin again for every fifth member appointed to a vacancy so that no member shall be appointed to a term that exceeds four (4) years in length.
 4. a. Except as provided in subdivision b. of this subparagraph, after the initial round of twelve (12) appointments, the terms for all members shall be four (4) years, and the method of appointment shall continue the practice of the Governor alternating between lists of three (3) nominees submitted by the adjutant general and the director of the Historical Society. A list of nominees shall be submitted by December 15, and the Governor shall make the appointment by December 31. The member's term shall begin January 1.
 - b. If any person fails to complete his or her term, whether an initial term beginning January 1, 2006, or later, his or her successor shall be appointed to complete the unexpired term. The Governor shall appoint the successor from a list of three (3) nominees submitted by the same official, the adjutant general or the director of the Historical Society, who submitted the list of three (3) nominees from which the predecessor was appointed. The list shall be submitted to the Governor within fifteen (15) days after the vacancy occurs, and the Governor shall make his or her appointment from the list within fifteen (15) days after the submission.
 5. No committee member shall serve more than two (2) consecutive terms. A person appointed to finish an unexpired term exceeding two (2) years shall be deemed to have served a full term. A former member may be reappointed following an absence of one (1) term.
- (c) A committee member shall be removed for cause only when nine (9) members of the committee vote for removal. Failure to attend at least half of the committee meetings in a calendar year shall be sufficient cause.
 - (d) 1. In February of every even-numbered year, the committee shall elect a chair, vice chair, and secretary, each to serve two (2) year terms. In the absence of the chair or in the event of a vacancy in that position, the vice chair shall serve as chair.
 2. If a chair, vice chair, or secretary fails to complete his or her two (2) year term, the committee, within thirty (30) days of the vacancy, shall appoint a successor to complete the term.
 3. A quorum shall consist of eight (8) or more of the fourteen (14) members. Except as provided in paragraph (c) of this subsection, an affirmative vote of a majority of a quorum shall be necessary for committee action.
- (6) The Military **History** Museum and committee shall be attached to the Kentucky Historical Society for administrative and other purposes.

Signed by Governor April 10, 2014.

CHAPTER 86

(HB 260)

AN ACT relating to all-terrain vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 189.515 is amended to read as follows:

- (1) Except for vehicles authorized to operate on a public highway as of July 15, 1998, and except as provided in subsection (6) of this section, a person shall not operate an all-terrain vehicle upon any public highway or roadway or upon the right-of-way of any public highway or roadway.
- (2) A person shall not operate an all-terrain vehicle on private property without the consent of the landowner, tenant, or individual responsible for the property.
- (3) A person shall not operate an all-terrain vehicle on public property unless the governmental agency responsible for the property has approved the use of all-terrain vehicles.
- (4) Except for vehicles authorized to operate on a public highway, a person sixteen (16) years of age or older operating an all-terrain vehicle on public property shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion. The approved headgear requirement shall not apply when the operator of any all-terrain vehicle is engaged in:
 - (a) Farm or agriculture related activities;
 - (b) Mining or mining exploration activities;
 - (c) Logging activities;
 - (d) Any other business, commercial, or industrial activity;~~[-or]~~
 - (e) Use of that vehicle on private property; *or*
 - (f) ***The crossing of a public roadway with a posted speed limit of fifty-five (55) miles per hour or less. The crossing of a public roadway outlined in this paragraph shall be in compliance with subsection (6)(a) of this section.***
- (5)
 - (a) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle with an engine size exceeding ninety (90) cubic centimeters displacement, and a person under the age of sixteen (16) years shall not operate an all-terrain vehicle except under direct parental supervision.
 - (b) A person under the age of twelve (12) years shall not operate an all-terrain vehicle with an engine size exceeding seventy (70) cubic centimeters displacement.
 - (c) A person under the age of sixteen (16) years, when operating or riding as a passenger on an all-terrain vehicle, shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion.
- (6)
 - (a) A person may operate an all-terrain vehicle on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.
 - (b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the operator is engaged in farm or agricultural related activities, construction, road maintenance, or snow removal.
 - (c) The Transportation Cabinet may designate, and a city or county government may designate, those public highways, segments of public highways, and adjoining rights-of-way of public highways under its jurisdiction where all-terrain vehicles that are prohibited may be operated.
 - (d) A person operating an all-terrain vehicle on a public highway under this subsection shall possess a valid operator's license.

- (e) A person operating an all-terrain vehicle on a public highway under this subsection shall comply with all applicable traffic regulations.
- (f) A person shall not operate an all-terrain vehicle under this subsection unless the all-terrain vehicle has at least one (1) headlight and two (2) taillights, which shall be illuminated at all times the vehicle is in operation.
- (g) A person operating an all-terrain vehicle under this subsection shall restrict the operation to daylight hours, except when engaged in snow removal or emergency road maintenance.

Signed by Governor April 10, 2014.

CHAPTER 87

(HB 264)

AN ACT relating to public advocacy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 31.100 is amended to read as follows:

The following terms and standards shall apply, subject to further definition and regulation by the Department of Public Advocacy:~~[-]~~

- (1) ***"Defending attorney" means any attorney who is representing a needy or indigent person;***
- (2) ***"Department" means the Department of Public Advocacy;***
- (3) "Detain" means to have in custody or otherwise deprive of freedom of action;
- ~~(4)(2)~~ "Expenses," when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial, together with the expenses of any appeal;
- ~~(5)(3)~~ "Needy person" or "indigent person" means:
 - (a) A person eighteen (18) years of age or older or ***an*** emancipated minor under the age of eighteen (18) who, at the time his or her need is determined, is unable to provide for the payment of an attorney and all other necessary expenses of representation;
 - (b) A minor, under the age of eighteen (18), who is ***a*** party defendant in an action of being an habitual runaway from his or her parent or person exercising control or supervision of the child brought under KRS 630.020(1) or of being beyond the control of parents brought under KRS 630.020(2), and at the time his or her need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation;
 - (c) An unemancipated minor, under the age of eighteen (18), who allegedly has committed an offense as described in KRS 610.010(1), or who allegedly is beyond the control of the school as described in KRS 610.010(2)(a), or who allegedly is an habitual truant from school as described in KRS 610.010(2)(b), or who allegedly is an habitual runaway as described in KRS 610.010(2)(c), whose custodial parent or guardian at the time the need of the minor is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation, and who cannot personally so provide; or
 - (d) An unemancipated minor, under the age of eighteen (18), alleged to have committed an offense as described in KRS 610.010(1) or (2)(a), (b), or (c), whose custodial parent or guardian at the time the need of the minor is determined has interests adverse to the child relevant to the charged offenses and who is able to provide for the payment of an attorney and all other necessary expenses of representation, when such representation is not provided or is not consented to by the unemancipated minor;
- (6) ***"Non-lawyer assistants" shall:***
 - (a) ***Have the same meaning contemplated by SCR 3.130(5.3) "Responsibilities regarding non-lawyer assistants"; and***

- (b) *Be subject to the Rules of Professional Conduct and the Rules of Evidence as they relate to client confidentiality, attorney-client communications, and attorney-client privilege.*

All non-lawyer assistants hired by the department who are independently licensed or certified shall practice under the attorney-client privilege, irrespective of other obligations or duties arising with their independent licenses or certifications. Nothing in this subsection shall authorize the disclosure of confidential information to non-lawyer assistants within the department who are not performing duties at the direction of an attorney;

- (7) *"Plan" means an agreement between the Department of Public Advocacy and attorneys for the representation of indigent persons who are entitled to representation under KRS Chapter 31 and who, by reason of conflict or otherwise, cannot be represented by the department; and*

(8)(4) "Serious crime" includes:

- (a) A felony;
- (b) A misdemeanor or offense any penalty for which includes the possibility of confinement;
- (c) Any legal action which could result in the detainment of a defendant; and
- (d) An act that, but for the age of the person involved, would otherwise be a serious crime.

➔Section 2. KRS 31.030 is amended to read as follows:

The authority and duties of the Department of Public Advocacy shall include but are not limited to:

- (1) Administering the statewide public advocacy system created by this chapter or by any other appropriate legislation or court decision;
- (2) Providing technical aid to local counsel representing *indigent persons*~~[indigents]~~;
- (3) Assisting local counsel on appeals or taking appeals for local counsel, in the same manner as such appeals for the Commonwealth are presently handled by the Attorney General;
- (4) Developing and promulgating standards and *administrative* regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases ~~that~~~~[which]~~ the public advocate, statutes, or the courts determine are subject to public assistance;
- (5) Determining necessary personnel for the department and appointing *staff attorneys, who shall be "assistant public advocates,"* and *non-lawyer assistants*~~[secretarial, clerical, and other personnel]~~ within the merit system, subject to available funding and employee allotments;
- (6) Maintaining and exercising control over the department's information technology system, and working with the Commonwealth Office of Technology to ensure that the department's information technology is in conformity with the requirements of state government;
- (7) Reviewing *and approving* local plans for providing counsel for *indigent persons*~~[indigents]~~;
- (8) Conducting research into, and developing and implementing methods of, improving the operation of the criminal justice system with regard to indigent defendants and other defendants in criminal actions, *including participation in groups, organizations, and projects dedicated to improving representation of defendants in criminal actions in particular, or the interests of indigent or impoverished persons in general;*
- (9) Issuing~~[such]~~ rules, *promulgating administrative* regulations, and *establishing* standards as may be reasonably necessary to carry out the provisions of this chapter, the decisions of the United States Supreme Court, the decisions of the Kentucky Supreme Court, Court of Appeals, and other applicable court decisions or statutes;
- (10) Being authorized to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with disabilities;
- (11) Being authorized to purchase liability insurance for the protection of all full-time public advocates, deputy public advocates, and assistant public advocates to protect them from liability for malpractice arising in the course or scope of employment and for the protection of attorneys with whom the Department of Public Advocacy contracts to protect them from liability for malpractice arising in the course or scope of the contract;
- (12) Being authorized to seek and apply for and solicit funds for the operation of the defense of~~[the]~~ indigent *persons*~~[s]~~ or protection of the persons with disabilities programs from any source, public or private, and to

receive donations, grants, awards, and similar funds from any legal source. Those funds shall be placed in a special account for the Department of Public Advocacy and those funds shall not lapse;

- (13) Being authorized to assign ~~an~~~~[a substitute]~~ attorney, ***including a conflict attorney under a plan***, for good cause, at any stage of representation, including ***trial***, appeal, or other post-conviction ***or post-disposition*** proceeding, ***including discharge revocation hearings, preliminary parole revocation hearings, and conditional discharge revocation hearings, regardless of whether the hearings are conducted by constitutional judges or executive branch administrative law judges;***~~[. The substitute attorney shall have the same functions with respect to the needy person as the attorney for whom he or she is substituted; and]~~
- (14) ***Filing with the Legislative Research Commission an annual report, by September 30 of each year, setting forth the total number of cases assigned to the department, the average number of cases per department attorney, all funding available to the department, the average amount of state funds expended per assigned case, and any other information requested by the Legislative Research Commission or that the Public Advocate finds necessary to inform the General Assembly, the judicial or executive branches, or the public of the activities conducted by the department during the previous fiscal year; and***
- (15) Do~~[such]~~ other ***activities***~~[things]~~ and institute~~[such]~~ other programs as~~[are reasonably]~~ necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of~~[subsection (9) of]~~ this section.

➔Section 3. KRS 31.110 is amended to read as follows:

- (1) A needy person who is being detained by a law enforcement officer, on suspicion of having committed, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, or who is accused of having committed a public or status offense or who has been committed to the Department of Juvenile Justice or Cabinet for Health and Family Services for having committed a public or status offense as those are defined by KRS 610.010(1), 610.010(2)(a), (b), (c), or 630.020(2) is entitled:
 - (a) To be represented by an attorney to the same extent as a person having his or her own counsel is so entitled; and
 - (b) ***Except as provided in subsection (2)(c) of this section***, to be provided with the necessary services and facilities of representation, including investigation and other preparation. The courts in which the defendant is tried shall waive all costs.
- (2) A needy person who is entitled to be represented by an attorney under subsection (1) of this section is entitled:
 - (a) To be counseled and defended at all stages of the matter beginning with the earliest time when a person providing his ***or her*** own counsel would be entitled to be represented by an attorney and including revocation of probation or parole;
 - (b) To be represented in any appeal; and
 - (c) To be represented in any other post-conviction, or, if a minor under the age of eighteen (18), post-disposition proceeding, ***including any appeal from a post-conviction or post-disposition action***~~[that the attorney and the needy person considers appropriate]. However, if the department~~~~[counsel appointed in such post conviction, or, if a minor under the age of eighteen (18), post disposition remedy,] and~~~~[with]~~ the court ***of competent jurisdiction***~~[involved,]~~ determines that it is not a proceeding that a reasonable person with adequate means would be willing to bring at his or her own expense, there shall be no further right to be represented by counsel under the provisions of this chapter.

In cases involving a minor under the age of eighteen (18), prior to making a determination on whether or not a post-disposition action is a proceeding that a reasonable person with adequate means would be willing to bring at his or her own expense, an attorney with the department shall be granted access to the court file of the minor:

- 1. ***Without the requirement of a formal court order in which the attorney has provided a release signed by the minor or the minor's legal guardian authorizing the use of the records; and***
 - 2. ***Notwithstanding any other statute prohibiting the disclosure of a juvenile court file.***
- (3) A needy person's right to a benefit under subsection (1) or (2) of this section is not affected by his or her having provided a similar benefit at his or her own expense, or by he or she having waived it, at an earlier stage.

- (4) A person, whether a needy person or not, who is a minor under the age of eighteen (18) and who is in the custody of the Department of Juvenile Justice and is residing in a residential treatment center or detention center is entitled to be represented on a legal claim related to his or her confinement involving violations of federal or state statutory rights or constitutional rights. ***Prior to representation, an attorney with the department shall be granted access to the court file of the minor and residential treatment center or detention center records pertaining to the juvenile:***

- (a) ***Without entering an appearance as an attorney of record; and***
- (b) ***Notwithstanding any other statute prohibiting the disclosure of a juvenile's record, including KRS 15A.0651, 610.320, 610.340, or 610.345.***

➔Section 4. KRS 31.120 is amended to read as follows:

- (1)
 - (a) The determination of whether a person covered by KRS 31.110 is a needy person shall be deferred no later than his ***or her*** first appearance in court or in a suit for payment or reimbursement under KRS 31.211, whichever occurs earlier.
 - (b) ~~Thereafter,~~ The court ***of competent jurisdiction in which the case is pending***~~[concerned]~~ shall ***then*** determine, with respect to each step in the proceedings, whether he ***or she*** is a needy person. However, nothing~~[herein]~~ shall prevent appointment of counsel at the earliest necessary proceeding at which the person is entitled to counsel, upon declaration by the person that he ***or she*** is needy under the terms of this chapter. In that event, the person involved shall be required to make reimbursement for the representation~~[involved]~~ if he ***or she*** later is determined not a needy person under the terms of this chapter.
 - (c) ***A person who, after conviction, is sentenced while being represented by a public defender shall continue to be presumed a needy person, and the court, at the time of sentencing, shall enter an Order In Forma Pauperis for purposes of appeal without having to show further proof of continued indigency, unless the court finds good cause after a hearing to determine that the defendant should not continue to be considered an indigent person.***
- (2) In determining whether a person is a needy person and in determining the extent of his ~~***or her***~~ and, in the case of an unemancipated minor under KRS 31.100~~(5)(3)~~(c), his ***or her*** custodial ***parents' or guardians'***~~[parent's or guardian's]~~ inability to pay, the court concerned shall consider such factors as:
 - (a) Income;
 - (b) Source of income;
 - (c) Property owned;
 - (d) Number of motor vehicles owned and in working condition;
 - (e) Other assets;
 - (f) Outstanding obligations;
 - (g) The number and ages of his or her dependents;
 - (h) The poverty level income guidelines compiled and published by the United States Department of Labor;
 - (i) Complexity of the case;
 - (j) Amount a private attorney charges for similar services;
 - (k) Amount of time an attorney would reasonably spend on the case; and
 - (l) Payment of money bail, other than a property bond of another, whether deposited by the person or another, to secure the person's release from confinement on the present charge of which he or she stands accused or convicted; and
 - (m) Any other circumstances presented to the court relevant to financial status.

Release on bail, or any other method of release provided in KRS Chapter 431, shall not necessarily prevent him ***or her*** from being a needy person. In each case, the person~~[]~~ and, if an unemancipated minor under KRS 31.100~~(5)(3)~~(c) and (d), his ***or her*** custodial parent or guardian, subject to the penalties for perjury, shall certify by affidavit of indigency which shall be compiled by the pretrial release officer, as provided under KRS

Chapter 431 and Supreme Court Rules or orders promulgated pursuant thereto, the material factors relating to his **or her** ability to pay in the form the Supreme Court prescribes.

- (3) The affidavit of indigency, to be subscribed and sworn to by the person ~~[-]~~ and, in the case of an unemancipated minor under KRS 31.100(5)(~~3~~)(c), by his **or her** custodial parent or guardian, shall be as set out herein and contain, at a minimum, the following information:

"Commonwealth of Kentucky

County of.....

Affiant....., being first duly sworn says that he or she is not now represented by private counsel and that he **or she** does not have the money or assets out of which to employ one; that he or she is indigent and requests the court to appoint counsel.

Affiant states that he or she is presently (fill in the blank with one (1) of the following: unemployed, employed full-time, employed part-time, or employed on a seasonal basis).....

Affiant states that his or her weekly income is; and that he or she receives (circle any of the following which apply and fill in the blank if necessary)

Welfare

Food stamps

Social Security

Workers' compensation

Unemployment

Retirement disability

Other.....

Affiant states that he or she owns the following property:

Description	Value
.....
.....
.....;

Affiant states that he or she has the following dependents:

Name	Age	Relationship
.....
.....
.....;

Affiant states that he or she has the following obligations:

To whom owed	Amount owing
.....
.....
.....

Affiant understands and has been advised that he or she may be held responsible for the payment of part of the cost of legal representation. Affiant also understands that the cost of payment for legal representation will be determined by the judge after considering affiant's financial condition, what private attorneys charge for similar services, how complicated the affiant's case is, and the amount of time affiant's attorney spends on affiant's case.

Signature of affiant

Subscribed and sworn to before me this, day of, 20....

Signature and title of officer

administering the oath

Perjury Warning: Affiant understands that any person knowingly making false statements in the above affidavit shall be subject to the penalties for perjury under KRS Chapter 523, the maximum penalty for which is five (5) years' imprisonment. Affiant declares under penalty of perjury that he or she has read the above affidavit and that it is true and complete to the best of his or her knowledge."

➔Section 5. KRS 31.185 is amended to read as follows:

- (1) Any defending attorney operating under the provisions of this chapter is entitled to use the same state facilities for the evaluation of evidence as are available to the attorney representing the Commonwealth. If he or she considers their use impractical, the court **of competent jurisdiction in which the case is pending**~~[concerned]~~ may authorize the use of private facilities to be paid for on court order from the special account of the Finance and Administration Cabinet.
- (2) The defending attorney may request to be heard ex parte and on the record with regard to using private facilities under subsection (1) of this section. If the defending attorney so requests, the court shall conduct the hearing ex parte and on the record.
- (3) Any direct expense, including the cost of a transcript or bystander's bill of exceptions or other substitute for a transcript that is necessarily incurred in representing a needy person under this chapter, **are charges**~~[is a charge]~~ against the county, urban-county **government**, charter county **government**, **unified local government**, or consolidated local government on behalf of which the service is performed and shall be paid from the special account established in subsection (4) of this section and in accordance with procedures provided in subsection (5) of this section. However,~~[such]~~ a charge **under this subsection** shall not exceed the established rate charged by the Commonwealth and its agencies.
- (4) The consolidated local government, **charter county government**, **unified local government**, fiscal court of each county, or legislative body of an urban-county government shall annually appropriate twelve and a half cents (\$0.125) per capita of the population of the county, as determined by the Council of Local Governments' most recent population statistics, to a special account to be administered by the Finance and Administration Cabinet to pay court orders entered against counties pursuant to subsection (1) or (3) of this section. The funds in this account shall not lapse and shall remain in the special account.
- (5) The Finance and Administration Cabinet shall pay all court orders entered pursuant to subsection (1) or (3) of this section from the special account until the funds in the account are depleted. If in any given year the special account, including any funds from prior years, is depleted and court orders entered against counties pursuant to subsection (1) or (3) of this section for that year or any prior year remain unpaid, the Finance and Administration Cabinet shall pay those orders from the Treasury in the same manner in which judgments against the Commonwealth and its agencies are paid.
- (6) Expenses incurred in the representation of needy persons confined in a state correctional institution shall be paid from the special account established in subsection (4) of this section and in accordance with the procedures provided in subsection (5) of this section.
- (7) Only court orders entered after July 15, 1994, shall be payable from the special account administered by the Finance and Administration Cabinet or from the Treasury as provided in subsections (4) and (5) of this section.

➔Section 6. KRS 31.219 is amended to read as follows:

- (1) It shall be the duty of the attorney representing a client **at trial** under any public advocacy plan to **file a notice of** ~~[perfect an]~~ appeal if his **or her** client requests an appeal.
- (2) After the attorney has filed a notice of appeal as required by the Rules of Criminal Procedure, he **or she** shall forward to the Department of Public Advocacy a copy of the final judgment, the notice of appeal, a statement of any errors committed in the trial of the case which should be raised on appeal, and a designation of that part of the record that is essential to the appeal.
- (3)~~[No attorney participating in any public advocacy plan shall be compensated for his services until he has perfected an appeal for a client who requests an appeal and has filed the information required in subsection (2) of this section.]~~

- (4) Any public advocacy attorney who is representing a client on appeal who after a conscientious examination of said appeal believes the appeal to be wholly frivolous after careful examinations of the record may request the court to which the appeal has been taken for permission to withdraw from the case. The attorney must file with that request a brief which sets forth any arguments which might possibly be raised on appeal. A copy of the request for permission to withdraw and the brief must be served upon the client in sufficient time so that the client may raise any argument he *or she* chooses to raise.

➔Section 7. KRS 31.220 is amended to read as follows:

This chapter applies only to representation in the courts of this state, except that it does not prohibit a defending attorney from representing a needy person in a federal court of the United States, if:

- (1) The matter ***involves a challenge to the validity, timing, or method of implementation of a judgment of a Kentucky state court in a criminal case***~~[arises out of or is related to an action pending or recently pending in a court of criminal jurisdiction of the state]; [or]~~
- (2) ***The matter relates to the fact, duration, or conditions of confinement for a juvenile offender represented under subsection (5) of Section 1 of this Act; or***
- (3) Representation is under a plan of the United States District Court as required by the Criminal Justice Act of 1964~~[(18 U.S.C. 3006A)]~~.

➔Section 8. KRS 31.211 is amended to read as follows:

- (1) At arraignment, the court shall conduct a nonadversarial hearing to determine whether a person who has requested a public defender is able to pay a partial fee for legal representation, the other necessary services and facilities of representation, and court costs. The court shall order payment in an amount determined by the court and may order that the payment be made in a lump sum or by installment payments to recover money for representation provided under this chapter. This partial fee determination shall be made at each stage of the proceedings.
- (2) If the partial fee, or any portion thereof, is not paid by the due date, the court's order is a civil judgment subject to collection under Civil Rule 69.03 and KRS Chapter 426.
- (3) All moneys received by the public advocate from indigent defendants pursuant to subsection (1) of this section shall be credited to the public advocate fund of the county in which the trial is held if the county has a plan pursuant to KRS 31.060 or 31.065(1) which has been approved by the public advocate pursuant to KRS 31.050. Moneys credited to a county public advocate fund may be used only to support the public advocate program of that county.
- (4) All moneys collected by the public advocate from indigent defendants pursuant to subsection (1) of this section in counties with a local public advocacy system established by the public advocate pursuant to KRS 31.065(2) shall be credited to the Department of Public Advocacy special trust and agency account to be used to support the state public advocacy system.
- (5) If a person receives legal assistance or other benefit under this chapter to which he or she is not entitled or if a person receives legal assistance under this chapter and is financially able to pay for representation on the date the suit is brought, the public advocate, on behalf of the Commonwealth, shall recover, where practical, payment or reimbursement, as the case may be, from the person who received the legal assistance or his or her estate. Suit shall be brought within five (5) years after the date on which the aid was received.
- (6) Any attorney participating in a public advocacy plan shall forward all information which he or she may have which indicates that payment or reimbursement may be obtained pursuant to subsection (5) of this section.
- (7) The duty of recovery contemplated by subsection (5) of this section shall extend against persons who were the custodial parents or guardians of unemancipated minors at the time these minors were deemed needy as defined in KRS 31.100~~(5)(3)(c) or (d)~~.
- (8) All moneys collected under this section shall be placed in a special trust and agency account for the Department of Public Advocacy, and the funds shall not lapse.

Signed by Governor April 10, 2014.

CHAPTER 88

(HB 291)

AN ACT relating to construction of unregulated electric generation facilities and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 278.700 is amended to read as follows:

As used in KRS 278.700 to 278.716, unless the context requires otherwise:

- (1) "Board" means the Kentucky State Board on Electric Generation and Transmission Siting created in KRS 278.702;
- (2) "Merchant electric generating facility" means, except for a qualifying facility as defined in subsection (7) of this section, an electricity generating **facility or facilities that plant**, together with **all** associated **structures and facilities**~~[-that]~~:
 - (a) ~~Are~~~~Is~~ capable of operating at **an aggregate**~~[-a]~~ capacity of ten megawatts (10MW) or more; and
 - (b) ~~Sell~~~~Sells~~ the electricity **they produce**~~[-it produces]~~ in the wholesale market, at rates and charges not regulated by the Public Service Commission;
- (3) "Person" means any individual, corporation, public corporation, political subdivision, governmental agency, municipality, partnership, cooperative association, trust, estate, two (2) or more persons having a joint or common interest, or any other entity, and no portion of KRS 224.10-280, 278.212, 278.214, 278.216, 278.218, and 278.700 to 278.716 shall apply to a utility owned by a municipality unless the utility is a merchant plant as defined in this section;
- (4) "Commence to construct" means physical on-site placement, assembly, or installation of materials or equipment which will make up part of the ultimate structure of the facility. In order to qualify, these activities must take place at the site of the proposed facility or must be site-specific. Activities such as site clearing and excavation work will not satisfy the commence to construct requirements;
- (5) "Nonregulated electric transmission line" means an electric transmission line and related appurtenances for which no certificate of public convenience and necessity is required; which is not operated as an activity regulated by the Public Service Commission; and which is capable of operating at or above sixty-nine thousand (69,000) volts;
- (6) "Residential neighborhood" means a populated area of five (5) or more acres containing at least one (1) residential structure per acre;
- (7) "Qualifying facility" means a cogeneration facility as defined in 16 U.S.C. sec. 796(18)(b) which does not exceed a capacity of one hundred fifty megawatts (150MW) that is located on site at a manufacturer's plant and that uses steam from the cogeneration facility in its manufacturing process, or an industrial energy facility as defined in KRS 224.1-010 that does not generate more than one hundred fifty megawatts (150MW) for sale and has received all local planning and zoning approvals; and
- (8) "Carbon dioxide transmission pipeline" means the in-state portion of a pipeline, including appurtenant facilities, property rights, and easements, that is used exclusively for the purpose of transporting carbon dioxide to a point of sale, storage, or other carbon management applications.

➔Section 2. KRS 278.704 is amended to read as follows:

- (1) No person shall commence to construct a merchant electric generating facility until that person has applied for and obtained a construction certificate for the facility from the board. The construction certificate shall be valid for a period of two (2) years after the issuance date of the last permit required to be obtained from the Energy and Environment Cabinet after which the certificate shall be void. The certificate shall be conditioned upon the applicant obtaining necessary air, water, and waste permits. If an applicant has not obtained all necessary permits and has not commenced to construct prior to the expiration date of the certificate, the applicant shall be required to obtain a valid certificate from the board.
- (2) Except as provided in subsections (3), (4), and (5) of this section, no **construction certificate shall be issued**~~[-person shall commence]~~ to construct a merchant electric generating facility unless the exhaust stack of the proposed facility **and any wind turbine** is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and **all proposed structures or facilities used for generation of electricity are** two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility. **For**

purposes of applications for site compatibility certificates pursuant to KRS 278.216, only the exhaust stack of the proposed facility to be actually used for coal or gas-fired generation or, beginning with applications for site compatibility certificates filed on or after January 1, 2015, the proposed structure or facility to be actually used for solar or wind generation shall be required to be at least one thousand (1,000) feet from the property boundary of any adjoining property owner and two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility.

- (3) If the merchant electric generating facility is proposed to be located in a county or a municipality with planning and zoning, then setback requirements from a **property boundary**, residential neighborhood, school, hospital, or nursing home facility may be established by the planning and zoning commission. Any setback established by a planning and zoning commission for a facility in an area over which it has jurisdiction shall:
 - (a) Have primacy over the setback requirement in subsections (2) and (5) of this section; and
 - (b) Not be subject to modification or waiver by the board through a request for deviation by the applicant, as provided in subsection (4) of this section.
- (4) The board may grant a deviation from the requirements of subsection (2) of this section on a finding that the proposed facility is designed **to** and, **as** located, **would** ~~to~~ meet the goals of KRS 224.10-280, 278.010, 278.212, 278.214, 278.216, 278.218, and 278.700 to 278.716 at a distance closer than those provided in subsection (2) of this section.
- (5) If the merchant electric generating facility is proposed to be located on a site of a former coal processing plant in the Commonwealth where the electric generating facility will utilize on-site waste coal as a fuel source, then the one thousand (1,000) foot property boundary requirement in subsection (2) of this section shall not be applicable; however, the applicant shall be required to meet any other setback requirements contained in subsection (2) of this section.
- (6) *If requested, a merchant electric generating entity considering construction of a facility for the generation of electricity or a person acting on behalf of such an entity shall hold a public meeting in any county where acquisition of real estate or any interest in real estate is being considered for the facility. A request for such a meeting may be made by the commission, or by any city or county governmental entity, including a board of commissioners, planning and zoning, fiscal court, mayor, or county judge/executive. The meeting shall be held not more than thirty (30) days from the date of the request.*
- (7) *The purpose of the meeting under subsection (6) of this section is to fully inform landowners and other interested parties of the full extent of the project being considered, including the project time line. One (1) or more representatives of the entity with full knowledge of all aspects of the project shall be present and shall answer questions from the public.*
- (8) *Notice of the time, subject, and location of the meeting under subsection (6) of this section shall be posted in both a local newspaper, if any, and a newspaper of general circulation in the county. Notice shall also be placed on the Web sites of the unregulated entity, and any local governmental unit. Owners of real estate known to be included in the project and any person whose property adjoins at any point any property to be included in the project shall be notified personally by mail. All notices must be mailed or posted at least two (2) weeks prior to the meeting.*
- (9) *The merchant electric generating entity or a person acting on behalf of a merchant electric generating entity shall, on or before the date of the public meeting held under subsection (6) of this section, provide notice of all research, testing, or any other activities being planned or considered to:*
 - (a) *The Energy and Environment Cabinet;*
 - (b) *The Public Service Commission;*
 - (c) *The Transportation Cabinet;*
 - (d) *The Attorney General; and*
 - (e) *The Office of the Governor.*
- (10) *A person that, on or before the effective date of this Act, has started acquiring interests in real estate for a project as described in subsection (6) of this section shall hold a meeting that complies with this section within thirty (30) days of the effective date of this Act.*
- (11) *Subsections (6) to (10) of this section shall not apply to any facility or project that has already received a certificate of construction from the board.*

➔Section 3. KRS 278.706 is amended to read as follows:

- (1) Any person seeking to obtain a construction certificate from the board to construct a merchant electric generating facility shall file an application at the office of the Public Service Commission.
- (2) A completed application shall include the following:
 - (a) The name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility;
 - (b) A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility;
 - (c) Evidence of public notice that shall include the location of the proposed site and a general description of the project, state that the proposed construction is subject to approval by the board, and provide the telephone number and address of the Public Service Commission. Public notice shall be given within thirty (30) days immediately preceding the application filing to:
 1. Landowners whose property borders the proposed site; and
 2. The general public in a newspaper of general circulation in the county or municipality in which the ~~facility~~~~plant~~ is proposed to be located;
 - (d) A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances. The statement shall also disclose setback requirements established by the planning and zoning commission as provided under KRS 278.704(3);
 - (e) If the facility is not proposed to be located on site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the ***exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility.*** ~~proposed site is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility.~~ unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is ***in compliance***~~compatible~~ with those established setback requirements;
 - (f) A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:
 1. ***The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;***
 2. ***Evidence that notice of the time, subject, and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting; and***
 3. Any use of media coverage, direct mailing, fliers, newsletters, ***additional*** public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process;
 - (g) A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located;

- (h) Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located;
 - (i) An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky;
 - (j) An analysis of the proposed facility's economic impact on the affected region and the state;
 - (k) A detailed listing of all violations by it, or any person with an ownership interest, of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars (\$5,000). The status of any pending action, whether judicial or administrative, shall also be submitted; and
 - (l) A site assessment report as specified in KRS 278.708. The applicant may submit and the board may accept documentation of compliance with the National Environmental Policy Act (NEPA) rather than a site assessment report.
- (3) Application fees for a construction certificate shall be set by the board and deposited into a trust and agency account to the credit of the commission.
 - (4) Replacement of a merchant electric generating facility with a like facility, or the repair, modification, retrofitting, enhancement, or reconfiguration of a merchant electric generating facility shall not, for the purposes of this section and KRS 224.10-280, 278.704, 278.708, 278.710, and 278.712, constitute construction of a merchant electric generating facility.
 - (5) The board shall promulgate administrative regulations prescribing fees to pay expenses associated with its review of applications filed with it pursuant to KRS 278.700 to 278.716. All application fees collected by the board shall be deposited in a trust and agency account to the credit of the Public Service Commission. If a majority of the members of the board find that an applicant's initial fees are insufficient to pay the board's expenses associated with the application, including the board's expenses associated with legal review thereof, the board shall assess a supplemental application fee to cover the additional expenses. An applicant's failure to pay a fee assessed pursuant to this subsection shall be grounds for denial of the application.

➔Section 4. KRS 278.708 is amended to read as follows:

- (1) Any person proposing to construct a merchant electric generating facility shall file a site assessment report with the board as required under KRS 278.706(2)(1).
- (2) A site assessment report shall be prepared by the applicant or its designee.
- (3) A completed site assessment report shall include:
 - (a) A description of the proposed facility that shall include a proposed site development plan that describes:
 - 1. Surrounding land uses for residential, commercial, agricultural, and recreational purposes;
 - 2. The legal boundaries of the proposed site;
 - 3. Proposed access control to the site;
 - 4. The location of facility buildings, transmission lines, and other structures;
 - 5. Location and use of access ways, internal roads, and railways;
 - 6. Existing or proposed utilities to service the facility;
 - 7. Compliance with applicable setback requirements as provided under KRS 278.704(2), (3), **(4)**, or (5); and
 - 8. Evaluation of the noise levels expected to be produced by the facility;
 - (b) An evaluation of the compatibility of the facility with scenic surroundings;
 - (c) The potential changes in property values **and land use** resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the facility;

- (d) Evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; and
 - (e) The impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility.
- (4) The site assessment report shall also suggest any mitigating measures to be implemented by the applicant ***to minimize or avoid adverse effects identified in the site assessment report*** ~~(including planting trees, changing outside lighting, erecting noise barriers, and suppressing fugitive dust).~~
- (5) The board shall have the authority to hire a consultant to review the site assessment report and provide recommendations concerning the adequacy of the report and proposed mitigation measures. The board may direct the consultant to prepare a separate site assessment report. Any expenses or fees incurred by the board's hiring of a consultant shall be borne by the applicant.
- (6) The applicant shall be given the opportunity to present evidence to the board regarding any mitigation measures. As a condition of approval for an application to obtain a construction certificate, the board may require the implementation of any mitigation measures that the board deems appropriate.

➔Section 5. KRS 278.710 is amended to read as follows:

- (1) Within ***one hundred twenty (120)*** ~~(ninety (90))~~ days of receipt of an administratively complete application, or within one hundred ***eighty (80)*** ~~(twenty (120))~~ days of receipt of an administratively complete application if a hearing is requested, the board shall, by majority vote, grant or deny a construction certificate, either in whole or in part, based upon the following criteria:
- (a) Impact of the facility on scenic surroundings, property values, the pattern and type of development of adjacent property, and surrounding roads;
 - (b) Anticipated noise levels expected as a result of construction and operation of the proposed facility;
 - (c) The economic impact of the facility upon the affected region and the state;
 - (d) Whether the facility is proposed for a site upon which existing generating facilities, capable of generating ten megawatts (10MW) or more of electricity, are currently located;
 - (e) Whether the proposed facility will meet all local planning and zoning requirements that existed on the date the application was filed;
 - (f) Whether the additional load imposed upon the electricity transmission system by use of the merchant electric generating facility will adversely affect the reliability of service for retail customers of electric utilities regulated by the Public Service Commission;
 - (g) Except where the facility is subject to a statewide setback established by a planning and zoning commission as provided in KRS 278.704(3) and except for a facility proposed to be located on site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, whether the exhaust stack of the proposed merchant electric generating facility ***and any wind turbine*** is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and ***all proposed structures or facilities used for generation of electricity are*** two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, ***unless a different setback has been requested and approved under KRS 278.704(4)***. If a planning and zoning commission has established setback requirements that differ from those under KRS 278.704(2), the applicant shall provide evidence of compliance. If the facility is proposed to be located on site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, the applicant shall provide evidence of compliance with the setback requirements provided in KRS 278.704(5);
 - (h) The efficacy of any proposed measures to mitigate adverse impacts that are identified pursuant to paragraph (a), (b), (e), or (f) of this subsection from the construction or operation of the proposed facility; and
 - (i) Whether the applicant has a good environmental compliance history.
- (2) When considering an application for a construction certificate for a merchant electric generating facility, the board may consider the policy of the General Assembly to encourage the use of coal as a principal fuel for electricity generation as set forth in KRS 152.210, provided that any facility, regardless of fuel choice, shall comply fully with KRS 224.10-280, 278.212, 278.216, and 278.700 to 278.716.

- (3) A person that has received a construction certificate for a merchant electric generating facility shall not transfer rights and obligation under the certificate without having first applied for and received a board determination that:
- (a) The acquirer has a good environmental compliance history; and
 - (b) The acquirer has the financial, technical, and managerial capacity to meet the obligations imposed by the terms of the approval or has the ability to contract to meet these obligations.

➔Section 6. KRS 278.714 is amended to read as follows:

- (1) No person shall commence to construct a nonregulated electric transmission line or a carbon dioxide transmission pipeline without a construction certificate issued by the board. An application for a construction certificate shall be filed at the offices of the Public Service Commission along with an application fee as set forth in subsection (6) of this section. The board may hire a consultant to review the transmission line or carbon dioxide pipeline and provide recommendations concerning the adequacy of the application and proposed mitigation measures. The board may direct the consultant to prepare a report recommending changes in the route of the carbon dioxide pipeline or the route of the electric transmission line. Any consultant expenses or fees shall be borne by the applicant.
- (2) A completed application shall include the following:
 - (a) The name, address, and telephone number of the person proposing construction of the nonregulated electric transmission line or the carbon dioxide transmission pipeline;
 - (b) A full description of the proposed route of the electric transmission line or the carbon dioxide transmission pipeline and its appurtenances. The description shall include a map or maps showing:
 - 1. The location of the proposed line or pipeline and all proposed structures that will support it;
 - 2. The proposed right-of-way limits;
 - 3. Existing property lines and the names of persons who own the property over which the line or pipeline will cross; and
 - 4.
 - a. The distance of the proposed electric transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities; or
 - b. The distance of the proposed carbon dioxide transmission pipeline from residential neighborhoods, schools, and parks, either private or public, within one thousand (1,000) feet of the proposed facilities;
 - (c) With respect to electric transmission lines, a full description of the proposed line and appurtenances, including the following:
 - 1. Initial and design voltages and capacities;
 - 2. Length of line;
 - 3. Terminal points; and
 - 4. Substation connections;
 - (d) A statement that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code;
 - (e) With respect to both electric transmission lines and carbon dioxide transmission pipelines, evidence that public notice has been given by publication in a newspaper of general circulation in the general area concerned. Public notice shall include the location of the proposed electric transmission line or carbon dioxide pipeline, shall state that the proposed line or pipeline is subject to approval by the board, and shall provide the telephone number and address of the Public Service Commission; and
 - (f) Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed electric transmission line or carbon dioxide transmission pipeline is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line or pipeline is proposed to be located.
- (3) With respect to electric transmission lines, within **one hundred twenty (120)** ~~ninety (90)~~ days of receipt of the application, or one hundred **eighty (180)** ~~twenty (120)~~ days if a local public hearing is held, the board shall,

by majority vote, grant or deny the construction certificate either in whole or in part. Action to grant the certificate shall be based on the board's determination that the proposed route of the line will minimize significant adverse impact on the scenic assets of Kentucky and that the applicant will construct and maintain the line according to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed construction or modification of electric transmission facilities in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that the construction and maintenance of the line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the line, or changes in design or configuration of the line.

- (4) A public hearing on an application to construct a nonregulated electric transmission line may be held in accordance with the provisions of KRS 278.712.
- (5) The board shall convene a local public information meeting upon receipt of a request by not less than three (3) interested persons that reside in the county or counties in which the carbon dioxide pipeline is proposed to be constructed. If the board convenes the local public information meeting, the meeting will be in the county seat of one (1) of the counties, as determined by the board, in which the proposed carbon dioxide pipeline will be located. The meeting shall provide an opportunity for members of the public to be briefed and ask the party proposing the carbon dioxide pipeline questions about the pipeline.
- (6) Pursuant to KRS 278.706(3) and (5), the board shall promulgate administrative regulations to establish an application fee for a construction certificate for:
 - (a) A nonregulated transmission line; and
 - (b) A carbon dioxide transmission pipeline.
- (7) With respect to carbon dioxide transmission lines, within **one hundred twenty (120)**~~ninety (90)~~ days of receipt of the application or one hundred **eighty (80)**~~twenty (20)~~ days if a local public information meeting is held, the board shall, by majority vote, grant or deny the construction certificate either in whole or in part. Action to grant the certificate shall be based on the board's determination that the proposed route of the pipeline will minimize significant adverse impact on the scenic assets of Kentucky and that the applicant will construct and maintain the line according to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed carbon dioxide transmission pipeline in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that locating the carbon dioxide transmission line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the pipeline.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

The provisions of Sections 1, 2, 3, 4, and 5 of this Act shall be in addition to, and shall not supplant any other state or federal law, including the powers available to local governments under the provisions of home rule under KRS 67.080, 67.083, 67.850, 67.922, 67A.060, 67C.101, and 82.082.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 96 IS CREATED TO READ AS FOLLOWS:

- (1) *Any city-owned or controlled electric generating entity shall hold a public meeting in any county where acquisition of real estate or any interest in real estate is being considered for construction of a wind-based electric generating facility. A request for a public meeting may be made by any city or county governmental entity with jurisdiction. The meeting shall be held not more than thirty (30) days from the date of the request.*
- (2) *The purpose of the meeting is to fully inform the public, landowners, and other interested parties of the full extent of the project being considered, including the project time line. One (1) or more representatives of the city-owned or controlled electric generating entity with full knowledge of all aspects of the project shall be present and shall answer questions from the public.*
- (3) *Notice of the time, subject, and location of the meeting shall be posted in both a local newspaper, if any, and a newspaper of general circulation in the county. Notice shall also be placed on the Web site of the city-owned or controlled electric generating entity.*

- (4) *A person that, on or before the effective date of this Act, has started acquiring interests in real estate for a project as described in subsection (1) of this section shall hold a meeting that complies with this section within thirty (30) days of the effective date of this Act.*

➔Section 9. Whereas efforts are currently underway to determine suitability and buy easements for the construction of merchant electric generating facilities in the Commonwealth, an emergency is declared to exist, and this Act takes effect on its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

CHAPTER 89

(HB 296)

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 11.200 is amended to read as follows:

- (1) There is created the Commission on Small Business Advocacy. The commission shall be a separate administrative body of state government within the meaning of KRS 12.010(8).
- (2) It shall be the purpose of the Commission on Small Business Advocacy to:
 - (a) Address matters of small business as it relates to government affairs;
 - (b) Promote a cooperative and constructive relationship between state agencies and the small business community to ensure coordination and implementation of statewide strategies that benefit small business in the Commonwealth;
 - (c) Coordinate and educate the small business community of federal, state, and local government initiatives of value and importance to the small business community;
 - (d) Create a process by which the small business community is consulted in the development of public policy as it affects their industry sector;
 - (e) Aid the small business community in navigating the regulatory process, when that process becomes cumbersome, time consuming, and bewildering to the small business community; and
 - (f) Advocate for the small business, as necessary when regulatory implementation is overly burdensome, costly, and harmful to the success and growth of small businesses in the Commonwealth.
- (3) The Commission on Small Business Advocacy shall consist of **thirteen (13)**~~thirty (30)~~ members:
 - (a) **Two (2) members representing each congressional district**~~The Governor, or the Governor's designee; and~~
 - (b) **One (1) at-large member**~~The secretaries of the following cabinets, or their designees:~~
 1. ~~Economic Development;~~
 2. ~~Energy and Environment;~~
 3. ~~Finance and Administration; and~~
 4. ~~Transportation;~~
 - (c) ~~The state director of the Small Business Development Centers in Kentucky;~~
 - (d) ~~One (1) representative of each of the following organizations, appointed by the Governor from a list of three (3) nominees submitted by the governing bodies of each organization:~~
 1. ~~Associated Industries of Kentucky;~~
 2. ~~National Federation of Independent Business;~~
 3. ~~Kentucky Chamber of Commerce;~~

4. ~~Kentucky Federation of Business and Professional Women's Club, Inc.;~~
 5. ~~Kentucky Retail Federation;~~
 6. ~~Professional Women's Forum;~~
 7. ~~Kentuckiana Minority Supplier Development Council;~~
 8. ~~Greater Lexington Chamber of Commerce;~~
 9. ~~Lexington chapter of the National Association of Women Business Owners;~~
 10. ~~Greater Louisville, Inc.;~~
 11. ~~Louisville chapter of the National Association of Women Business Owners;~~
 12. ~~Northern Kentucky Chamber of Commerce, Inc.;~~
 13. ~~Northern Kentucky Greater Cincinnati chapter of the National Association of Women Business Owners;~~
 14. ~~Kentucky Association of Realtors;~~
 15. ~~Henderson Henderson County Chamber of Commerce;~~
 16. ~~Kentucky Farm Bureau Federation; and~~
 17. ~~Kentucky Homebuilders Association;~~
- (e) ~~One (1) representative from small business from each of the following areas, appointed by the Governor:~~
1. ~~A city of the second class;~~
 2. ~~A city of the third class;~~
 3. ~~A city of the fourth class; and~~
 4. ~~A city of the fifth class;~~
- (f) ~~One (1) representative who is a small business owner served by each of the following organizations, appointed by the Governor:~~
1. ~~The Center for Rural Development; and~~
 2. ~~Community Ventures Corporation; and~~
- (g) ~~One (1) representative who is a small business owner under the age of thirty-five (35), appointed by the Governor.~~
- (4) ~~All~~*All*~~The terms of all~~ members ***shall be*** appointed by the Governor ~~shall be~~ for ***a term of*** four (4) years, except that the original appointments shall be staggered so that ***three (3)***~~seven (7)~~ appointments shall expire at ***one (1) year***~~two (2) years~~, ***three (3)***~~seven (7)~~ appointments shall expire at ***two (2)***~~three (3)~~ years, and ***three (3)***~~seven (7)~~ appointments shall expire at ***three (3)***~~four (4)~~ years, ***and four (4) appointments shall expire at four (4) years*** from the dates of initial appointment.
 - (5) The Governor shall appoint the chair and vice chair of the commission from the ~~list of~~ appointed ***membership***~~members~~.
 - (6) The commission shall meet quarterly and at other times upon call of the chair or a majority of the commission.
 - (7) A quorum shall be a majority of the membership of the commission.
 - (8) Members of the commission shall serve without compensation but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
 - (9) The commissioner of the Department for ~~Existing~~ Business Development shall be the administrative head and chief executive officer of the commission. The secretary of the Cabinet for Economic Development shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.

- (10) The Commission on Small Business Advocacy shall be *administratively attached to the Office of Entrepreneurship* ~~within an independent agency attached to~~ the Department for ~~Existing~~ Business Development.

➔Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

1. The Governor.
2. Lieutenant Governor.
3. Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
4. Department of Law.
 - (a) Attorney General.
5. Department of the Treasury.
 - (a) Treasurer.
6. Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
7. Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

1. Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Management and Administrative Services.

- (m) Department for Public Advocacy.
- 2. Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.
 - 1. Governor's Scholars Program.
 - (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Budget and Administration.
 - 1. Division of Human Resources.
 - 2. Division of Administrative Services.
 - 3. Division of Technology Services.
 - (e) Office of Educational Programs.
 - (f) Office for Education and Workforce Statistics.
 - (g) Board of the Kentucky Center for Education and Workforce Statistics.
 - (h) Board of Directors for the Center for School Safety.
 - (i) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - (j) Department for Libraries and Archives.
 - (k) Department of Workforce Investment.
 - 1. Office for the Blind.
 - 2. Office of Vocational Rehabilitation.
 - 3. Office of Employment and Training.
 - (l) Foundation for Workforce Development.
 - (m) Kentucky Office for the Blind State Rehabilitation Council.
 - (n) Kentucky Workforce Investment Board.
 - (o) Statewide Council for Vocational Rehabilitation.
 - (p) Statewide Independent Living Council.
 - (q) Unemployment Insurance Commission.
 - (r) Education Professional Standards Board.
 - 1. Division of Educator Preparation.
 - 2. Division of Certification.
 - 3. Division of Professional Learning and Assessment.
 - 4. Division of Legal Services.
 - (s) Kentucky Commission on the Deaf and Hard of Hearing.
 - (t) Kentucky Educational Television.
 - (u) Kentucky Environmental Education Council.
- 3. Energy and Environment Cabinet:
 - (a) Office of the Secretary.

1. Office of Legislative and Intergovernmental Affairs.
2. Office of General Counsel.
 - a. Environmental Protection Legal Division.
3. Office of Administrative Hearings.
4. Mine Safety Review Commission.
5. Kentucky State Nature Preserves Commission.
6. Kentucky Environmental Quality Commission.
7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Technical and Administrative Support.
 3. Division of Mine Permits.
 4. Division of Mine Reclamation and Enforcement.
 5. Division of Abandoned Mine Lands.
 6. Division of Oil and Gas.
 7. Office of Mine Safety and Licensing.
 8. Division of Forestry.
 9. Division of Conservation.
 10. Office of the Reclamation Guaranty Fund.
- (d) Department for Energy Development and Independence.
 1. Division of Efficiency and Conservation.
 2. Division of Renewable Energy.
 3. Division of Biofuels.
 4. Division of Energy Generation Transmission and Distribution.
 5. Division of Carbon Management.
 6. Division of Fossil Energy Development.
4. Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.

- b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - (b) Crime Victims Compensation Board.
 - (c) Board of Claims.
 - (d) Kentucky Board of Tax Appeals.
 - (e) Kentucky Boxing and Wrestling Authority.
 - (f) Kentucky Horse Racing Commission.
 - 1. Division of Licensing.
 - 2. Division of Incentives and Development.
 - 3. Division of Veterinary Services.
 - 4. Division of Security and Enforcement.
 - (g) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (h) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (i) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (j) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
 - (k) Department of Insurance.
 - 1. Property and Casualty Division.
 - 2. Health and Life Division.
 - 3. Division of Financial Standards and Examination.
 - 4. Division of Agent Licensing.
 - 5. Division of Insurance Fraud Investigation.
 - 6. Consumer Protection Division.
 - 7. Division of Kentucky Access.
 - (l) Office of Occupations and Professions.
5. Labor Cabinet.

- (a) Office of the Secretary.
 - 1. Division of Management Services.
 - 2. Office of General Counsel.
 - (b) Office of General Administration and Program Support for Shared Services.
 - 1. Division of Human Resource Management.
 - 2. Division of Fiscal Management.
 - 3. Division of Budgets.
 - 4. Division of Information Services.
 - (c) Office of Inspector General for Shared Services.
 - (d) Department of Workplace Standards.
 - 1. Division of Employment Standards, Apprenticeship, and Mediation.
 - 2. Division of Occupational Safety and Health Compliance.
 - 3. Division of Occupational Safety and Health Education and Training.
 - 4. Division of Workers' Compensation Funds.
 - (e) Department of Workers' Claims.
 - 1. Office of General Counsel for Workers' Claims.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Information and Research.
 - 6. Division of Ombudsman and Workers' Compensation Specialist Services.
 - 7. Workers' Compensation Board.
 - 8. Workers' Compensation Advisory Council.
 - 9. Workers' Compensation Nominating Commission.
 - (f) Workers' Compensation Funding Commission.
 - (g) Kentucky Labor-Management Advisory Council.
 - (h) Occupational Safety and Health Standards Board.
 - (i) Prevailing Wage Review Board.
 - (j) Apprenticeship and Training Council.
 - (k) State Labor Relations Board.
 - (l) Employers' Mutual Insurance Authority.
 - (m) Kentucky Occupational Safety and Health Review Commission.
6. Transportation Cabinet:
- (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.

- (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
7. Cabinet for Economic Development:
- (a) Office of *the Secretary* ~~[Administration and Support]~~.
 - (1) *Office of Legal Services.*
 - (2) ~~(b)~~ Department for ~~[New]~~ Business Development.
 - a. *Office of Entrepreneurship.*
 - i. *Commission on Small Business Advocacy.*
 - b. *Office of Research and Public Affairs.*
 - c. *Bluegrass State Skills Corporation.*
 - (3) *Office of Financial Services.*
 - a. *Kentucky Economic Development Finance Authority.*
 - b. *Division of Finance and Personnel.*
 - c. *Division of Network Administration.*
 - d. *Compliance Division.*
 - e. *Incentive Assistance Division.*
 - ~~[(c) — Department of Financial Incentives.~~
 - ~~(d) — Department for Existing Business Development.~~
 - ~~(e) — Tobacco Research Board.~~
 - ~~(f) — Kentucky Economic Development Finance Authority.~~
 - ~~(g) — Office of Research and Information Technology.~~
 - ~~(h) — Department of Commercialization and Innovation.~~
 - ~~(i) — Office of Legal Services.~~
 - ~~(j) — Commission on Small Business Advocacy.]~~
8. Cabinet for Health and Family Services:
- (a) Office of the Secretary.

- (b) Office of Health Policy.
 - (c) Office of Legal Services.
 - (d) Office of Inspector General.
 - (e) Office of Communications and Administrative Review.
 - (f) Office of the Ombudsman.
 - (g) Office of Policy and Budget.
 - (h) Office of Human Resource Management.
 - (i) Office of Administrative and Technology Services.
 - (j) Department for Public Health.
 - (k) Department for Medicaid Services.
 - (l) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (m) Department for Aging and Independent Living.
 - (n) Department for Community Based Services.
 - (o) Department for Income Support.
 - (p) Department for Family Resource Centers and Volunteer Services.
 - (q) Kentucky Commission on Community Volunteerism and Service.
 - (r) Kentucky Commission for Children with Special Health Care Needs.
 - (s) Governor's Office of Electronic Health Information.
9. Finance and Administration Cabinet:
- (a) Office of General Counsel.
 - (b) Office of the Controller.
 - (c) Office of Administrative Services.
 - (d) Office of Public Information.
 - (e) Office of Policy and Audit.
 - (f) Department for Facilities and Support Services.
 - (g) Department of Revenue.
 - (h) Commonwealth Office of Technology.
 - (i) State Property and Buildings Commission.
 - (j) Office of Equal Employment Opportunity and Contract Compliance.
 - (k) Kentucky Employees Retirement Systems.
 - (l) Commonwealth Credit Union.
 - (m) State Investment Commission.
 - (n) Kentucky Housing Corporation.
 - (o) Kentucky Local Correctional Facilities Construction Authority.
 - (p) Kentucky Turnpike Authority.
 - (q) Historic Properties Advisory Commission.
 - (r) Kentucky Tobacco Settlement Trust Corporation.
 - (s) Kentucky Higher Education Assistance Authority.
 - (t) Kentucky River Authority.

- (u) Kentucky Teachers' Retirement System Board of Trustees.
- (v) Executive Branch Ethics Commission.
- 10. Tourism, Arts and Heritage Cabinet:
 - (a) Kentucky Department of Travel and Tourism.
 - (1) Division of Tourism Services.
 - (2) Division of Marketing and Administration.
 - (3) Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - (1) Division of Information Technology.
 - (2) Division of Human Resources.
 - (3) Division of Financial Operations.
 - (4) Division of Facilities Management.
 - (5) Division of Facilities Maintenance.
 - (6) Division of Customer Services.
 - (7) Division of Recreation.
 - (8) Division of Golf Courses.
 - (9) Division of Food Services.
 - (10) Division of Rangers.
 - (11) Division of Resort Parks.
 - (12) Division of Recreational Parks and Historic Sites.
 - (c) Department of Fish and Wildlife Resources.
 - (1) Division of Law Enforcement.
 - (2) Division of Administrative Services.
 - (3) Division of Engineering.
 - (4) Division of Fisheries.
 - (5) Division of Information and Education.
 - (6) Division of Wildlife.
 - (7) Division of Public Affairs.
 - (d) Kentucky Horse Park.
 - (1) Division of Support Services.
 - (2) Division of Buildings and Grounds.
 - (3) Division of Operational Services.
 - (e) Kentucky State Fair Board.
 - (1) Office of Administrative and Information Technology Services.
 - (2) Office of Human Resources and Access Control.
 - (3) Division of Expositions.
 - (4) Division of Kentucky Exposition Center Operations.
 - (5) Division of Kentucky International Convention Center.
 - (6) Division of Public Relations and Media.

- (7) Division of Venue Services.
 - (8) Division of Personnel Management and Staff Development.
 - (9) Division of Sales.
 - (10) Division of Security and Traffic Control.
 - (11) Division of Information Technology.
 - (12) Division of the Louisville Arena.
 - (13) Division of Fiscal and Contract Management.
 - (14) Division of Access Control.
 - (f) Office of the Secretary.
 - (1) Office of Finance.
 - (2) Office of Research and Administration.
 - (3) Office of Governmental Relations and Tourism Development.
 - (4) Office of the Sports Authority.
 - (5) Kentucky Sports Authority.
 - (g) Office of Legal Affairs.
 - (h) Office of Human Resources.
 - (i) Office of Public Affairs and Constituent Services.
 - (j) Office of Creative Services.
 - (k) Office of Capital Plaza Operations.
 - (l) Office of Arts and Cultural Heritage.
 - (m) Kentucky African-American Heritage Commission.
 - (n) Kentucky Foundation for the Arts.
 - (o) Kentucky Humanities Council.
 - (p) Kentucky Heritage Council.
 - (q) Kentucky Arts Council.
 - (r) Kentucky Historical Society.
 - (1) Division of Museums.
 - (2) Division of Oral History and Educational Outreach.
 - (3) Division of Research and Publications.
 - (4) Division of Administration.
 - (s) Kentucky Center for the Arts.
 - (1) Division of Governor's School for the Arts.
 - (t) Kentucky Artisans Center at Berea.
 - (u) Northern Kentucky Convention Center.
 - (v) Eastern Kentucky Exposition Center.
11. Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.

- (d) Kentucky Public Employees Deferred Compensation Authority.
- (e) Office of Administrative Services.
- (f) Office of Legal Services.
- (g) Governmental Services Center.
- (h) Department of Employee Insurance.
- (i) Office of Diversity and Equality.
- (j) Center of Strategic Innovation.

III. Other departments headed by appointed officers:

- 1. Council on Postsecondary Education.
- 2. Department of Military Affairs.
- 3. Department for Local Government.
- 4. Kentucky Commission on Human Rights.
- 5. Kentucky Commission on Women.
- 6. Department of Veterans' Affairs.
- 7. Kentucky Commission on Military Affairs.
- 8. Office of Minority Empowerment.
- 9. Governor's Council on Wellness and Physical Activity.

➔Section 3. KRS 154.10-050 is amended to read as follows:

- (1) The secretary shall be the chief executive officer of the Cabinet for Economic Development and shall possess the professional qualifications appropriate for that office as determined by the board.
- (2) The board shall set the salary of the secretary, which shall be exempt from state employee salary limitations as set forth in KRS 64.640.
- (3) The secretary shall be responsible for the day-to-day operations of the cabinet and shall report and submit on an annual basis implementation plans to the board as provided in KRS 154.10-060; submit the strategic plan for economic development to the board in accordance with the provisions of KRS 154.10-120 and 154.10-125; submit program evaluation reports to the board in accordance with the provisions of KRS 154.10-140; carry out policy and program directives of the board; coordinate programs of the cabinet with all other agencies of state government having economic development responsibilities; hire all other personnel of the cabinet consistent with state law; and carry out all other duties and responsibilities assigned by state law.
- (4) The secretary shall prepare and submit the proposed budget of the cabinet to the chairman who shall present it to the board for final approval. Upon approval, the board shall submit the proposed budget to the Governor's Office for Policy and Management.
- (5) The secretary shall be reimbursed for all actual and necessary expenses incurred in the performance of all assigned duties and responsibilities.
- (6) The secretary shall ~~in carrying out the duties and responsibilities of the office and in administering the programs in KRS 154.12-216 to 154.12-278,~~ give highest priority consideration in marketing, targeting, and recruiting new businesses, in expanding existing businesses, and in recommending state economic development loans, grants, and incentive programs administered by the authority, to Kentucky counties which have had an average countywide rate of unemployment of fifteen percent (15%) or greater in the most recent twelve (12) consecutive months for which unemployment figures are available, on the basis of the final unemployment figures calculated by the Office of Employment and Training within the Department of Workforce Investment within the Education and Workforce Development Cabinet.

➔Section 4. KRS 154.12-223 is amended to read as follows:

- (1) There is created within the Cabinet for Economic Development the Department for ~~Existing~~ Business Development, which shall be headed by a commissioner appointed by the Governor ~~pursuant to KRS 12.040~~. The department shall work with each Kentucky county in:

- (a) Assisting community-based economic development agencies in creating and implementing their respective work plans;
 - (b) Developing cooperative interaction with existing industries and small and minority businesses and assisting export development; ~~and~~
 - (c) Providing sufficient technical resources to create and maintain a database to facilitate sales transactions between Kentucky businesses;
 - (d) *Assisting minority businesses with federal, state, and local government agencies, regulations, and procurement programs; and*
 - (e) *Introducing entrepreneurs to individual investors and to investment capital firms interested in start-up and early-state financing.*
- (2) The Department for ~~Existing~~ Business Development shall include the following divisions, each of which shall be headed by *an executive* ~~a~~ director appointed by the secretary pursuant to KRS 12.050:
- (a) The *Office of Entrepreneurship* ~~Division of Small Business Services, which~~ shall be responsible for *various forms of small business assistance* ~~procurement assistance, business information clearinghouse services, and business and technology functions of the cabinet~~, including, without being limited to:
 - 1. Providing comprehensive information on all state business licenses and requirements; ~~and~~
 - 2. Assisting businesses in the identification of government procurement opportunities;
 - 3. *Administering the innovation assistance set forth in Section 6 of this Act; and*
 - 4. *Collecting, summarizing, and disseminating information helpful to small businesses, including information on:*
 - (a) *Market research;*
 - (b) *Federal, state, and local minority business programs; and*
 - (c) *The availability of managerial assistance.*
- The *Commission on Small Business Advocacy, established in Section 1 of this Act, shall advise the office on small business needs* ~~Small and Minority Business Branch within the Division of Small Business Services, shall be responsible for the cabinet's functions relating to small and minority business enterprise, as provided in KRS 154.12-215. The Small Business Advisory Council established by KRS 154.12-218 shall advise the branch~~;
- (b) The *Office of Research and Public Affairs, which shall administer the following:*
 - 1. *Research activities related to strategic planning, business site selection, and existing industry;*
 - 2. *Program analysis;*
 - 3. *Competitive analysis;*
 - 4. *Communications and marketing services; and*
 - 5. *Event planning.*

The office shall include the Division of Database and Systems Development which shall be headed by a director appointed by the secretary pursuant to KRS 12.050

~~[Western Kentucky Economic Development Division;~~

~~(c) The Eastern Kentucky Economic Development Division;~~

~~(d) The Central Kentucky Economic Development Division; and~~

~~(e) The International Trade Division, which shall promote the development of international markets for Kentucky goods, products, and services for the purpose of identifying and analyzing national and international market developments and opportunities, and gathering and disseminating vital information to Kentucky manufacturers, service providers, and other industries regarding international trade~~

~~opportunities; and which shall direct export trade offices that the cabinet may establish in foreign locations}.~~

- (3) The following programs~~[and commission]~~ shall be attached to the Department for~~[Existing]~~ Business Development:
 - (a) The Kentucky port and river development program created by KRS 65.510 to 65.530, KRS 139.483, and KRS 154.80-100 to 154.80-130;
 - (b) The Waterway Marina Development Program established by KRS 154.80-310; and
 - (c) The *Bluegrass State Skills Corporation established by KRS 154.12-205*~~[Kentucky Investment Capital Network established by KRS 154.12-2333]~~.

➔Section 5. KRS 154.12-224 is amended to read as follows:

- (1) There is created in the Cabinet for Economic Development the *Office of Financial Services*~~[Department of Financial Incentives]~~. The *office*~~[department]~~ shall be headed by *an executive director*~~[a commissioner]~~ appointed by the *secretary*~~[Governor]~~ pursuant to *Section 3 of this Act*~~[KRS 12.040]~~. The *office*~~[department]~~ shall coordinate *administration and monitoring of* all financial assistance, tax credit, and related programs available for business and industry *and shall provide all budgeting, accounting, personnel services, and information technology necessary for proper administration of the cabinet and cabinet programs*.
- (2) The *office*~~[department]~~ shall include the following divisions, each of which shall be headed by a director appointed by the secretary pursuant to KRS 12.050:
 - (a) The *Division of Finance and Personnel, which shall provide financial, personnel, facility, and contract administration services*~~[Grant Programs Division, which shall supervise and manage the Economic Development Bond Program, as set forth in KRS 154.12-100, and the Local Government Economic Development Program, as set forth in KRS 42.4588]~~;
 - (b) The *Compliance Division, which shall monitor incentives and collect and maintain data on incentives after they are awarded*~~[Direct Loan Programs Division, which shall supervise and manage the Direct Loan Program of the Kentucky Economic Development Finance Authority, as set forth in 307 KAR 1-020, and the Small Business Loans Branch]~~;
 - (c) The ~~[Tax-]~~*Incentive Assistance*~~[Programs]~~ Division, which shall *coordinate necessary documentation and assist the Department for Business Development in preparing recommendations and finalizing documents for presentation to the authority or other body for consideration and approval*~~[supervise and manage the Kentucky Industrial Development Act Program, as set forth in KRS 154.28-010 et seq., the Kentucky Jobs Development Act Program, as set forth in KRS 154.24-010 et seq., the Kentucky Industrial Revitalization Act Program, as set forth in KRS 154.26-010 et seq., the Kentucky Rural Economic Development Act Program, as set forth in KRS 154.22-010 et seq., and the Kentucky Enterprise Initiative Program, as set forth in KRS 154.20-200 to 154.20-216]~~; and
 - (d) The *Division of Network Administration*~~[Program Servicing Division]~~, which shall *coordinate internal information technology needs*~~[perform auditing, monitoring, and compliance functions for the Grant Programs Division, the Direct Loan Programs Division, and the Tax Incentive Programs Division within the Department of Financial Incentives]~~.
- (3) The *office*~~[department]~~ shall also include the *Kentucky Economic Development Finance Authority*~~[following entities]~~:
 - (a) ~~The Kentucky investment fund, established by KRS 154.20-250 to 154.20-284, which shall be attached to the department for administrative purposes and staff support; and~~
 - (b) ~~The Bluegrass State Skills Corporation, established by KRS 154.12-204 to 154.12-208, which shall be attached to the department]~~.

➔Section 6. KRS 154.12-278 is amended to read as follows:

- (1) As used in this section, "cluster" and "knowledge-based" shall have the same meaning as in KRS 164.6011.
- (2) *The Office of Entrepreneurship shall*~~[There is established the Department of Commercialization and Innovation in the Cabinet for Economic Development. The department shall be headed by a commissioner appointed by the Governor under KRS 12.040.~~
- (3) ~~The duties of the Department of Commercialization and Innovation shall include but not be limited to:]~~

- (a) Implement the Kentucky Innovation and Commercialization Center Program as set forth in KRS 154.12-300 to 154.12-310;
 - (b) ~~Monitor the return on investments and effectiveness of the Kentucky Innovation Act initiatives as set forth in the Strategic Plan for the New Economy as approved by the Kentucky Innovation Commission, January 7, 2002, or as revised, and report annually prior to November 1 to the Kentucky Innovation Commission, the Governor, and the General Assembly;~~
 - ~~(c)}~~ Oversee the modernization initiative in KRS 154.12-274;
 - ~~(c)}~~~~(d)}~~ Assist the cabinet in the recruitment of research and development companies;
 - ~~(d)}~~~~(e)}~~ Assist the cabinet in the attraction of high-technology research and development centers;
 - ~~(e)}~~~~(f)}~~ Support growth and creation of knowledge-based, innovative companies;
 - ~~(f)}~~~~(g)}~~ Build the infrastructure for *innovative*~~the new economy~~ businesses and promote networks of technology-driven clusters and research intensive industries;
 - ~~(g)}~~~~(h)}~~ Administer the high-tech construction pool and the high-tech investment pool;
 - ~~(h)}~~~~(i)}~~ Recommend projects to the Kentucky Economic Development Finance Authority for funding through the high-tech construction pool and high-tech investment pool; and
 - ~~(i)}~~~~(j)}~~ Review and approve the annual plan which details the annual allocation of funds from the Science and Technology Funding Program, prior to the Council on Postsecondary Education executing a contract with the science and technology organization to administer science and technology funding programs. As used in this paragraph, the Science and Technology Funding Program means the Kentucky Enterprise Fund Program, the Rural Innovation Program, the Kentucky Commercialization Program, The Regional Technology Corporations/Innovation and Commercialization Center Satellites, and the Experimental Program to Stimulate Competitive Research/Kentucky Science and Engineering Foundation.
- ~~(3)}~~~~(4)}~~ The high-tech construction pool shall be used for projects with a special emphasis on the creation of high-technology jobs and knowledge-based companies. The *executive director*~~commissioner~~, in administering the high-tech construction pool, shall recommend distribution of funds and projects to the Kentucky Economic Development Finance Authority for its approval. The *executive director*~~commissioner~~ shall recommend any designated amount of pool funds to be set aside for any match requirements. Any funds used for matching purposes may include public and private funds.
- ~~(4)}~~~~(5)}~~ The high-tech investment pool shall be used to build and promote technology-driven industries and research-intensive industries, as well as their related suppliers, with the goal of creating clusters of innovation-driven industries in Kentucky. The *executive director*~~commissioner~~, in administering the high-tech investment pool, shall be authorized to recommend funds to be used to support loans and grants, or to secure an equity or related position.
- ~~(5)}~~~~(6)}~~ The Kentucky Economic Development Finance Authority shall assure in their approval of funding of projects that the highest priority is given to knowledge-based companies in fulfillment of the purposes and intentions of the purposes of this section.

➔Section 7. KRS 154.12-240 is amended to read as follows:

- (1) The Regulatory Expediting Center is established within the cabinet to assist industries and businesses proposing to locate or expand existing operations in Kentucky with applications for permits, licenses, certificates, registration, and any other form of authorization or permit required by a state, federal, or local agency to engage in a particular business activity or act.
- (2) The center shall train and deploy persons with knowledge and skills essential to expediting a request for assistance by a prospective or expanding business or industry with applications for permits, licenses, certificates, registration, and any other form of authorization required by a state, federal, or local governmental agency to engage in a particular business activity or act.
- (3) Assistance given by the center regarding federal and local regulations and requirements necessary to engage in the proposed business activity or act shall be limited to providing the business or industrial entity with copies of application forms and other written information provided by the appropriate federal and local agencies. ~~The Business Information Clearinghouse as prescribed in KRS 154.12-216 shall develop and maintain a current list~~

~~of licensing, permitting, certification, registration, and other authorization requirements applicable to business or industrial development and expansions.]~~

- (4) Priority shall be given to business or industrial development or expansion proposals by businesses or industrial entities participating in an approved business network.

➔Section 8. KRS 11.065 is amended to read as follows:

- (1) The secretaries of the Justice and Public Safety Cabinet, the Education and Workforce Development Cabinet, the Public Protection Cabinet, the Transportation Cabinet, the Cabinet for Economic Development, the Cabinet for Health and Family Services, the Finance and Administration Cabinet, the Energy and Environment Cabinet, the Labor Cabinet, the Tourism, Arts and Heritage Cabinet, the Personnel Cabinet, the Governor's Executive Cabinet, **the chief information officer**, the state budget director, the Governor's chief of staff, and the Lieutenant Governor shall constitute the Governor's Executive Cabinet. There shall be a vice chairman appointed by the Governor who shall serve in an advisory capacity to the Executive Cabinet. The Governor shall be the chairman, and the secretary of the Finance and Administration Cabinet shall be a second vice chairman of the Executive Cabinet. The Governor may designate others to serve as vice chairman.
- (2) The cabinet shall meet not less than once every two (2) months and at other times on call of the Governor. The Executive Cabinet shall be a part of the Office of the Governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the Governor in the administration of the state government and shall assist the Governor in the proper operation of his office and perform other duties the Governor may require of them.
- (3) The cabinet shall consider matters involving policies and procedures the Governor or any member may place before it. The cabinet shall advise and consult with the Governor on all matters affecting the welfare of the state.

➔Section 9. KRS 42.722 is amended to read as follows:

As used in KRS 42.720 to 42.742, unless the context requires otherwise:

- (1) "Communications" or "telecommunications" means any transmission, emission, or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems, and includes all facilities and equipment performing these functions;
- (2) "Geographic information system" or "GIS" means a computerized database management system for the capture, storage, retrieval, analysis, and display of spatial or locationally defined data;
- (3) "Information resources" means the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel;
- (4) "Information technology" means data processing and telecommunications hardware, software, services, supplies, facilities, maintenance, and training that are used to support information processing and telecommunications systems to include geographic information systems;~~and~~
- (5) "Project" means a program to provide information technologies support to functions within an executive branch state agency, which should be characterized by well-defined parameters, specific objectives, common benefits, planned activities, expected outcomes and completion dates, and an established budget with a specified source of funding; **and**
- (6) **"Technology infrastructure" means any computing equipment, servers, networks, storage, desktop support, telephony, enterprise shared systems, information technology security, disaster recovery, business continuity, database administration, and software licensing.**

➔Section 10. KRS 42.724 is amended to read as follows:

- (1) There is hereby created within the Finance and Administration Cabinet an agency of state government known as the Commonwealth Office of Technology.
- (2) The Commonwealth Office of Technology shall be headed by an executive director, **also known as the chief information officer**, appointed by the secretary of the Finance and Administration Cabinet. Duties and functions of the executive director shall include **serving on the Governor's Executive Cabinet and** those established in KRS 42.730.

- (3) The Commonwealth Office of Technology shall consist of the following **five (5)**~~four (4)~~ offices, each headed by an executive director and organized into divisions headed by a division director:
- (a) Office of Enterprise Technology, **consisting of the:**
 - 1. ~~{which shall contain the }~~Division of IT Governance; **and**
 - 2. **Division of Enterprise Architecture;**
 - (b) Office of Infrastructure Services, consisting of the:
 - 1. Division of Technical Services;
 - 2. Division of Communications;
 - 3. Division of IT Operations; **and**
 - 4. Division of Field Services;~~{and~~
 - 5. ~~Division of Printing Services, which shall be responsible for the printing and duplicating needs of state agencies as designated by the Finance and Administration Cabinet;}~~
 - (c) Office of Application Development, consisting of the:
 - 1. Division of **Revenue Application Development**~~{Financial Information Technology}~~;
 - 2. Division of Agency **Application Development**~~{Information Technology}~~;
 - 3. Division of **Development** Support Services;~~{and}~~
 - 4. Division of Geographic Information Systems; and
 - 5. **Division of Data Management Services;**
 - (d) Office of Chief Information Security Officer. The office shall ensure the efficiency and effectiveness of information technology security functions and responsibilities; **and**
 - (e) **Office of Information Technology Service Management.**
- (4) Executive directors and division directors appointed under this section shall be appointed by the secretary with the approval of the Governor.

➔Section 11. KRS 42.726 is amended to read as follows:

- (1) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
- (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
 - (b) Assuring compatibility and connectivity of Kentucky's information systems;
 - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
 - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture. This specifically includes but is not limited to directions, standards, and architecture related to the privacy and confidentiality of data collected and stored by state agencies;
 - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;
 - (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth **and all related support staff, planning, administration, asset management, and procurement for all executive branch cabinets and agencies except:**
 - 1. **Agencies led by a statewide elected official;**
 - 2. **The nine (9) public institutions of postsecondary education;**

3. *The Department of Education's services provided to local school districts;*
 4. *The Kentucky Retirement Systems and the Teachers' Retirement System;*
 5. *The Kentucky Housing Corporation;*
 6. *The Kentucky Lottery Corporation;*
 7. *The Kentucky Higher Education Student Loan Corporation; and*
 8. *The Kentucky Higher Education Assistance Authority;*
- (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
 - (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
 - (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;
 - (j) Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
 - (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
 - (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
 - (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council; and
 - (p) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (2) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
 - (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
 - (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends,

the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and

- (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:
 - 1. New and emerging technologies as approved by the executive director or her or his designee; or
 - 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (3) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.

➔Section 12. The following KRS sections are repealed:

- 154.12-214 Definitions for KRS 154.12-215 to 154.12-220.
- 154.12-215 Duties of Department for Existing Business Development.
- 154.12-216 Business Information Clearinghouse Program -- Duties.
- 154.12-217 Licensing coordinators.
- 154.12-218 Small Business Advisory Council.
- 154.12-220 Administrative regulations -- Licensing authority.
- 154.12-222 Office of Administration and Support.
- 154.12-225 Department for New Business Development -- Duties.
- 154.12-2333 Kentucky Investment Capital Network.

➔Section 13. In order to reflect the reorganization effectuated by this Act, the reviser of statutes shall replace references in the Kentucky Revised Statutes to the agencies, subagencies, and officers affected by this Act with references to the appropriate successor agencies, subagencies, and officers established by this Act. The reviser of statutes shall base these actions on the functions assigned to the new entities by this act and may consult with officers of the affected agencies, or their designees, to receive suggestions.

➔Section 14. The General Assembly hereby confirms Resolution No. 13-03 of the Kentucky Economic Development Partnership, dated June 17, 2013, to the extent that it is not otherwise confirmed or superseded by this Act.

➔Section 15. The General Assembly hereby confirms Executive Order 2013-403, dated June 14, 2013, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 10, 2014.

CHAPTER 90

(HB 314)

AN ACT relating to landscape architects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 323A IS CREATED TO READ AS FOLLOWS:

An individual may be granted an inactive or retired license annually under the following conditions:

- (1) *An application for renewal of inactive status shall be upon a form and for a fee to be set by the board through the promulgation of administrative regulations. Each applicant shall furnish all information required by the board;*

- (2) *A licensee is exempt from continuing education requirements while on inactive or retired status;*
- (3) *An inactive or retired licensee may use and maintain the title of landscape architect but shall not engage in the practice of landscape architecture;*
- (4) *Inactive or retired licensees may apply for an active license after:*
 - (a) *Paying a fee and obtaining continuing education pursuant to administrative regulations promulgated by the board; and*
 - (b) *Meeting the requirements of subsection (5) of Section 7 of this Act; and*
- (5) *An inactive or retired licensee shall give the board written notice of any change of address within thirty (30) days.*

➔Section 2. KRS 323A.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the **Kentucky**~~[State]~~ Board of~~[Examiners and Registration of]~~ Landscape Architects~~[of Kentucky]~~;
- (2) "Landscape architect" means a person who engages in the practice of landscape architecture as defined in subsection (3) of this section;
- (3) The "practice of landscape architecture", means to render or offer to render any professional service in connection with the planning of outdoor space involving the relationships of people, flora and fauna, and facilities, with emphasis on the function, preservation, conservation, restoration, and enhancement of the physical environment, by arranging land and water and the elements thereon, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and sub-soil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape ecology and environment, in accordance with the accepted professional standard of public health, welfare, and safety. The practice of landscape architecture shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subsection. The practice of landscape architecture shall not include the design of structures of facilities with separate and self-contained purposes for habitation or industry, public streets or streets intended for public dedication, highways, utilities, storm and sanitary sewers, or sewage treatment facilities, if ordinarily included in the practice of engineering or architecture. Nothing contained in this subsection shall preclude a duly licensed landscape architect from performing any of the services described in the first sentence of this subsection in connection with the setting, approaches, or environment for buildings, structures, or facilities; **and**
- (4) "Professional services" means the providing of professional landscape architectural services for compensation. "Professional services" may include consultation, investigation, reconnaissance, research, planning, design, or responsible supervision~~;~~;
- ~~(5) "Expired license" means the status of a landscape architect's license if the license has not been renewed for failure to pay the required renewal fees or for failure to meet the continuing education requirements as provided in KRS 323A.100;~~
- ~~(6) "Suspended license" means the status of a landscape architect's license if the license is inoperative for failure to renew the license beyond the expiration date or because of action of the board;~~
- ~~(7) "Revoked license" means the status of a landscape architect's license if the privilege to engage in the practice of landscape architecture has been canceled;~~
- ~~(8) "Inactive license" means the status of a landscape architect's license if the licensee has voluntarily chosen not to practice landscape architecture].~~

➔SECTION 3. KRS 323A.040 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

Every applicant for licensure as a landscape architect shall:

- (1) *Be at least twenty-one (21) years of age;*
- (2) *Be a graduate of an accredited landscape architecture curriculum approved by the board;*
- (3) *Pass a national examination as prescribed by the board;*

- (4) *Submit a completed application as provided by the board through the promulgation of administrative regulations;*
- (5) *Pay the required fees; and*
- (6) *Document at least two (2) years of experience related to the practice of professional landscape architecture under the supervision of a licensed landscape architect, engineer, or architect, within five (5) years prior to submitting the application for licensure.*

➔Section 4. KRS 323A.050 is amended to read as follows:

Any person who is a licensed landscape architect in *the United States or* another~~[-state or-]~~ country where the qualifications prescribed at the time of licensing were, in the opinion of the board, equal to those prescribed in the Commonwealth at the date of application, may be granted a license~~[-without an examination-]~~.

➔SECTION 5. KRS 323A.060 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *The board shall promulgate administrative regulations to establish the following fees:*
 - (a) *Application fee;*
 - (b) *Reinstatement fee;*
 - (c) *Reactivation fee;*
 - (d) *Renewal fees for active, inactive, and retired licensees; and*
 - (e) *Duplicate license fee.*
- (2) *The fees as established by administrative regulation shall be paid to the board, and shall not be refunded in whole or in part.*

➔Section 6. KRS 323A.080 is amended to read as follows:

- (1) Each landscape architect licensed to practice within the Commonwealth shall secure ~~a[an embossed circular]~~ seal of the design prescribed by the administrative regulation of the board.
- (2) *Each landscape architect shall sign and seal* all working drawings, specifications, and reports prepared by *the landscape architect[-]* or under *his or her[the]* supervision~~[-of the individual, partnership, or firm shall bear the imprint of this seal-]~~.
- ~~(3) No landscape architect shall sign or affix his seal to any drawings, specifications or reports which have not been prepared under his immediate supervision.]~~

➔SECTION 7. KRS 323A.100 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *All landscape architects desiring to continue practice shall annually, prior to July 1, renew their licenses upon the payment of a fee and completion of approved continuing education as established by the board through the promulgation of administrative regulations. Each landscape architect shall furnish the information required by the board.*
- (2) *Each landscape architect shall give the board written notice of any change of address within thirty (30) days.*
- (3) *Licenses expire on July 1. Thereafter, individuals whose licenses have expired as a result of nonrenewal may not hold themselves out to be landscape architects or engage in the practice of landscape architecture.*
- (4) *The board may restore a license within five (5) years of last expiration, upon receipt of payment of all applicable fees, including a reinstatement fee, and completion of approved continuing education as established by the board through the promulgation of administrative regulations.*
- (5) *Beginning on January 1, 2015, any landscape architect who fails to maintain an active license for five (5) or more consecutive years or who does not hold a valid license described in Section 4 of this Act may restore his or her license only upon retaking and passing the current examination required by the board for licensure, and paying the reinstatement fee.*

➔Section 8. KRS 323A.110 is amended to read as follows:

~~[(1)]~~ The board may *refuse to issue or renew a license, or may place on probation, reprimand,* suspend, or revoke the license of any landscape architect to practice landscape architecture in the Commonwealth of Kentucky, and may

impose a fine of not less than one hundred dollars (\$100) nor more than ~~ten[one]~~ thousand dollars ~~(\$10,000)[(\$1,000)]~~ per violation, for any of the following reasons:

- (1)~~[(a)]~~ **Incompetence**~~[Gross incompetency]~~ or ~~[gross]~~ negligence in **the practice of landscape architecture**~~[planning or designing the development of land areas]~~, as determined by the board;
- (2)~~[(b)]~~ Unprofessional conduct, or conduct tending to bring the profession into disrepute, as determined by the board;
- (3)~~[(c)]~~ Conviction of a felony, **including all instances in which a plea of nolo contendere or no contest is the basis of the conviction**;
- (4)~~[(d)]~~ Fraudulent or dishonest landscape architectural practice;
- (5)~~[(e)]~~ Use of false evidence or misrepresentations in an application for license;
- (6)~~[(f)]~~ Signing or affixing his **or her** seal to any plans, prints, specifications, or reports which have not been prepared by **the landscape architect**~~[him]~~ personally or under his **or her** immediate supervision;
- (7)~~[(g)]~~ Failure to meet the continuing education requirements established by administrative regulation of the board;
- (8) **Impairment due to drugs, alcohol, or mental disability to an extent that continued practice may be dangerous to clients or to public safety;**
- (9) **Failure to comply with an order issued by the board; and**
- (10) **Violation of any state statute or administrative regulation governing the practice of landscape architecture.**

~~[(2)] The board shall revoke the license of a landscape architect who practices landscape architecture while his license is inactive or suspended.~~

➔Section 9. KRS 323A.120 is amended to read as follows:

- (1) No **licensee**~~[license]~~ shall be **disciplined**~~[revoked or suspended]~~ without **an opportunity for** a hearing~~[, except a license suspended for failure to either pay a required fee or meet the continuing education requirements as established by administrative regulation of the board]~~. Hearings of the board shall be conducted in accordance with KRS Chapter 13B.~~[The board may proceed against a licensee on its own initiative, on the basis of either information contained in its own records or information obtained through its informal investigation. If a formal complaint, verified by affidavit, is filed with the board by a responsible citizen or organization, containing allegations that if it were true shall warrant suspension or revocation of a license, the board shall proceed against the licensee within three (3) months.]~~
- (2) Any **disciplined licensee**~~[person whose license is revoked or suspended]~~ may appeal the final order to Franklin Circuit Court in accordance with KRS Chapter 13B.

➔Section 10. KRS 323A.170 is amended to read as follows:

Four (4) members of the board appointed by the Governor shall be landscape architects **licensed**~~[registered]~~ in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth for at least five (5) years immediately preceding their appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. Each member shall serve for a term of three (3) years, and until **a**~~[his]~~ successor is appointed and qualified~~[, except that of the members appointed after July 15, 1998, two (2) members appointed to fill the terms expiring on June 30, 2000, shall serve until February 1, 2001; and subsequent appointments shall be for three (3) year terms ending on February 1]~~.

➔Section 11. KRS 323A.180 is amended to read as follows:

The board~~[, at the first meeting of each fiscal year,]~~ shall elect a **chairperson**,~~[president and]~~ secretary, and treasurer **annually, or more frequently if required by the circumstances**. The offices of secretary and treasurer may be held by the same person.

➔Section 12. KRS 323A.190 is amended to read as follows:

Each member of the board shall receive an amount not to exceed ~~two[one]~~ hundred dollars **(\$200)**~~[\$100]~~ for each day or part thereof spent in the performance of~~[his]~~ official duties, including time spent in necessary travel. In addition, each member of the board shall be reimbursed for all necessary and proper traveling and incidental expenses incurred in connection with **these**~~[his]~~ duties.

➔Section 13. KRS 323A.200 is amended to read as follows:

A quorum of the board shall consist of at least three (3) members. The concurring votes of three (3) members shall be considered as the action of the board~~[, except in the case of revoking a license, in which case, the unanimous vote of the board shall be required].~~

➔Section 14. KRS 323A.210 is amended to read as follows:

(1) The board shall:

- (a) Adopt and provide itself with a seal with a band inscribed, "**Kentucky**~~[State]~~ Board of ~~Examiners and Registration of~~ Landscape Architects~~[of Kentucky]~~" with the coat of arms of the state in the center;
- (b)~~[Make all necessary administrative regulations concerning the contents and conduct of examinations, the method and time for filing applications for examinations and the time within which an applicant shall be examined after his application has been filed;~~
- (e)~~]~~ Keep a complete record of its proceedings and an accurate list of all applications made, licenses issued,~~[licenses suspended,]~~ inactive **and retired** licenses, and licenses **disciplined**~~[revoked];~~
- (c)~~[(d)]~~ Make a general report including finances to the Governor annually; and
- (d)~~[(e)]~~ Employ legal counsel or contract for legal services it considers necessary.

(2) The board may:

- (a) **Promulgate**~~[Adopt]~~ administrative regulations necessary to **maintain**~~[establish]~~ a program of continuing education for **licensees**~~[registrants under this chapter]~~. Continuing education requirements shall be determined by administrative regulation of the board. No requirement for continuing education shall exceed fifteen (15)~~[clock]~~ hours per year.
- (b) Adopt all reasonable administrative regulations **consistent**~~[not inconsistent]~~ with this chapter that are necessary to carry into effect the purposes of this chapter.

➔Section 15. KRS 323A.230 is amended to read as follows:

Whenever in the judgment of the board any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, a violation of KRS 323A.020, the board may~~[inform the Attorney General, who may]~~ make application to the Franklin Circuit Court for an order enjoining such acts or practices, or the board may inform the **prosecuting**~~[Commonwealth's]~~ attorney of the county in which the acts or practices are occurring or will occur who may make application to the Circuit Court of that county for an order enjoining such acts or practices. Upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. Any order of the Franklin Circuit Court shall be enforceable and shall be valid anywhere in this Commonwealth and the order of either court shall be reviewable as provided in the Rules of Civil Procedure, in the case of other injunctions and restraining orders.

➔Section 16. KRS 323A.990 is amended to read as follows:

Any person who violates any provision of this chapter shall be **guilty of a Class A misdemeanor**~~[fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)].~~

➔Section 17. KRS 224.10-052 is amended to read as follows:

- (1) The Office of Occupations and Professions in the Public Protection Cabinet shall provide administrative services, technical assistance, and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: the State Board of Accountancy, the Kentucky Board of Architects, the Kentucky Board of Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Kentucky Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board of Auctioneers, the **Kentucky**~~[State]~~ Board of ~~Examiners and Registration of~~ Landscape Architects, the State Board of Medical Licensure, the Board of Speech-Language Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home

Administrators, the Kentucky Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of Social Work, and such other boards and commissions as are created to license, certify, register, or otherwise regulate any occupational or professional category.

- (2) The office may also provide administrative services to a board or commission that is created to license, certify, register, or otherwise regulate any occupational or professional category if these administrative services are deemed to be preferable or required after the review process conducted under KRS 224.10-053.
- (3) To the extent that the office provides administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The office shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The office may employ persons previously employed by boards or commissions.
- (4) The office may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the office for administrative purposes. The office shall cause such complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The office shall keep a record of all complaints received by it and forwarded to a board or commission.
- (5) Any board or commission listed in subsection (1) of this section, shall accept personal checks in payment of license renewal fees.

➔Section 18. The following KRS sections are repealed:

323A.025 Effect of expired, suspended, revoked, or inactive license -- Restoration or reactivation of license.

323A.070 Reexamination.

323A.090 Form of license certificate.

Signed by Governor April 10, 2014.

CHAPTER 91

(HB 322)

AN ACT relating to special military license plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 186.041 is amended to read as follows:

- (1) Each initial and renewal application by a person who meets the criteria of paragraph (a) of this section and each initial application by a person who meets the criteria of paragraphs (b) and (c) of this section for a special military license plate shall be accompanied by proof that the person is associated with the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, United States Coast Guard Auxiliary, Kentucky National Guard, Merchant Marines with service between December 7, 1941, and August 15, 1945, or Civil Air Patrol in one (1) of the following ways:
 - (a) An active component member;
 - (b) A retired member; or
 - (c) A veteran who received a discharge under honorable conditions, or the veteran's widow and:
 1. Performed twenty-four (24) months of active-duty service;
 2. Received an early release due to injuries or other medical condition, or at the convenience of the service;
 3. Received a hardship discharge;
 4. Was separated or retired due to a disability; or
 5. Was determined to have a service-connected disability incurred during the enlistment.

- (2) The member, retired member, veteran, or reservist may purchase an unlimited number of special military-related license plates described in subsection (1) of this section, annually for vehicles they own or lease. A disabled veterans license plate shall expire on July 31.
- (3) A recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross shall be eligible for a Service Cross license plate upon submission of an application to the Kentucky Department of Veterans' Affairs. The recipient shall be required to include with the initial application for a Service Cross license plate a copy of the general order that authorized the award and the recipient's Department of Defense form number 214. The Department of Veterans' Affairs shall verify the documentation submitted with the application for a Service Cross license plate, and if the individual applying for the plate is confirmed to be a recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross, the Department of Veterans' Affairs shall submit the applicant's name to the Transportation Cabinet's Division of Motor Vehicle Licensing not later than September 1 preceding the year that the Service Cross license plate is to be initially issued or renewed. When the Service Cross license plate is ready, the plate shall be sent to the county clerk in the county of the applicant's residence. The Transportation Cabinet's Division of Motor Vehicle Licensing shall inform each applicant in writing that the Service Cross license plate is ready and may be picked up at the county clerk's office. The Transportation Cabinet shall prescribe the type of application form required by this subsection and shall supply the Department of Veterans' Affairs with the application form required by this subsection.
- (4) A person who is a former prisoner of the enemy during World War I, World War II, the Korean War, or the Vietnam War, or the spouse of a deceased former prisoner of war, shall be eligible for a former prisoner of war license plate by submitting written proof from the United States Department of Veterans Affairs or other appropriate federal agency stating the period of time the person or person's spouse was a prisoner of war. If a former prisoner of war dies with a vehicle licensed as authorized under this section, the person's surviving spouse may retain the license plate for use on the same vehicle or on another vehicle that complies with KRS 186.164(7).
- (5) A person who is certified by the Kentucky chapter of the Pearl Harbor Survivors Association as being a survivor of the attack on Pearl Harbor shall be eligible for a Pearl Harbor license plate and shall be required to attach to the special military-related license plate application written evidence from the Kentucky chapter of the Pearl Harbor Survivors Association that the person:
 - (a) Was a member of the United States Armed Forces on December 7, 1941;
 - (b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m., Hawaii time, at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles;
 - (c) Was discharged honorably from the United States Armed Forces; and
 - (d) Is certified by the Kentucky chapter of the Pearl Harbor Survivors Association.
- (6) A person who is eligible to receive a Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plate under KRS 186.164(15)(a) may receive up to two (2) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates free of charge and may purchase additional license plates by paying the same fee as for special military-related plates issued under KRS 186.162(2)(d) annually for vehicles he or she owns or leases.
- (7) The surviving spouse of a Purple Heart recipient, or a Kentucky National Guard member or a retired member, who possessed a vehicle licensed with the Purple Heart recipient special license plate or the Kentucky National Guard special license plate, may retain the license plate for use on the same vehicle or another vehicle that complies with KRS 186.164(7). The surviving spouse may renew the license plate indefinitely, provided the appropriate registration fee is paid annually.
- (8) *A person who is attending or who is a graduate of the United States Air Force Academy, the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy shall be eligible for a special military service academy license plate. A special military service academy license plate under this subsection shall use the same plate template as the standard special military license plate under subsection (1) of this section, with stickers to identify the various service academies. The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the proof required to demonstrate current attendance or graduation from a service academy. An eligible applicant may receive up to two (2) special military service academy license plates.*

➔Section 2. KRS 186.162 is amended to read as follows:

- (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:

- (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
 - (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
 - (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
 - (d) "CF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by a county clerk; and
 - (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.
- (2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:
- (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:
 - 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - (b) Former prisoners of war and survivors of Pearl Harbor:
 - 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
 - (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
 - 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, or the Bronze Star Medal awarded for valor; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); ***individuals eligible for a special military service academy license plate under subsection (8) of Section 1 of this Act***; and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
 - 1. Initial Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 - (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
 - 1. Initial Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
 - 2. Renewal Fee: \$3 (\$0 SF/\$3 CF/\$0 EF).
 - (f) Disabled license plates:
 - 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).

2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (g) Historic vehicles:
 1. Initial Fee for two plates: \$53 (\$50 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
 1. Initial Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (j) Emergency management:
 1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (k) Fraternal Order of Police:
 1. Initial Fee: \$45 (\$37 SF/\$3 CF/\$5 EF to the Kentucky FOP Death Benefit Fund).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
 1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
- (n) Street rods:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (o) Nature plates:
 1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (q) Kentucky General Assembly:
 1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).

2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$40 (\$37 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$8 (\$0 SF/\$3 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
1. Initial Fee: \$28 (\$25 SF/\$3 CF/\$0 EF).
 2. Renewal Fee: \$15 (\$12 SF/\$3 CF/\$0 EF).
- (t) Collegiate plates:
1. Initial Fee: \$50 (\$37 SF/\$3 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the child victims' trust fund established under KRS 41.400).
- (w) Kentucky Horse Council:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to the Kentucky Horse Council).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
1. Initial Fee: \$38 (\$25 SF/\$3 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:

1. Initial Fee: \$25 (\$12 SF/\$3 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: \$20 (\$12 SF/\$3 CF/\$5 EF to the Kentucky Department of Veterans' Affairs).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates issued under this section or established under the provisions of KRS 186.164 after the cabinet has received three hundred (300) applications and initial state fees from the sponsoring organization. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).

➔Section 3. KRS 186.166 is amended to read as follows:

- (1) The Transportation Cabinet shall, unless directed otherwise by the General Assembly, perpetually produce the following special license plates: military license plates, U.S. Congressional license plates, firefighter license plates, emergency management license plates, Fraternal Order of Police license plates, Law Enforcement Memorial license plates, street rod license plates, nature license plates, amateur radio license plates, Kentucky General Assembly license plates, Kentucky Court of Justice license plates, Masonic Order license plates, collegiate license plates, independent college and university license plates, child victims' trust fund license plates, Kentucky Horse Council license plates, Ducks Unlimited license plates, Gold Star Mothers license plates, Silver Star Medal license plates, Bronze Star Medal license plates, spay neuter license plates, *service academy license plates*, and I Support Veterans license plates.
- (2) The design of the plates identified for perpetual production under this section may be revised upon request of a group or organization requesting a design revision under the provisions of KRS 186.164(15).
- (3) (a) The design of a Purple Heart license plate shall not include any representation of the word "Kentucky" that is a registered trademark or slogan which appears on a general issue license plate.
- (b) The design of a Purple Heart license plate shall include a representation of the Purple Heart medal and the words "Combat Wounded."

➔Section 4. This Act takes effect January 1, 2015.

Signed by Governor April 10, 2014.

CHAPTER 92

(HB 331)

AN ACT relating to municipal classification.

WHEREAS, Section 156 of the Constitution was repealed and Section 156a of the Constitution was ratified in 1994, authorizing the General Assembly to provide for the classification of cities as it deems necessary based on population, tax base, form of government, geography, or any other reasonable basis, and to enact legislation relating to the classifications; and

WHEREAS, in devising a classification system for cities, certain sections of the Constitution, including Section 160, use the classes of the system in use at the time of the ratification of the 1891 Constitution and the ratification of the 1994 amendments to that Constitution; and

WHEREAS, the General Assembly, in invoking its authority to devise a new classification system under the broad authority of Section 156a of the Constitution does not intend to render any part of the Constitution without meaning, but may necessarily and as a part of devising a new classification system, may need to use new terms or

define existing classification terms in these constitutional sections, all of which pre-date the 1994 ratified amendments, within the context of the revised classification system.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

- (1) *Cities shall be organized into two (2) classes based on the form of their respective government. The two (2) classes of cities shall be:*
 - (a) *First class, which shall include cities organized and operating under the mayor-alderman plan of government in accordance with KRS Chapter 83; and*
 - (b) *Home rule class, which shall include any city government organized and operating under the following classes of government:*
 1. *City manager plan of government in accordance with KRS 83A.150;*
 2. *Mayor-council plan of government in accordance with KRS 83A.130; or*
 3. *Commission plan of government in accordance with KRS 83A.140.*
- (2) *Cities incorporated before January 1, 2015, shall be classified in accordance with the classes set out in subsection (1) of this section on January 1, 2015.*
- (3) *When a city is incorporated on or after January 1, 2015, that city's initial classification shall be the form of government designated by the court upon incorporation in accordance with Section 4 of this Act.*
- (4) *A city shall be deemed to be reclassified to the class designated under subsection (2) of this section upon the effective date of a change in the form of government pursuant to Section 7 of this Act.*
- (5) *When a city changes class, it shall thereafter be governed by the laws relating to the class to which it is assigned, but the change from one (1) class to another shall not affect any ordinance previously enacted by the city, except that any ordinance in conflict with the laws relating to cities of the class to which the city is assigned shall be repealed to the extent the ordinance so conflicts.*
- (6) *A city that is reclassified shall provide the Secretary of State written notice of the reclassification, including the effective date of the reclassification no later than thirty (30) days after the effective date of the reclassification pursuant to Section 7 of this Act.*
- (7) *In order to update the record of incorporation of cities in the Secretary of State's office, every city operating as a public corporation and a unit of local government shall file with the Secretary of State before January 1, 2015, a document listing the name of the city, the year of its incorporation, form of government, and the classification assigned the city by this section. If a city fails to comply with this subsection, it shall be barred from receiving state moneys until such time as the city complies.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

- (1) *If the General Assembly establishes a population requirement for cities and bases that population requirement upon the most recent federal decennial census, a city may file a petition with the circuit clerk of the county in which the city, or the largest part of the city, is contained, if the city is in more than one (1) county, and, as a consequence, more than one (1) judicial circuit, to certify the city's population at a number different than shown by the most recent federal decennial census.*
- (2) *The petition shall be presented in the form of a resolution passed by the city legislative body and shall contain:*
 - (a) *An accurate map of the city;*
 - (b) *An affidavit certifying new growth of the city that may be through any of the following:*
 1. *Annexation since the most recent federal decennial census;*
 2. *Property valuation records;*
 3. *Population counts conducted by the city, or by a person contracted with the city;*
 4. *Census estimates of the United States Bureau of Census; and*

5. *Any other data that the city may provide to certify the additional growth of the city since the most recent federal decennial census.*
- (3) *The petition shall be docketed for hearing not less than sixty (60) days from the date of filing the petition. Notice of the filing of the petition and of its object shall be given by publication pursuant to KRS Chapter 424.*
- (4) *At the hearing, the court shall, if the proper notice has been given and publication made and no defense is interposed, enter a judgment declaring the city's population as requested by the petition filed pursuant to this section, if the court finds that the information provided pursuant to subsection (2) of this section is accurate.*
- (5) *Defense may be made to the petition by any resident of the city and, if so, the court shall hear and determine the same, and render a judgment either declaring the city's population as requested by the petition, or by refusing to declare the city's population as requested by the petition. If the court refuses to declare the city's population as requested by the petition, then the population as determined by the most recent federal decennial census shall remain effective for determining the city's population pursuant to the requirements in state law. If the court finds in favor of the petitioners, the court shall in the judgment direct the clerk of the court wherein the judgment is entered to, not later than ten (10) days thereafter, certify a copy thereof to the county clerk who shall properly index and file the judgment as a permanent record in his office.*
- (6) *A judgment of the court of the city's population shall be used to determine the city's population for any population requirements established by the General Assembly wherein the most recent federal decennial census is used to measure the population of a city.*
- (7) *At the time of the federal decennial census next following any judgment of the court finding the city's population to be different than that of the federal decennial census, the judgment shall expire and that population determination of the most recent federal decennial census shall be used to determine the population for any population requirements established by the General Assembly until such time a city petitions the court for a determination of population under the provisions of this section.*

➔ Section 3. KRS 81.028 is amended to read as follows:

- (1) Any city located in a county containing a consolidated local government~~[or a city of the first class]~~ which ~~was~~^{is} reclassified as a city of the second class after March 16, 2000, **but prior to January 1, 2015, under a classification system in effect before January 1, 2015**, shall be exempt from the provisions of KRS 90.300 to 90.400, 95.430 to 95.500, and 95.851 to 95.991 relating to the organization and structure of civil service systems, police departments, fire departments, and pension systems in cities~~[of the second class]~~.
- (2) In lieu of the requirements of these statutes, any city reclassified **under the conditions set out in subsection (1) of this section**~~[as a city of the second class]~~ shall ensure that police and fire protection services are provided for the citizens of the city in the same manner and at least at the same level of service as was being provided prior to the reclassification.
- (3) Nothing in this section shall prevent a city from restructuring or creating a new civil service system, police department, or fire department after a reclassification **under the conditions set out in subsection (1) of this section**~~[to a city of the second class]~~. Any city that restructures or creates a new civil service system, police department, or fire department may adopt any of the provisions of KRS 90.300 to 90.400, 95.430 to 95.500, and 95.851 to 95.991 relating to the organization and structure of civil service systems, police departments, fire departments, and pension systems~~[in cities of the second class]~~.
- (4) If fire protection service ~~was~~^{is} being provided by a fire protection district in any city that ~~was~~^{is} reclassified **under the conditions set out in subsection (1) of this section**~~[as a city of the second class]~~, the reclassification shall in no way affect the operations of the fire protection district and the services it provides. If at any time after a city is reclassified~~[as a city of the second class]~~, the fire protection district ceases to exist or fails to adequately provide for the fire protection needs of the city, the city shall have the right to create its own fire department or secure some other means for the provision of adequate fire protection services.

➔ Section 4. KRS 81.060 is amended to read as follows:

- (1) At the hearing the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a city as requested by the petition, filed pursuant to KRS 81.050, if the court finds as a matter of law that the following standards have been met:
 - (a) At least three hundred (300) persons reside in the territory sought to be incorporated;

- (b) Incorporation constitutes a reasonable way of providing the public services sought by the voters or property owners of the territory, and there is no other reasonable way of providing the services;
 - (c) The territory is contiguous;
 - (d) The territory is able to provide necessary city services to its residents within a reasonable period after its incorporation; and
 - (e) The interest of other areas and adjacent local governments is not unreasonably prejudiced by the incorporation.
- (2) In determining whether the standards for incorporation have been met, the court shall consider, but shall not be limited to the consideration of the following criteria:
- (a) Whether the character of the territory is urban or rural;
 - (b) The ability of any existing city, county or district to provide needed services;
 - (c) Whether the territory and any existing city are interdependent or part of one (1) community;
 - (d) The need for city services in the territory;
 - (e) The development scheme of applicable land-use plans;
 - (f) The area and topography of the territory; and
 - (g) The effect of the proposed incorporation on the population growth and assessed valuation of the real property in the territory.
- (3) Defense may be made to the petition by any inhabitant of the proposed city, and if defense is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish a city, as may seem proper.
- (4) If the court renders judgment granting the petition, the order shall set out the name of the city, a metes and bounds description of its boundaries, the population contained therein, ***the form of government under which the city shall operate***, and the class to which the city shall be assigned by reason of its ***form of government as set out in Section 1 of this Act*** ~~population~~. The order shall appoint the officers appropriate to the class of the new city, who shall hold their respective offices until the next regular election at which city officers are elected, at which time officers shall be elected by the residents of the new city.
- (5) Whenever any city shall be established in the manner above provided, the court shall in the judgment direct the clerk of the court wherein such judgment is entered to, not later than ten (10) days thereafter, certify a copy thereof to the Secretary of State, whose duty it shall be to properly index and file the same as a permanent record in his office.

➔Section 5. KRS 81.500 is amended to read as follows:

- (1) When two (2) cities of the ***home rule*** ~~second through the sixth~~ class have a common boundary and it is determined that a specified area within one (1) city can be better served by the adjoining city, the specified incorporated area may be transferred to the adjoining city upon enactment of identical ordinances by each city legislative body and the submission of a petition in support of the transfer signed by voters in the area to be transferred.
- (2) The ordinances declaring the transfer of property between two (2) cities shall include, but not be limited to, the following:
- (a) A definition of the area to be transferred;
 - (b) A statement of the financial considerations between the two (2) cities regarding the area and the terms of any financial agreements;
 - (c) The resolution of any taxes or revenues from the area; and
 - (d) A statement of the land use or zoning regulations which would be applicable to the area being transferred if planning and zoning is in effect pursuant to KRS Chapter 100 in either city.
- (3) Prior to the effective date of the transfer of the property, a petition in support of the transfer, containing a number of signatures of residents in the area to be transferred which is not less than fifty-one percent (51%) of the number of registered voters in the area to be transferred, shall be submitted to the county clerk of the county from which the property is being transferred. The county clerk shall within ten (10) working days of

receipt of the petition notify each city of the validity of each signature and address on the petition. No petition shall be required to be submitted when the property proposed for transfer contains no residents and the property owners consent in writing to the transfer.

- (4) The enactment of ordinances by each city shall be pursuant to KRS 83A.060.
- (5) The authority for the transfer of incorporated property between cities shall be exclusive of the provisions of KRS 81A.440.
- (6) In addition to other public notice requirements, cities involved in the transfer of incorporated areas between cities shall comply with the provisions of KRS 81A.470 and 81A.475.
- (7) The incorporated area being transferred shall assume the local option status of the city to which it is being transferred.

➔Section 6. KRS 81A.530 is amended to read as follows:

- (1) When ~~any~~^a city **with a population equal to or greater than one thousand (1,000)**~~[of the third, fourth, or fifth class]~~ and a city **with a population of less than one thousand (1,000)**~~[of the sixth class]~~ have a common boundary, and it is determined by the legislative body of the city **with a population of less than one thousand (1,000)**~~[of the sixth class]~~ and of the adjoining city **with a population equal to or greater than one thousand (1,000)**~~[of the third, fourth, or fifth class]~~ that the entire area of the city **with a population of less than one thousand (1,000)**~~[of the sixth class]~~ can be better served by the adjoining city, the entire area of the city **with a population of less than one thousand (1,000)**~~[of the sixth class]~~ may be annexed to the adjoining city and the city **once annexed shall be**~~[of the sixth class]~~ dissolved after the enactment of identical ordinances by each legislative body according to the provisions of this section.
- (2) The ordinances declaring the annexation~~[of the city of the sixth class by the adjoining city]~~ shall include, but not be limited to, the following:
 - (a) A statement of the financial consideration, if any, between the two (2) cities regarding the area of the city **being annexed**~~[of the sixth class]~~ and the terms of any financial arrangements;
 - (b) The resolution of any taxes or revenues from the area of the city **being annexed**~~[of the sixth class]~~;
 - (c) A statement of the land use or the zoning regulations that would be applicable to the area of the city **being annexed**~~[of the sixth class]~~ if planning and zoning is in effect pursuant to KRS Chapter 100 in either city; and
 - (d) The date that the annexation of the city **being annexed**~~[of the sixth class]~~ by the adjoining city would be effective, which shall not be more than one (1) year after the date on which the last of the identical ordinances is adopted.
- (3) In order for the annexation to be completed, either of the following procedures shall be followed and concluded:
 - (a) Prior to the effective date of the annexation of the area of the city **being annexed**~~[of the sixth class]~~ into the adjoining city, a petition in support of the annexation, containing a number of signatures of residents in the area of the city **being annexed**~~[of the sixth class]~~ that is not less than fifty-one percent (51%) of the number of registered voters in the area of ~~that the~~ city~~[of the sixth class]~~, shall be submitted to the county clerk of the county in which the city **being annexed**~~[of the sixth class]~~ is located. The county clerk shall within ten (10) working days of receipt of the petition notify each city of the validity of each signature and address on the petition; or
 - (b) An election shall be held to determine the desire of the voters in the city **being annexed**~~[of the sixth class]~~. An election shall be held at a regular election. The qualifications of voters and all other matters in regard to the election shall be governed by the general election laws. The question shall be submitted in substantially the following form: "Are you in favor of annexing the city of _____ into the city of _____ and dissolving the city of _____? Yes _____ No _____".
- (4) If the requisite number of signatures is verified by the county clerk as provided in subsection (3)(a) of this section, or if a majority of the legal votes cast at the election in the city~~[of the sixth class]~~ proposing to be annexed favors the annexation, the annexation shall proceed and become effective, and the city **being annexed**~~[of the sixth class]~~ shall be dissolved at the date provided in the identical ordinances adopted by the legislative bodies of **both cities**~~[the city of the sixth class and of the adjoining city]~~ upon the enactment by the

legislative body of the adjoining city of an ordinance accepting the annexation of the city ***being annexed***~~[of the sixth class]~~.

- (5) All assets of the city ***being annexed***~~[of the sixth class]~~ existing on the date of annexation shall become the property of the annexing city. Any indebtedness for which the city ***being annexed***~~[of the sixth class]~~ is liable on the date of annexation shall be assumed by the annexing city, so that after annexation the burden of taxation shall be uniform throughout the area of the two (2) cities.
- (6) The enactment of ordinances by each city shall be pursuant to KRS 83A.060.
- (7) The authority for the annexation of the city ***being annexed***~~[of the sixth class]~~ shall be exclusive of the provisions of KRS 81A.440.
- (8) In addition to other public notice requirements, the annexing city shall comply with the provisions of KRS 81A.470, but shall not be required to comply with the provisions of KRS 81A.475. The city clerk of the city ***being annexed***~~[of the sixth class]~~ shall, within sixty (60) days after the effective date of the dissolution of ~~that~~~~[the]~~ city~~[of the sixth class]~~, give written notice of the dissolution and the date of the dissolution to the Secretary of State who shall properly index and file the notice and date as a permanent record in the secretary's office.
- (9) The area of the city~~[of the sixth class]~~ being annexed shall assume the local option status of the city by which it is being annexed.
- (10) ***For the purposes of this section, the city population shall be determined by using the populations contained in the most recent federal decennial census.***

➔Section 7. KRS 83A.160 is amended to read as follows:

- (1) Any city may become organized and governed under the mayor-council plan, the commission plan or the city manager plan only by popular vote in accordance with KRS 83A.120.
- (2) If a majority of the votes cast are in favor of changing the organization and government of the city, the corporate entity of the city shall remain the same as it was before the change. All laws applicable to and governing cities and not inconsistent with the newly adopted plan shall continue to apply to and govern each city that so changes its plan. All city ordinances, resolutions and orders in force in any such city and not inconsistent with the newly adopted plan shall continue in force until amended or repealed in the manner provided in the new plan.
- (3) Upon the expiration of the terms of the existing legislative body members, or if terms are staggered, when the terms of a sufficient number of members have expired to achieve a correct number of members remaining, or upon election of a sufficient number of additional members at the next regular election to achieve a correct number of members, the city shall be organized and governed under the newly adopted plan as provided in this chapter and shall take action necessary to be in compliance with this chapter. In no event shall a city not be in compliance two (2) years after the adoption of the new plan by the voters.
- (4) Failure on the part of any ministerial officer to perform the duties required of him by this section shall not prevent the change of the plan of organization and government of the city.
- (5) No city which changes the plan under which it is organized and governed under this section shall again change the plan sooner than five (5) years from the effective date of the last change.
- (6) ***Any city with the largest population located in a county with a population equal to or greater than two hundred fifty thousand (250,000) based upon the most recent federal decennial census may elect to become organized and governed under the mayor-alderman plan of government provided in KRS 83.410 to 83.660 by popular vote in accordance with KRS 83A.120. The process for the adoption of the mayor-alderman plan of government shall be governed by subsections (2) to (5) of this section.***

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 67A IS CREATED TO READ AS FOLLOWS:

Any comprehensive system of classification of cities enacted pursuant to the authority granted in Kentucky Constitution Section 156a shall not in and of itself be construed to impact the constitutional and statutory rights, powers, privileges, immunities, and responsibilities provided to urban-county governments pursuant to KRS 67A.060.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 83A IS CREATED TO READ AS FOLLOWS:

Once a city meets the population criteria established in Sections 12, 36, 96, 151, 158, 176, 188, 191, 192, 194, 196, 284, 288, 291, 293, 294, 296, 298, 300, 301, and 302 of this Act under the most recent federal decennial census and has exercised the powers and duties pursuant to the section, the city shall not thereafter lose the ability to exercise the powers and duties provided in those sections because of an increase or decrease in population in a subsequent federal decennial census, or because of a judgment of a court pursuant to a petition to certify a city's population as different than the federal decennial census made under Section 2 of this Act. The city shall be permitted to continue to exercise the powers and duties under the applicable section as if it still meets the population requirements provided by the section. However, if there is a conflict between a power or privilege established under a lower population limit and a higher population limit, then the city shall follow the provisions required by the higher population limit.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 83A IS CREATED TO READ AS FOLLOWS:

On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site. The mayoral term limits expressed in Kentucky Constitution Section 160 relating to cities of the second class shall apply only to the cities on the registry created pursuant to this section.

➔Section 11. KRS 82.085 is amended to read as follows:

- (1) The legislative body of each consolidated local government, and of any city of ~~any~~~~[the first, second, third, fourth, fifth, and sixth]~~ class, may provide by ordinance, for reasonable differences in the rate of ad valorem taxation within different areas of the same taxing district on that class of property which includes the surface of the land. Those differences shall relate directly to differences between nonrevenue-producing governmental services and benefits giving the land urban character which are available in one (1) or several areas of a taxing district in contrast to other areas of the same taxing district in which those services and benefits are not available.
- (2) These nonrevenue-producing governmental services and benefits shall include but not be limited to police protection, fire protection, streets, street lighting, sidewalks, water service, and sewer facilities.
- (3) This section shall be effective notwithstanding any other statute relating to the uniformity of ad valorem tax assessment.

➔Section 12. KRS 82.095 is amended to read as follows:

- (1) *Any city with a population equal to or greater than three thousand (3,000) but less than twenty thousand (20,000) based upon the most recent federal decennial census*~~[Any city of the fourth class located in a county containing a city of the first class or consolidated local government, or any city of the third class],~~ located in a county containing a ~~city of the first class or~~ consolidated local government, which provides police, fire, or garbage collection services for the residents of the city may levy a supplemental tax which shall be in addition to ad valorem property taxes.
- (2) Such supplemental tax shall be in an amount not to exceed the reasonable cost of police, fire, and garbage collection services actually provided by the city. The rate of such tax shall be established by an ordinance which shall have readings at no less than two (2) different meetings of the city legislative body before passage.
- (3) The rate of such supplemental tax may be apportioned in a reasonable manner, other than an ad valorem approach, so that the recipient of police, fire, or garbage collection services pays an amount based on the cost of services actually received.
- (4) Any ordinance levying a supplemental tax pursuant to subsection (2) of this section may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of registered and qualified voters as described therein equal to five percent (5%) instead of the percentage provided therein.

➔Section 13. KRS 83A.030 is amended to read as follows:

- (1) Each city organized and governed under the mayor-council plan shall have a mayor and each shall have a legislative body composed of ~~[-~~
 - (a) ~~Twelve (12) members in cities of the first class;~~
 - (b) ~~]not less than six (6) nor more than twelve (12) members as prescribed by ordinance~~~~[in cities of the second, third and fourth classes;~~

~~(e) — Six (6) members in cities of the fifth and sixth classes}.~~

- (2) Each city organized and governed under the commission plan or city manager plan shall have a legislative body composed of a mayor and four (4) commissioners.

➔Section 14. KRS 83A.045 is amended to read as follows:

- (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be governed by the following provisions, regardless of the form of government or classification of the city:
- (a) A candidate for party nomination to city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January before the day fixed by KRS Chapter 118 for holding a primary election for the office sought. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.
 - (b) An independent candidate for nomination to city office shall not participate in a primary, but shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.
 - (c) A candidate for city office who is defeated in a partisan primary election shall be ineligible as a candidate for the same office in the regular election. However, if a vacancy occurs in the party nomination for which he or she was an unsuccessful candidate in the primary, his or her name may be placed on the voting machines for the regular election as a candidate of that party if he or she has been duly made the party nominee after the vacancy occurs, as provided in KRS 118.105.
- (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions, regardless of the form of government or classification of the city:
- (a) A candidate for city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January before the day fixed by KRS Chapter 118 for holding a primary for nominations for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed;
 - (b) Any city of the **home rule**~~fourth to sixth~~ class may by ordinance provide that the nomination and election of candidates for city office in a nonpartisan election shall be conducted pursuant to the provisions of this subsection:
 1. A city may forgo conducting a nonpartisan primary election for the nomination of candidates to city office, regardless of the number of candidates running for each office, and require all candidates to file their nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot.
 2. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.

3. If a city does not conduct a primary pursuant to this subsection, the election of candidates to city office shall be governed by the provisions of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to 121.
 4. In the absence of a primary pursuant to this subsection, the number of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.
 5. Candidates shall be subject to all other applicable election laws pursuant to this chapter and KRS Chapters 116 to 121.
 6. If a vacancy occurs in a candidacy for city office in any city which has not held a primary pursuant to this subsection after the expiration of time for filing nomination papers, or if there are fewer candidates than there are offices to be filled, the vacancy in candidacy shall be filled by write-in voting.
- (c) A candidate for city office who is defeated in a nonpartisan primary election shall be ineligible as a candidate for the same office in the regular election.

➔Section 15. KRS 83A.050 is amended to read as follows:

- (1) Election of city officers shall be governed by general election laws as provided in KRS Chapters 116 through 121 unless the city legislative body prescribes by ordinance that election of city officers shall be under nonpartisan city election laws as provided in KRS 83A.045, 83A.170, 83A.175 and 83A.047. The ordinance shall become effective not later than twenty-three (23) days prior to the date prescribed by the election law generally for filing notification and declaration forms with the county clerk in a year in which a regular election is to be held in which any city office is to be filled. Immediately subsequent to publication of any ordinance prescribing that election of city officers be under nonpartisan city election laws, a copy of that ordinance shall be filed with the county clerk of the county in which the city is located. ~~City officers of each city of the second class operating under the city manager form of government pursuant to KRS 83A.150 shall be elected in nonpartisan elections as provided in KRS 83A.045, 83A.170, 83A.175, and 83A.047.~~
- (2) A city may change the manner of election of city officers within the provisions of subsection (1) of this section by ordinance, except that no change shall be made earlier than five (5) years from the last change.
- (3) The city shall pay the costs of city elections only if city elections are held at a time other than prescribed by KRS Chapters 116 to 121.

➔Section 16. KRS 83A.165 is amended to read as follows:

- (1) A candidate running to fill the unexpired term of any city office shall file his nomination papers in accordance with the provisions of KRS 83A.045, 118.365, 118.375, and 83A.047.
- (2) Vacancies in the office of mayor or city legislative body that are to be filled temporarily by appointment shall be governed by the provisions of KRS 83A.040 and Section 152 of the Kentucky Constitution.
- (3) Vacancies in the office of mayor or city legislative body that are to be filled by partisan election shall be governed by the following provisions:
 - (a) Vacancies in candidacy shall be governed by KRS 118.105;
 - (b) Nominations for unexpired terms shall be governed by KRS 118.115 and Section 152 of the Kentucky Constitution; and
 - (c) Independent candidates filing to fill a vacancy shall be governed by KRS 118.375.
- (4) Vacancies in the office of mayor or city legislative body that are to be filled by nonpartisan election shall be governed by the following provisions:
 - (a) If the vacancy occurs not less than one hundred thirty-four (134) days before a May primary, candidates to fill the vacancy shall be nominated at that primary in the manner prescribed in KRS 83A.170; and
 - (b) If the vacancy occurs on or after the one hundred thirty-fourth day before a May primary or at a time after the primary, the election to fill the unexpired term shall be held without a primary in the manner prescribed in Section 152 of the Kentucky Constitution. Petitions of nomination for candidates to fill the vacancy shall be filed at the time and place prescribed in KRS 118.365; and

- (c) Vacancies in candidacy in any city~~[of the fourth to sixth class,]~~ that has *eliminated the*~~[not conducted a]~~ nonpartisan primary election *pursuant to Section 14 of this Act* shall be governed by the provisions of KRS 83A.045(2)(b)6.

➔Section 17. KRS 83A.170 is amended to read as follows:

- (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required nonpartisan city elections~~[, or in any city of the second class operating under the city manager form of government pursuant to KRS 83A.150,]~~ no person shall be elected to city office except as provided in this section or as otherwise provided in this chapter relating to nonpartisan elections.
- (2) No person shall be elected to city office without being nominated in the manner provided in this section at a nonpartisan primary to be held at the time prescribed by KRS Chapters 116 to 121, except as otherwise provided in this chapter. Nonpartisan primaries shall be conducted by the same officers, chosen and acting in the same manner, with the same rights and duties as in regular elections.
- (3) Each applicant for nomination shall, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing notification and declaration forms with the county clerk as provided in KRS 83A.047, file a petition of nomination, which shall be in the form prescribed by the State Board of Elections signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (4) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) Immediately upon expiration of the time for filing petitions, the county clerk shall have published in accordance with KRS Chapter 424 the names of the applicants as they will appear before the voters at the primary.
- (6) Subsection (5) of this section shall not apply if it appears, immediately upon expiration of the time for filing petitions, that there are not more than two (2) applicants for nomination for each city office to be filled, or, when the nominations are for city legislative body members in cities electing legislative body members at large, and there are no more than twice the number of applicants for nomination for the number of offices to be filled. In that case, the applicants for nomination shall thereby be nominated and no drawing for ballot position nor primary election shall be held for that office.
- (7) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (8) If, before the time of certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the nomination, the clerk shall not cause the candidate's name to be printed on the ballot.
- (9) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
 - (a) Neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct officers fail to post the notices at the polling place, the officers shall be guilty of a violation;
 - (c) In a primary, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate or candidates and send a copy to the remaining candidate or candidates.

- (10) Names of applicants for each nomination shall be placed before the voters of the city. The voters shall be instructed to vote for one (1) candidate, except that they shall be instructed to vote for the number of legislative body members to be elected in cities nominating legislative body members at large. No party designation or emblem of any kind nor any sign indicating any applicant's political belief or party affiliation shall be used.
- (11) Persons qualified to vote at a regular election shall be qualified to vote at a nonpartisan primary and the law applicable to challenges made at a regular election shall be applicable to challenges made at a nonpartisan primary.
- (12) Votes shall be counted as provided in general election laws, pursuant to KRS Chapters 116 to 121, and the result shall be published as provided in KRS Chapter 424.
- (13) The two (2) applicants receiving the highest number of votes for nomination for each city office shall be nominated; or where the nominations are for city legislative body members in cities electing legislative body members at large, there shall be nominated the number of applicants receiving the highest number of votes equal to twice the number of offices to be filled. If two (2) candidates are tied for the second highest number of votes in a mayoral election, the names of those two (2) candidates, plus the name of the candidate receiving the highest number of votes, shall be placed upon the ballot.
- (14) At the regular election following a nonpartisan primary, the names of the successful nominees and candidates who have filed a petition of candidacy as provided in this chapter to fill a vacancy shall be placed before the voters.
- (15) The nominee or candidate receiving the greater number of votes cast for each city office shall be elected.
- (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public officers in the conduct of elections shall be applicable in all respects to nonpartisan city elections, except no election officer or other person within a polling place shall tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of any candidate for city office.

➔Section 18. KRS 83A.175 is amended to read as follows:

- (1) The election to fill the regular term of a nonpartisan city office shall be conducted in the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan city office no candidates nominated to an office as provided in KRS 83A.170 are available due to death, incapacity, or withdrawal, or when city legislative body members are to be elected at large and there are fewer nominees than there are offices to be filled, or when a city *has eliminated the*~~of the fourth to sixth class has not conducted a~~ primary pursuant to KRS 83A.045.
- (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in November of the year before the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing petitions of nomination with the county clerk as provided in KRS 83A.047, file a petition for candidacy. The petition shall be prescribed by the State Board of Elections and shall be signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (3) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (4) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (5) If, before the certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk, dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the election, the clerk shall not cause his or her name to be printed on the ballot.
- (6) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
 - (a) Neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the

candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct officers fail to post the notices at the polling place, the officers shall be guilty of a violation;

- (c) If there is only one (1) remaining candidate on the ballot for that office in a primary, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate and send a copy to the remaining candidate.

➔Section 19. KRS 83A.180 is amended to read as follows:

In cities of the *home rule* ~~[second through sixth]~~ class, the official oath of any city officer, whether elected or appointed, may be administered by the mayor of the city for which the officer serves, except that a mayor's official oath shall be administered by such person as otherwise provided by law.

➔Section 20. KRS 11.200 is amended to read as follows:

- (1) There is created the Commission on Small Business Advocacy. The commission shall be a separate administrative body of state government within the meaning of KRS 12.010(8).
- (2) It shall be the purpose of the Commission on Small Business Advocacy to:
 - (a) Address matters of small business as it relates to government affairs;
 - (b) Promote a cooperative and constructive relationship between state agencies and the small business community to ensure coordination and implementation of statewide strategies that benefit small business in the Commonwealth;
 - (c) Coordinate and educate the small business community of federal, state, and local government initiatives of value and importance to the small business community;
 - (d) Create a process by which the small business community is consulted in the development of public policy as it affects their industry sector;
 - (e) Aid the small business community in navigating the regulatory process, when that process becomes cumbersome, time consuming, and bewildering to the small business community; and
 - (f) Advocate for the small business, as necessary when regulatory implementation is overly burdensome, costly, and harmful to the success and growth of small businesses in the Commonwealth.
- (3) The Commission on Small Business Advocacy shall consist of thirty (30) members:
 - (a) The Governor, or the Governor's designee;
 - (b) The secretaries of the following cabinets, or their designees:
 - 1. Economic Development;
 - 2. Energy and Environment;
 - 3. Finance and Administration; and
 - 4. Transportation;
 - (c) The state director of the Small Business Development Centers in Kentucky;
 - (d) One (1) representative of each of the following organizations, appointed by the Governor from a list of three (3) nominees submitted by the governing bodies of each organization:
 - 1. Associated Industries of Kentucky;
 - 2. National Federation of Independent Business;
 - 3. Kentucky Chamber of Commerce;
 - 4. Kentucky Federation of Business and Professional Women's Club, Inc.;
 - 5. Kentucky Retail Federation;
 - 6. Professional Women's Forum;

7. Kentuckiana Minority Supplier Development Council;
 8. Greater Lexington Chamber of Commerce;
 9. Lexington chapter of the National Association of Women Business Owners;
 10. Greater Louisville, Inc.;
 11. Louisville chapter of the National Association of Women Business Owners;
 12. Northern Kentucky Chamber of Commerce, Inc.;
 13. Northern Kentucky - Greater Cincinnati chapter of the National Association of Women Business Owners;
 14. Kentucky Association of Realtors;
 15. Henderson - Henderson County Chamber of Commerce;
 16. Kentucky Farm Bureau Federation; and
 17. Kentucky Homebuilders Association;
- (e) One (1) representative from small business from each of the following areas, appointed by the Governor:
1. A city ***with a population equal to or greater than twenty thousand (20,000) but less than one hundred thousand (100,000)***~~[of the second class];~~
 2. A city ***with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000)***~~[of the third class];~~
 3. A city ***with a population equal to or greater than three thousand (3,000) but less than eight thousand (8,000)***~~[of the fourth class];~~ and
 4. A city ***with a population equal to or greater than one thousand (1,000) but less than three thousand (3,000)***~~[of the fifth class];~~
- (f) One (1) representative who is a small business owner served by each of the following organizations, appointed by the Governor:
1. The Center for Rural Development; and
 2. Community Ventures Corporation; and
- (g) One (1) representative who is a small business owner under the age of thirty-five (35), appointed by the Governor.
- (4) The terms of all members appointed by the Governor shall be for four (4) years, except that the original appointments shall be staggered so that seven (7) appointments shall expire at two (2) years, seven (7) appointments shall expire at three (3) years, and seven (7) appointments shall expire at four (4) years from the dates of initial appointment.
 - (5) The Governor shall appoint the chair and vice chair of the commission from the list of appointed members.
 - (6) The commission shall meet quarterly and at other times upon call of the chair or a majority of the commission.
 - (7) A quorum shall be a majority of the membership of the commission.
 - (8) Members of the commission shall serve without compensation but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
 - (9) The commissioner of the Department for Existing Business Development shall be the administrative head and chief executive officer of the commission. The secretary of the Cabinet for Economic Development shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.
 - (10) The Commission on Small Business Advocacy shall be an independent agency attached to the Department for Existing Business Development.

➔Section 21. KRS 15.705 is amended to read as follows:

- (1) For the purpose of administration of the unified prosecutorial system, there is hereby created the Prosecutors Advisory Council, hereafter referred to as the council.
- (2) The council shall consist of nine (9) members who shall be residents of Kentucky and shall include the Attorney General; three (3) Commonwealth's attorneys, one (1) from counties containing a **consolidated local government, a city with a population of twenty thousand (20,000) or more based on the most recent federal decennial census,**~~[first or second class city]~~ or an urban-county government, one (1) from counties containing a ~~[third class]~~ city **with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000) based on the most recent federal decennial census,** and one (1) from the other counties, each of whom shall be appointed by the Governor from a list of three (3) names for each Commonwealth's attorney position submitted by the Commonwealth's Attorneys Association; and three (3) county attorneys, one (1) from counties containing a **consolidated local government, a city with a population equal to or greater than twenty thousand (20,000) based on the most recent federal decennial census,**~~[first or second class city]~~ or an urban-county government, one (1) from counties containing a city **with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000) based on the most recent federal decennial census**~~[of the third class,]~~ and one (1) from the other counties, each of whom shall be appointed by the Governor from a list of three (3) names for each county attorney position submitted by the County Attorneys Association and two (2) nonattorney citizen members. The Attorney General shall serve during his term of office and the other members shall serve at the pleasure of the Governor.
- (3) The Attorney General shall be the chairman of the council. Five (5) members shall constitute a quorum for the conduct of business. The council shall promulgate annually a schedule of meetings. Special meetings may be called by the chairman or five (5) members of the council. A minimum of ten (10) days' notice must be given prior to the call of a special meeting. Such a notice may be waived by a majority of the council.
- (4) The council shall be responsible for, but not limited to, the preparation of the budget of the unified prosecutorial system of the Commonwealth of Kentucky and the continuing legal education and program development of the unified prosecutorial system of Kentucky.
- (5) Each nonattorney citizen member of the council shall receive twenty-five dollars (\$25) per day for attending each meeting. All council members shall be reimbursed for actual expenses incurred in the performance of their duties.

➔Section 22. KRS 15.755 is amended to read as follows:

- (1) The compensation of each Commonwealth's attorney shall be paid out of the State Treasury.
- (2) The compensation of the staff of each Commonwealth's attorney shall be paid out of the State Treasury.
- (3) In each judicial circuit containing a **consolidated local government, a city with a population equal to or greater than twenty-five thousand (25,000) based on the most recent federal decennial census,**~~[of the first or second class]~~ or an urban-county government, or a city **with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000) based on the most recent federal decennial census**~~[of the third class]~~ and a population of sixty-eight thousand (68,000) or more, or which has a full-time Commonwealth's attorney, the Commonwealth's attorney shall not engage in the private practice of law. The population of a judicial circuit shall, for the purpose of this statute, be determined by the most recent federal decennial census enumeration. All other Commonwealth's attorneys shall not be prohibited from engaging in the private practice of law.
- (4) Each Commonwealth's attorney who is prohibited from engaging in the private practice of law shall receive as compensation for his services the sum of twenty-six thousand dollars (\$26,000) per annum.
- (5) Each Commonwealth's attorney who is not prohibited from engaging in the private practice of law shall receive as compensation for his services the sum of fourteen thousand three hundred dollars (\$14,300) per annum.
- (6) Each full-time Commonwealth's attorney of the state shall be paid each month the sum of one thousand dollars (\$1,000) and each part-time Commonwealth's attorney shall be paid each month the sum of five hundred dollars (\$500), which sums are declared to be the equivalent of the minimum sums that each Commonwealth's attorney will expend each month in the performance of his official duties directed to be performed for the Commonwealth. The aforementioned sum shall be paid out of the State Treasury.
- (7) In order to equate the compensation of Commonwealth's attorneys with the purchasing power of the dollar, the Department for Local Government shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in

accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than twelve thousand dollars (\$12,000) per annum. The Department for Local Government shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled in accordance with the increase or decrease in the consumer price index. Upon notification from the Department for Local Government, the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the Department for Local Government.

➔Section 23. KRS 39F.160 is amended to read as follows:

- (1) A rescue squad taxing district may be created by the fiscal court pursuant to KRS 65.182 or 65.188.
- (2) The ad valorem tax that may be imposed for the maintenance and operation of the district shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of all property in the district.
- (3) Upon the creation of a district, the district so established shall be a taxing district within the meaning of Section 157 of the Constitution of Kentucky.
- (4) The district ad valorem taxes shall be collected by the sheriff in the same manner as county ad valorem taxes. The sheriff shall be entitled to a fee of four percent (4%) of the amount of the tax collected for the district.
- (5) The affairs of the district shall be controlled by a board of directors appointed by the county judge/executive, the mayor of an urban-county, or the chief executive of another local government with the approval of the legislative body of that jurisdiction.
 - (a) If the district consists of one (1) county, three (3) directors shall be appointed;
 - (b) If the district consists of two (2) counties, the county judge/executive of the county having the greater portion of the population of the district shall appoint two (2) directors and the county judge/executive of the other county shall appoint the third director;
 - (c) If the district consists of more than two (2) counties, the county judge/executive of the county having the greatest portion of the population of the district shall appoint two (2) directors and the county judge/executive of the remaining counties comprising the district shall each appoint one (1) director;
 - (d) The legislative body of each city ***that contains a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first three (3) classes, or if there is no such class of city, the city of the highest class located within the district]~~ shall appoint one (1) additional director. ***If there is not a city within the district that contains a population equal to or greater than three thousand (3,000), then the city with the greatest population based upon the most recent federal decennial census shall appoint one (1) additional director.***
- (6) The board of directors shall be appointed within thirty (30) days after the establishment of the district. Each board member shall reside within the county or city for which appointed. Directors shall be appointed for terms of two (2) years each, except that initially the appointing authority shall appoint a minority of the board members for one (1) year terms. Subsequent terms shall all be for two (2) years. Any vacancies shall be filled by the appointing authority for the unexpired term.
- (7) A majority of the membership of the board shall constitute a quorum.
- (8) A member of the board of directors may be removed from office as provided by KRS 65.007.
- (9) The board of directors shall provide rescue service to inhabitants of the district and may:
 - (a) Purchase vehicles and all other necessary equipment and employ trained personnel who meet all federal and state requirements;
 - (b) Adopt rules and regulations necessary to effectively and efficiently provide rescue service for the district. Rules and regulations shall be consistent with the provisions of this chapter;
 - (c) Employ persons to administer the daily operations of the rescue service;
 - (d) Compensate employees of the district at a rate determined by the board;
 - (e) Apply for and receive available funds from the state and federal government for the purpose of maintaining or improving the rescue service of the district; and
 - (f) Acquire by bequest, gift, grant, or purchase any real or personal property necessary to provide rescue service.

- (10) A district shall be eligible for grants pursuant to KRS 39F.130 and workers' compensation coverage pursuant to KRS 39F.170.
- (11) Tax revenues of a rescue squad taxing district shall be used only for rescue services as described in this chapter. Tax revenues of a rescue squad taxing district shall be distributed among all rescue squads in the district in proportion to the percentage of the district's population served by each squad.
- (12) The board of directors shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 24. KRS 41.240 is amended to read as follows:

- (1) (a) Before any bank shall be named as a state depository to receive public funds, it shall either pledge or provide to the State Treasurer, as collateral, securities or other obligations having an aggregate current face value or current quoted market value at least equal to the deposits or provide to the State Treasurer a surety bond or surety bonds in favor of the State Treasurer in an amount at least equal to the deposits, provided, however, that amounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation need not be so collateralized. The president or cashier of each depository bank shall submit to the Treasurer and the State Investment Commission a statement subscribed and sworn to by him showing:
 - 1. The face value or current quoted market value of the securities or other obligations pledged or provided as of the time the securities or other obligations are offered as collateral; and
 - 2. The value of surety bonds provided as of the time such surety bonds are provided as collateral.

The valuation of all pledged or provided collateral and the face amount of all surety bonds provided as collateral shall be reported to the State Treasurer and State Investment Commission upon receipt of deposit and within ten (10) days of the close of each quarter after the quarter beginning December 31. Such value with respect to pledged collateral other than surety bonds shall be as of the end of the quarter or the preceding business day and, as to market values, shall be obtained from a reputable bond pricing service. The State Treasurer and Governor may from time to time call for additional collateral to adequately secure the deposits as aggregate face or current market values may require.
- (b) No deposit of state collected demand and time funds shall collectively exceed at any time the depository's sum of capital, reserves, undivided profits and surplus or ten percent (10%) of the total deposits of any particular depository, whichever is less. Deposits will be valued at the end of each business day.
- (2) (a) As an alternative to paragraph (1)(a) of this section, a Kentucky depository insured by the Federal Deposit Insurance Corporation may either pledge to the State Treasurer, as collateral, securities or other obligations having an aggregate face value or a current quoted market value or provide to the State Treasurer a surety bond or surety bonds in an amount equal to eighty percent (80%) of the value of the state deposit including demand and time accounts, if the depository is determined by the State Investment Commission to have very strong credit with little or no credit risk at any maturity level and the likelihood of short-term unexpected problems of significance is minimal or not of a serious or long-term nature. The value of the state deposit will be determined at the end of the business day of deposit and as of the end of business on the last day of each quarter that funds are so deposited.
- (b) Valuation of all pledged or provided collateral and the face amount of surety bonds provided shall be reported to the State Treasurer and the State Investment Commission upon receipt of the state deposit and within ten (10) days of the close of each quarter after the quarter beginning December 31.
- (c) Depositories designated as qualified for reduced pledging shall be so recorded in the executive journal.
- (d) The State Investment Commission shall determine eligibility for the reduced pledging option based on totally objective and quantifiable measures of financial intermediary performance. The information for such eligibility shall be obtained from publicly available documents. The State Investment Commission shall promulgate the particular criteria of eligibility by regulations issued pursuant to KRS Chapter 13A.
- (3) Depositories which do not qualify or do not choose to qualify under subsection (1) or (2) of this section shall not receive state deposits in excess of amounts that are insured by an instrumentality of the United States.
- (4) Only the following securities and other obligations may be accepted by the State Treasurer as collateral under this section:

- (a) Bonds, notes, letters of credit, or other obligations of or issued or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest thereof, and any bonds, notes, debentures, letters of credit, or any other obligations issued or guaranteed by any federal governmental agency or instrumentality, presently or in the future established by an Act of Congress, as amended or supplemented from time to time, including, without limitation, the United States government corporations listed in KRS 66.480(1)(c);
 - (b) Obligations of the Commonwealth of Kentucky including revenue bonds issued by its statutory authorities, commissions, or agencies;
 - (c) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to 162.380;
 - (d) Obligations of any city ~~of the first, second, and third classes~~ of the Commonwealth of Kentucky, or any county, for the payment of principal and interest on which the full faith and credit of the issuing body is pledged;
 - (e) School improvement bonds issued in accordance with the authority granted under KRS 162.080 to 162.100;
 - (f) School building revenue bonds issued in accordance with the authority granted under KRS 162.120 to 162.300, provided that the issuance of such bonds is approved by the Kentucky Board of Education; and
 - (g) Surety bonds issued by sureties rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.
- (5) The State Treasurer shall accept letters of credit issued by federal home loan banks as collateral under this section.

➔Section 25. KRS 56.140 is amended to read as follows:

- (1) The State Treasurer, with approval of every investment by the Finance and Administration Cabinet, may invest the state fire and tornado insurance fund in:
- (a) Obligations of the United States government, its agencies, and Kentucky cities of the first ***and home rule*** ~~first, second, third, and fourth~~ classes;
 - (b) Warrants issued on the State Treasurer;
 - (c) State bonds, including bridge revenue bonds issued under KRS 180.010 to 180.250;
 - (d) Bonds or other evidences of indebtedness of any domestic corporation that is an agent or instrumentality of the state or of any city, county, or school district of the state, secured by a mortgage on real estate in Kentucky that has been conveyed to the corporation by any city, county, school district, or state educational institution, and which the corporation has leased and given the option to lease to the city, county, school district, or state educational institution, with option in the lessee to purchase the property, or an interest therein, on the payment of the aggregate sum of the bond issue, plus the expenses incident to the issuance of the bonds and the formation and dissolution of the corporation, subject to credit of the amounts paid as rental for such property; and
 - (e) School bonds issued by cities under KRS 162.120 to 162.290.
- (2) The Finance and Administration Cabinet shall not approve investments on which there has ever been a default in payment of principal or interest preceding the date of acceptance by the State Treasurer.
- (3) All income from investments credited to the state fire and tornado insurance fund shall be credited to that fund.

➔Section 26. KRS 61.080 is amended to read as follows:

- (1) No person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof.
- (2) The offices of justice of the peace, county judge/executive, surveyor, sheriff, deputy sheriff, coroner, constable, jailer, and clerk or deputy clerk of a court, shall be incompatible, the one (1) with any of the others. The office of county judge/executive and county school superintendent are incompatible.

- (3) No person shall, at the same time, fill a county office and a municipal office. Notwithstanding the fact that consolidated local governments have both municipal and county powers, persons who hold the office of mayor or legislative council member of a consolidated local government shall not thereby be deemed to hold both a county office and a municipal office. Officers of consolidated local governments shall not, at the same time, fill any other county or municipal office.
- (4) No person shall, at the same time, fill two (2) municipal offices, either in the same or different municipalities.
- (5) The following offices shall be incompatible with any other public office:
 - (a) Member of the Public Service Commission of Kentucky;
 - (b) Member of the Workers' Compensation Board;
 - (c) Commissioner of the fiscal court in counties containing a city of the first class;
 - (d) County indexer;
 - (e) Member of the legislative body of cities of the first class;
 - (f) Mayor and member of the legislative council of a consolidated local government; *and*
 - (g) Mayor and member of the legislative body in cities of the *home rule* ~~second~~ class; ~~and~~
 - ~~(h) Mayor and member of council in cities of the fourth class.~~
- (6) No office in the Kentucky active militia shall be incompatible with any civil office in the Commonwealth, either state, county, district, or city.
- (7) Service as a volunteer firefighter in a volunteer fire department district or fire protection district formed pursuant to KRS Chapter 65, 75, 95, or 273 shall not be incompatible with any civil office in the Commonwealth, whether state, county, district, or city.

➔Section 27. KRS 62.055 is amended to read as follows:

- (1) Every county clerk, before entering on the duties of his office, shall execute bond to the Commonwealth, with corporate surety authorized and qualified to become surety on bonds in this state. Any county clerk holding office as of January 1, 1978, who has not executed bond as provided herein shall do so within thirty (30) days from February 9, 1978.
- (2) In counties containing a consolidated local government or a city of the first class, the amount of the county clerk's bond shall be at least five hundred thousand dollars (\$500,000). ~~In counties containing a city of the second class but not containing consolidated local governments and in~~ counties containing an urban-county form of government, the amount of county clerk's bond shall be at least four hundred thousand dollars (\$400,000). In counties containing a city of the *home rule* ~~third~~ class but not a city of the first ~~or second~~ class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least one hundred thousand dollars (\$100,000). ~~In counties containing a city of the fourth or fifth class, but not a city of the first, second, or third class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least seventy five thousand dollars (\$75,000). In counties containing a city of the sixth class, but not a city of the first, second, third, fourth, or fifth class, a consolidated local government, or an urban-county form of government, the amount of the county clerk's bond shall be at least fifty thousand dollars (\$50,000).~~
- (3) The bond of the county clerk shall be examined and approved by the fiscal court, which shall record the approval in its minutes. The fiscal court shall record the bond in the county clerk's records and a copy of the bond shall be transmitted within one (1) month to the Department of Revenue, where it shall be recorded and preserved. Except in those counties where the fees of the county clerk are paid into the State Treasury, the premium on the county clerk's bond shall be paid by the county.
- (4) Where circumstances in a particular county indicate that the amount of the bond may not be sufficient, the Department of Revenue may request the fiscal court to increase the bond as provided in KRS 62.060. The fiscal court shall then require a bond of sufficient amount to safeguard the Commonwealth.

➔Section 28. KRS 64.012 is amended to read as follows:

The county clerk shall receive for the following services the following fees:

- (1) (a) Recording and indexing of a:

1. Deed of trust or assignment for the benefit of creditors;
2. Deed;
3. Real estate mortgage;
4. Deed of assignment;
5. Real estate option;
6. Power of attorney;
7. Revocation of power of attorney;
8. Lease which is recordable by law;
9. Deed of release of a mortgage or lien under KRS 382.360;
10. United States lien;
11. Release of a United States lien;
12. Release of any recorded encumbrance other than state liens;
13. Lis pendens notice concerning proceedings in bankruptcy;
14. Lis pendens notice;
15. Mechanic's and artisan's lien under KRS Chapter 376;
16. Assumed name;
17. Notice of lien issued by the Internal Revenue Service;
18. Notice of lien discharge issued by the Internal Revenue Service;
19. Original, assignment, amendment, or continuation financing statement;
20. Making a record for the establishment of a city, recording the plan or plat thereof, and all other service incident;
21. Survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city;
22. Recording with statutory authority for which no specific fee is set, except a military discharge; and
23. Filing with statutory authority for which no specific fee is set.

For all items in this subsection if the entire thereof does not exceed
three (3) pages\$12.00

And, for all items in this subsection exceeding three (3) pages,
for each additional page\$3.00

And, for all items in this subsection for each additional reference
relating to same instrument\$4.00

- (b) The twelve dollar (\$12) fee imposed by paragraph (a) of this subsection shall be divided as follows:

1. Six dollars (\$6) shall be retained by the county clerk; and
2. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.

- (2) Recording and indexing a file-stamped copy of documents set forth in KRS 14A.2-040(1) or (2) that have been filed first with the Secretary of State:

- (a) The entire record thereof does not exceed three (3) pages\$10.00

- (b) And, exceeding three (3) pages, for each additional page\$3.00

- (3) Recording wills or other probate documents pursuant to KRS
Chapter 392 or 394\$ 8.00
- (4) Recording court ordered name changes pursuant to KRS Chapter 401\$ 8.00
- (5) For noting a security interest on a certificate of title pursuant to
KRS Chapter 186A\$12.00
- (6) For filing the release of collateral under a financing statement
and noting same upon the face of the title pursuant to KRS Chapter
186 or 186A \$5.00
- (7) Filing or recording state tax or other state liens\$5.00
- (8) Filing release of a state tax or other state lien\$5.00
- (9) Marginal release, noting release of any lien, mortgage, or redemption
other than a deed of release\$8.00
- (10) Acknowledging or notarizing any deed, mortgage, power of attorney,
or other written instrument required by law for recording and certifying
same\$4.00
- (11) Recording a land use restriction according to KRS 100.3681\$15.00
- (12) Recording plats, maps, and surveys, not exceeding 24 inches by
36 inches, per page\$20.00
- (13) Recording a bond, for each bond\$10.00
- (14) Each bond required to be taken or prepared by the clerk\$4.00
- (15) Copy of any bond when ordered\$3.00
- (16) Administering an oath and certificate thereof\$5.00
- (17) Issuing a license for which no other fee is fixed by law\$8.00
- (18) Issuing a solicitor's license\$15.00
- (19) Marriage license, indexing, recording, and issuing certificate thereof\$24.00
- (20) Every order concerning the establishment, changing, closing, or
discontinuing of roads, to be paid out of the county levy when
the road is established, changed, closed, or discontinued, and by
the applicant when it is not\$3.00
- (21) Registration of licenses for professional persons required to register
with the county clerk\$10.00
- (22) Certified copy of any record\$5.00
Plus fifty cents (\$.50) per page after three (3) pages
- (23) Filing certification required by KRS 65.070(2)(a)\$5.00
- (24) Filing notification and declaration and petition of candidates
for Commonwealth's attorney\$200.00
- (25) Filing notification and declaration and petition of ~~offices in cities of the fifth or sixth class and~~ candidates for
and independent boards of education\$20.00

- (26) Filing notification and declaration and petition of candidates for boards of soil and water conservation districts\$20.00
- (27) Filing notification and declaration and petition of candidates for other office \$50.00
- (28) Filing declaration of intent to be a write-in candidate for office{
~~other than municipal office in a city of the fifth or sixth class~~}\$50.00
- (29) ~~Filing declaration of intent to be a write-in candidate for municipal office in a city of the fifth or sixth class~~\$20.00
- ~~(30)~~ Filing petitions for elections, other than nominating petitions\$50.00
- ~~(30)~~~~(31)~~ Notarizing any signature, per signature\$2.00
- ~~(31)~~~~(32)~~ Filing bond for receiving bodies under KRS 311.310\$10.00
- ~~(32)~~~~(33)~~ Noting the assignment of a certificate of delinquency and recording and indexing the encumbrance under KRS 134.126 or 134.127\$27.00
- ~~(33)~~~~(34)~~ Filing a going-out-of-business permit under KRS 365.445\$50.00
- ~~(34)~~~~(35)~~ Filing a renewal of a going-out-of-business permit under KRS 365.445\$50.00
- ~~(35)~~~~(36)~~ Filing a grain warehouseman's license under KRS 359.050\$10.00
- ~~(36)~~~~(37)~~ Filing and processing a transient merchant permit under KRS 365.680\$25.00

➔Section 29. KRS 64.530 is amended to read as follows:

- (1) Except as provided in subsections (5) and (6) of this section, the fiscal court of each county shall fix the reasonable compensation of every county officer and employee except the officers named in KRS 64.535 and the county attorney and jailer. The fiscal court may provide a salary for the county attorney.
- (2) For the purposes of this section, justices of the peace and constables in all counties shall be deemed to be county officers and deputies or assistants of county officers shall be deemed to be county employees, but employees of county boards or commissions which are now authorized by law to fix the compensation of their employees shall not be deemed to be county employees for the purposes of this section.
- (3) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the reasonable maximum compensation that any officer except the officers named in KRS 64.535 may receive from both sources. The fiscal court may also fix the reasonable maximum amount that the officer may expend each year for expenses of his office. The fiscal court shall fix annually the reasonable maximum amount, including fringe benefits, which the officer may expend for deputies and assistants, and allow the officer to determine the number to be hired and the individual compensation of each deputy and assistant. Any revenue received by a county clerk in any calendar year shall be used exclusively for the statutory duties of the county clerk and budgeted accordingly. At the conclusion of each calendar year, any excess fees remaining shall be paid to the fiscal court pursuant to KRS 64.152.
- (4) In the case of county officers elected by popular vote and the county attorney, in the event the fiscal court provides him a salary, the monthly compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court, consistent with the provisions of subsection (3) of this section, not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.
- (5) Nothing in this section shall apply to property valuation administrators or their deputies, assistants, and expenses, in any county, or to the circuit court clerk, county clerk, sheriff, jailer, and their deputies, assistants, and expenses, in counties having a population of seventy thousand (70,000) or more. If a county's population that equaled or exceeded seventy thousand (70,000) is less than seventy thousand (70,000) after the most recent federal decennial census, then the provisions of KRS 64.368 shall apply.

- (6) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county ~~other than one containing a city of the first, second, third, or fourth class,~~ shall be paid for their services, out of the county treasury, not to exceed the maximum compensation allowable under KRS 64.527. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation shall be effective as to any member of a fiscal court during his term of office. ~~The compensation of county commissioners serving on fiscal courts in counties containing a city of the first class shall not exceed nine thousand six hundred dollars (\$9,600) per year; in counties containing cities of the second class it shall not exceed nine thousand dollars (\$9,000) per year; and in counties containing cities of the third or fourth class it shall not exceed twenty percent (20%) more than the annual compensation paid in the county for the calendar year immediately preceding 1974; and]~~ All of said annual salaries shall be payable monthly. Justices of the peace and county commissioners shall not receive any compensation for their services on the fiscal court, other than as provided by this section; provided, however, justices of the peace and county commissioners may receive no more than three thousand six hundred dollars (\$3,600) annually or three hundred dollars (\$300) per month as an expense allowance for serving on committees of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation except as provided in KRS 64.285 shall be effective as to any member of a fiscal court during his term of office.

➔Section 30. KRS 65.156 is amended to read as follows:

- (1) The governing board of any local government retirement system created pursuant to KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.400, 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884, or KRS Chapter 96 shall submit the retirement system to an actuarial evaluation at least once every three (3) years, if the system provides a defined benefit. The evaluation shall be prepared by an actuary who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employees' Retirement Income Security Act of 1975. The board shall send a copy of the most recent evaluation to the librarian of the Legislative Research Commission by September 1, 1982, and thereafter the board shall send a copy of each new evaluation within ten (10) days of receipt.
- (2) Actuaries performing evaluations pursuant to this section shall use the entry age normal cost funding method. Their reports shall include a definition of each actuarial term and an explanation of each actuarial assumption used. Assumptions shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience.
- (3) Any city or municipal agency with a retirement system created pursuant to KRS 79.080, 90.400, 90.410, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884, or KRS Chapter 96 which is closed to new members pursuant to KRS 78.530, 95.520, 95.621, or 95.852 shall, if its local pension system provides a defined benefit, contribute annually to the pension system, for the benefit of the retirees of the system and the active participants who choose to remain in the system, and ~~in cities of the second class]~~ for the benefit of members who have completed at least twenty (20) years' service and withdrawn from service pursuant to KRS 95.857, an amount equal to that which would be required pursuant to the funding standards of KRS 95.868, plus so much of the principal amount of any unfunded prior service liability as the actuary states is necessary to maintain cash flow adequate to pay retiree and beneficiary payments until financial obligations to all retirees and beneficiaries are fully satisfied.
- (4) All lawful expenses for general administration, performance bonds, medical, actuarial, accounting, auditing, legal, and investment services of a retirement system listed in subsection (1) of this section shall be paid from the pension fund. Actuaries performing evaluations pursuant to this section shall include estimates of the expenses in their recommendations for pension system funding, and local governments shall add payments for the expenses to their annual contributions to their respective retirement systems.
- (5) A city or city agency, consolidated local government, or urban-county government may, pursuant to KRS 67A.340, 79.080, 90.410, or KRS Chapter 96 as applicable, provide for the retirement security of its employees through the creation of a money purchase or defined contribution plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. City employee deferred compensation plans created pursuant to KRS 18A.270, or money purchase or defined contribution plans, qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended, which by their nature cannot have an unfunded liability, shall not be subject to the actuarial evaluation requirements of this section, and shall not be subject to termination for purposes of employee entry into the County Employees Retirement System, as required by KRS 78.530, 79.080, 90.410, and 96.180.
- (6) No city or county, except an urban-county, or special district, nor any agency or instrumentality of a city or county or special district shall create or maintain for its officers or employees a defined benefit retirement system, which by its nature can have an unfunded liability. The provisions of this subsection shall not preclude

employer contributions for city managers or other appointed local government executives who participate, pursuant to KRS 78.540, in a retirement system which operates in more than one (1) state, nor the continuation of a local government defined benefit retirement system which has been closed to new members but which must fulfill its obligations to current active members, retirees, and beneficiaries. Notwithstanding any provision to the contrary, the provisions of this subsection shall not apply to length of service awards programs established for the benefit of volunteer firefighters and volunteer life squad and volunteer rescue personnel.

- (7) Notwithstanding any provision to the contrary, any city or county may establish awards programs that recognize the length of service to the community by volunteer firefighters, volunteer life squads, and volunteer rescue personnel.

➔Section 31. KRS 65.7623 is amended to read as follows:

- (1) There is hereby created the Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky, the "CMRS Board," consisting of ten (10) members, appointed by the Governor as follows: two (2) members shall be employed by or representative of the interest of CMRS providers, of which, one (1) shall be a representative of a Tier III CMRS provider; one (1) member shall be a mayor of a city ~~of the first or second class~~ or urban-county government or his or her designee containing a public safety answering point; one (1) member shall be appointed from a list of local exchange landline telephone companies' representatives submitted by the Kentucky Telephone Association; one (1) member shall be a director of a certified public safety answering point operated by a local governmental entity or a consolidated group of local governmental entities appointed from lists of candidates submitted to the Governor by the Kentucky Firefighters Association, the State Association of Chiefs of Police, and the Kentucky Ambulance Providers Association; two (2) members shall be appointed from lists of candidates submitted to the Governor by the Kentucky Emergency Number Association and the Association of Public Communications Officials; and one (1) member shall be a director of a certified public safety answering point operated by a local government entity or a consolidated group of local governmental entities. The commissioner of the Department of Kentucky State Police, or the commissioner's designee, and the CMRS emergency telecommunications administrator also shall be members of the board. Any vacancy on the board shall be filled in the same manner as the original appointment.
- (2) The commissioner and administrator shall serve by virtue of their office. The other members shall be appointed no later than August 15, 1998, for a term of four (4) years and until their successors are appointed and qualified, except that of the first appointments, one (1) shall be for a term of one (1) year, one (1) shall be for a term of two (2) years, one (1) for a term of three (3) years, and two (2) shall be for a term of four (4) years. Any member missing three (3) consecutive meetings may be removed by a majority vote of the remaining voting members.
- (3) In addition to the administrator, the Kentucky Office of Homeland Security shall provide staff services and carry out administrative duties and functions as directed by the board. The board shall be attached to the Kentucky Office of Homeland Security for administrative purposes only and shall operate as an independent entity within state government.
- (4) The board members shall serve without compensation but shall be reimbursed in accordance with KRS 45.101 for expenses incurred in connection with their official duties as members of the board.
- (5) All administrative costs and expenses incurred in the operation of the board, including payments under subsection (4) of this section, shall be paid from that portion of the CMRS fund that is authorized under KRS 65.7631 to be used by the board for administrative purposes.

➔Section 32. KRS 67.060 is amended to read as follows:

- (1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of the fiscal court being composed of the county judge/executive and three (3) commissioners, the county judge/executive shall, no later than the first Monday in January in the year of the regular election for county officers, divide the county into three (3) districts as nearly equal in population as practicable, and shall establish the boundary lines of each of the three (3) commissioner districts so that each district is an unbroken area and not split or divided by another commissioner district. At the next regular election for county officers, and every four (4) years thereafter, there shall be elected by the voters of the entire county three (3) commissioners, one (1) from each district who, with the county judge/executive, shall constitute the fiscal court.
- (2) (a) In any county containing a city of the first class, which county has heretofore voted in favor of a fiscal court composed of the county judge/executive and three (3) county commissioners, the county judge/executive shall divide the county into three (3) districts as provided in subsection (1) of this section, the districts to be designated for identification purposes by the letters A, B and C, respectively.

- (b) The three (3) commissioners shall be elected by the qualified voters of the county at large at regular elections held every four (4) years. One commissioner shall represent District A and shall be elected at the regular election in the year 1973, and two (2) commissioners who shall represent Districts B and C, respectively, shall be elected at the regular election in the year 1975.
- (3) Persons seeking the nomination of a political party as candidate for the office of county commissioner shall, where a primary election is required for such political party, be voted upon exclusively by the eligible voters of the district in which the person resides and seeks to represent. Persons seeking the nomination of a minor political party~~;~~ persons who file as independent candidates or persons seeking the nomination in counties containing ***a city with a population equal to or greater than eight thousand (8,000) as determined by the most recent federal decennial census***~~cities of the second or third~~ but not a city of the first class shall not be subject to the provisions of this paragraph. They shall be nominated by the voters of the entire county.
- (4) To be eligible for election as a commissioner representing one of the three (3) districts, a person shall have been a bona fide resident of the district he proposes to represent for at least one (1) year immediately preceding the election, and, upon election, shall continue to reside within the district he was elected to represent for the duration of his term of office, under penalty of forfeiture of the office.
- (5) Commissioners elected under this section shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election, and shall serve for terms of four (4) years and until their successors are elected and qualify, or until the effective date of a return to a fiscal court composed of justices of the peace and the county judge/executive.
- (6) No person is eligible to be a county commissioner unless he is at least twenty-four (24) years of age and has been for two (2) years next preceding his election a resident of the county and a citizen of Kentucky.

➔Section 33. KRS 67.180 is amended to read as follows:

- (1) The fiscal court of each county, ***except a county*** containing a city of the ***first***~~second, fourth, fifth or sixth~~ class may, in its discretion, for the protection of the public and its employees, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment.
- (2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the county or fiscal court or the members thereof.

➔Section 34. KRS 67.185 is amended to read as follows:

The fiscal court~~;~~ in each county~~;~~ having therein a city of the ~~first~~~~or third~~ class~~;~~ may, in its discretion, for the protection of the public and its employees~~;~~ appropriate county funds to purchase policies of insurance~~;~~ of all kinds~~;~~ deemed advisable~~;~~ covering motor vehicles and other vehicles operated by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment; provided, the insurance carrier, by its policy of insurance, waives therein the right to contest or deny liability, by denying the liability of the county because of its governmental capacity and immunity on that account, and, provided, said policy of insurance shall bind the company to pay any final judgment rendered against the county for loss, or damage to property of any person or death or injury of any person.

➔Section 35. KRS 67.323 is amended to read as follows:

- (1) Any county ***that has not established a county police merit system, as provided by KRS 78.400 to 78.460 and 78.990*** may, by order of its fiscal court, duly made and entered of record, create a county fire department merit system, and for that purpose establish a county fire department merit board, whose duties it shall be to classify and examine applicants seeking employment as firefighters or employees of the fire department of the said county, and, in addition, to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said county fire department of all personnel of the county fire department or departments affected as provided in this section and KRS 67.325 and 78.425, and, in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected as provided in this section, KRS 67.325 and 78.425.
- (2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

- (3) KRS 78.410 to 78.460 and 78.990 shall be followed in the establishing of a county fire department merit system as provided in this section. All terms referring to the county police force, by context or definition, shall be taken to mean county fire department. Other terms mean:
- (a) "Board" means the county fire department merit board created by subsection (1).
 - (b) "Chief" means the chief of the county fire department affected by this section, KRS 67.325 and 78.425.
 - (c) "Assistant chief" means the next in command to the chief of the county fire department affected by this section, KRS 67.325 and 78.425.
 - (d) "Secretary" means the executive secretary and examiner employed by the county fire department merit board created by this section, KRS 67.325 and 78.425.
 - (e) "Officer" means any member of the county fire department affected by this section, KRS 67.325 and 78.425.
 - (f) "Employee" means all other employees of the county fire department affected by this section, KRS 67.325 and 78.425.

~~[(4) This section applies to counties containing a city of the second class which have not established county police merit systems as provided by KRS 78.400 to 78.460 and 78.990.]~~

➔Section 36. KRS 67.750 is amended to read as follows:

As used in KRS 67.750 to 67.790, unless the context requires otherwise:

- (1) "Business entity" means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted;
- (2) "Compensation" means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:
 - (a) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and
 - (b) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code;
- (3) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;
- (4) "Employee" means any person who renders services to another person or business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee;
- (5) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;
- (6) "Gross receipts" means all revenues or proceeds derived from the sale, lease, or rental of goods, services, or property by a business entity reduced by the following:
 - (a) Sales and excise taxes paid; and
 - (b) Returns and allowances;
- (7) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2008, as amended;
- (8) "Net profit" means gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:
 - (a) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States,

local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

- (b) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;
 - (c) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;
 - (d) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and
 - (e) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution or the Constitution and statutory laws of the United States;
- (9) "Sales revenue" means receipts from the sale, lease, or rental of goods, services, or property;
 - (10) "Tax district" means a city~~[-of the first to fifth class]~~, county, urban-county, charter county, consolidated local government, school district, special taxing district, or any other statutorily created entity with the authority to levy net profits, gross receipts, or occupational license taxes;
 - (11) "Taxable gross receipts," in case of a business entity having payroll or sales revenues both within and without a tax district, means gross receipts as defined in subsection (6) of this section, as apportioned under KRS 67.753;
 - (12) "Taxable gross receipts," in case of a business entity having payroll or sales revenue only in one (1) tax district, means gross receipts as defined in subsection (6) of this section;
 - (13) "Taxable net profit," in case of a business entity having payroll or sales revenue only in one (1) tax district, means net profit as defined in subsection (8) of this section;
 - (14) "Taxable net profit," in case of a business entity having payroll or sales revenue both within and without a tax district, means net profit as defined in subsection (8) of this section, as apportioned under KRS 67.753;~~[-and]~~
 - (15) "Taxable year" means the calendar year or fiscal year ending during the calendar year, upon the basis of which net income or gross receipts is computed; **and**
 - (16) ***"City" means a city with a population equal to or greater than one thousand (1,000) based on the most recent federal decennial census and any city with a population of less than one thousand (1,000) based on the most recent federal decennial census that, prior to January 1, 2014, imposed a license fee at a percentage rate on salaries, wages, commission, or other compensation for work done or services performed within the city or on the net profits or gross receipts of businesses, professions, or occupations from activities conducted within the city.***

➔Section 37. KRS 67A.500 is amended to read as follows:

- (1) Upon withdrawal from service prior to retirement, a member shall be entitled to receive a refund of the amount of contributions made by the member or picked up by the urban-county government pursuant to KRS 67A.510(2) after the date of establishment, without interest. Payments of picked up employee contributions shall be subject to state and federal tax as appropriate.
- (2) Any member receiving a refund of contributions shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six (6) months after receipt of an application from a member.
- (3) Any member who has received a refund shall be considered a new member upon subsequent reemployment if such person qualifies for membership under KRS 67A.360 to 67A.690. Any member who is reemployed after withdrawing from service and who received a refund of contributions shall, within ninety (90) days of his reemployment or prior to retirement, whichever occurs first, make a repayment to the system of the amount or amounts previously received as a refund, including interest at the rate determined by the board to be the actual rate of return on investments made by the board, but not less than three percent (3%) per annum, from the dates of the refund to the date of repayment, compounded annually. Upon the restoration of such refunds, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service, with interest, and shall be made in a single lump sum payment.

Repayments shall not be picked up by the urban-county government. If repayment is not made within the specified time period, the member shall have forever forfeited, waived, and relinquished the right to have reinstated to his account the credited service represented by the refunds for which repayment was not made, but shall not be precluded from purchasing service credit as provided in KRS 67A.402 if the member began participating in the fund prior to March 14, 2013.

- (4) Any member who has received, or who is entitled to receive, a refund, but who within six (6) months of becoming entitled to receive such refund, qualifies for membership under the provisions of a fund in effect in another government~~[, or city of the second class,]~~ adopted pursuant to law, shall have the option of paying his refund into such other fund, in which event he shall be deemed a member of such other fund and his account therein shall be credited with all contributions, including those picked up pursuant to KRS 67A.510(2), and service under his original fund.

➔Section 38. KRS 67A.570 is amended to read as follows:

The board may invest the moneys accruing to the fund, in interest-bearing bonds of any county, urban-county government or city~~[of the first, second, or third class]~~ in this Commonwealth, or in any securities in which trustees are permitted to invest trust funds under the laws of this Commonwealth, or in international or other securities as permitted under federal law. Such bonds shall be registered in the name of the board to the extent possible. The securities acquired by the board shall be deposited with the commissioner of finance and shall be subject to the order of the board. The board may at the cost of the pension fund employ or engage consultants to provide investment advice to aid the board in its determinations.

➔Section 39. KRS 67A.600 is amended to read as follows:

- (1) It is the intention of KRS 67A.360 to 67A.690 that the fund herein created shall supersede and take the place of the pension fund established under KRS 95.851 to 95.884 inclusive, for cities~~[of the second class]~~ becoming urban-county governments, which sections shall be without force and effect, insofar as applicable to such urban-county governments~~[, but said sections shall remain in full force and effect as relates to other cities of the second class]~~.
- (2) The fund created by KRS 67A.360 to 67A.690 shall succeed to and assume as of July 1, 1974, all assets of such pension funds, and shall continue to make payment of all annuities, pensions, and benefits granted by superseded pension funds at the rates previously fixed and under the conditions previously in effect, except as provided in subsection (3) of this section.
- (3) (a) Persons who retired under the provisions of KRS 95.520 to 95.620, or 95.851 to 95.884 in a city which subsequently was merged into an urban-county government, or their surviving spouses or eligible children, shall receive an upward adjustment in their retirement or survivor's annuity by calculation of a two percent (2%) annual increase compounded, from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to KRS 67A.690(1) for those same years. The survivor's annuity shall be determined as if the retired member's annuity had been increased annually by two percent (2%) compounded from July 1, 1974, until July 15, 1980, and annual increases compounded, from July 15, 1980, until July 15, 1990, in the same percentage amount by which the pension board increased other pensions pursuant to KRS 67A.690(1) for those same years. For purposes of calculation, the member's or survivor's first increase shall occur July 1, 1974, but only after the member was retired for one (1) year or attained age fifty-one (51), whichever was later, or would have been retired one (1) year or reached the age of fifty-one (51), whichever was later, in the event the member died before being retired one (1) year or reaching the age of fifty-one (51), unless retirement was under disability, in which case age and length of retirement criteria shall not apply.
- (b) After calculation of the new annuity level, persons affected by this section shall be granted the same annual increase granted to retirees pursuant to KRS 67A.690(1), and the annuity on which this cost-of-living increment is based shall be the annuity level reached through the addition of annual compounded increases calculated pursuant to paragraph (a) of this subsection. If the member has not attained the age of fifty-one (51) or would not have attained the age of fifty-one (51) in the event the member is deceased, then the member or survivor shall receive increases of two percent (2%) compounded annually until the member attains or would have attained age fifty-one (51), at which time the same annual increase granted to retirees who retired pursuant to KRS 67A.690(1) shall apply. In addition, each annuitant or surviving spouse or eligible child shall receive a one-time lump-sum payment of five hundred dollars (\$500).

- (4) The provisions of subsection (3) of this section shall not apply to any retiree or surviving spouse who receives a minimum retirement annuity, annually adjusted, pursuant to 1972 Acts Chapter 185, Section 1, but each such retiree or surviving spouse shall receive a one-time lump-sum payment of five hundred dollars (\$500). If, in the future, any retiree or spouse annuity granted pursuant to this section falls below the adjusted minimum annuity, the affected retiree or spouse shall be granted, from that time forward, the adjusted minimum annuity calculated pursuant to 1972 Acts Chapter 185, Section 1.

➔Section 40. KRS 68.200 is amended to read as follows:

- (1) As used in this section, unless the context clearly indicates otherwise:
- (a) Motor vehicle means "vehicle" as defined in KRS 186.010(8)(a);
 - (b) Retailer means "retailer" as defined in KRS 139.010; and
 - (c) Gross rental charge means "gross rental charge" as defined in KRS 138.462(4).
- (2) A county containing a **designated city, consolidated local government**, ~~[city of the first, second, or third class]~~ or urban-county government may levy a license fee on the rental of motor vehicles which shall not exceed three percent (3%) of the gross rental charges from rental agreements for periods of thirty (30) days or less. The license fee shall apply to retailers who receive more than seventy-five percent (75%) of their gross revenues generated in the county from gross rental charges. Any license fee levied pursuant to this subsection shall be collected by the retailer from the renters of the motor vehicles.
- (3) Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:
- (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or
 - (b) The rental is part of the services provided by a funeral director for a funeral; or
 - (c) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.
- (4) A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to KRS 65.245.
- (5) The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to KRS 65.245, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:
- (a) A riverport authority established by the county pursuant to KRS 65.520; or
 - (b) An industrial development authority established by the county pursuant to KRS 154.50-316; or
 - (c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for the purpose of promoting economic development.

The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.

- (6) (a) *As used in this section, "designated city" means a city on the registry maintained by the Department for Local Government under this subsection.*
- (b) *On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first, second, and third class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.*

➔Section 41. KRS 68.202 is amended to read as follows:

- (1) A county containing a **designated city** ~~[of the second class]~~ may levy a license fee not to exceed two percent (2%) on the gross receipts of all cable television systems within its boundaries, including systems franchised by cities within the county.

- (2) The fiscal court shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the cable television license fee account.
- (3) The county shall use the proceeds of the license fee only to provide teleconferencing facilities and equipment and television production services, equipment, and facilities pursuant to an arrangement with the Kentucky Authority for Educational Television, as specifically authorized by the General Assembly.
- (4) A county which has adopted the license fee authorized by subsection (1) of this section, and any cities within the county, shall not levy a franchise fee exceeding three percent (3%) of the gross receipts of its franchised cable television system.
- (5) *(a) As used in this section, "designated city" means a city on the registry maintained by the Department for Local Government pursuant to this subsection.*
(b) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 42. KRS 69.010 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, the Commonwealth's attorney shall, except in Franklin County, attend to all civil cases and proceedings in which the Commonwealth is interested in the Circuit Courts of his judicial circuit. In civil cases the Governor may employ counsel to assist the Commonwealth's attorney. The fees of the counsel employed by the Governor shall be paid out of the State Treasury upon a voucher signed by the Governor.
- (2) In each judicial circuit containing a city of the first ~~or second~~ class, ~~or~~ an urban-county government, *or any city with a population of twenty-five thousand (25,000) or more*, the Commonwealth's attorney shall not be required to represent the Commonwealth in any civil proceedings.

➔Section 43. KRS 69.105 is amended to read as follows:

~~In counties containing a city of the second class,~~ The stenographer for the Commonwealth's attorney shall have the same power of administering an oath as a notary public.

➔Section 44. KRS 70.320 is amended to read as follows:

- (1) *As used in this section:*
 - (a) *"Authorized county" means a county containing either an eligible city or a consolidated local government; and*
 - (b) *"Eligible city" means a city on the registry maintained by the Department for Local Government under subsection (5) of this section.*
- (2) The appointment of deputy constables shall be *allowed only in* authorized ~~only in~~ counties ~~containing a first or second class city or a consolidated local government~~. In *authorized* counties ~~containing a city of the first or second class or a consolidated local government~~, each constable may appoint one (1) or more deputies with the consent of the county judge/executive or the mayor, in a consolidated local government, as the case may be. The constable and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies.
- ~~(3)(2)~~ Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive or the mayor in a consolidated local government, as the case may be, entered after filing of a written direction by the constable.
- ~~(4)(3)~~ Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.
- (5) *On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first or second classes. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.*

➔Section 45. KRS 74.120 is amended to read as follows:

- (1) All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent. Said consent may be limited to water, gas or sewage service, and the authority of the water district to serve the area of the incorporated city shall be limited by the exclusion of any type of service from the consent given. Any city which has been included in the boundaries of a water district for ten (10) or more years shall be deemed to have given its consent to the service, whether water, gas, or sewage, which has been provided for such period. The acquisition by a water district of an existing franchise for a water, gas, or sewage distribution system within such a city, whether by purchase, assignment or otherwise, shall be deemed to constitute the consent of the city which granted the franchise in the first instance, but only for the purpose of operating the type of distribution system for which the franchise was granted.
- (2) The commission may contract with any city which is not included within the boundaries of the district for the purpose of furnishing water, gas or sewage services to the residents of such city and may contract with any city for the purpose of obtaining water, gas or sewage services for the use of the district.
- (3) When the commission shall contract with any city ~~of the first five (5) classes~~ in the manner prescribed in this section, such city shall be deemed a part of the district during the life of the contract, but only for the purpose of carrying out the provisions of the contract. Nothing herein shall impair the ownership by the contracting city of its own system, or empower the district to take any action not authorized by the contract.

➔Section 46. KRS 74.370 is amended to read as follows:

- (1) Any water district, created in the manner provided in KRS 74.010 to 74.070, both inclusive, may if the commissioners of such water district deem it feasible, build, or acquire or enlarge a water system without resort to, or in combination with, the right to levy assessments for the cost of such water system, as is provided in KRS 74.130 to 74.240, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system, or payable partially from revenues and partially from assessments.
- (2) In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of the system or partially by the revenue of the system and partially by assessments, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the water district and the commission shall have the same powers and duties as a city ~~of the second to sixth class~~ inclusive under the provisions of KRS 96.350 to 96.510, both inclusive. However, the water district and the commission shall not be limited solely to the revenue of the system in securing revenue bonds so issued.

➔Section 47. KRS 76.010 is amended to read as follows:

- (1) In the interest of the public health and for the purpose of providing adequate sewer and drainage facilities in and around each city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~of the first and second classes~~ and in each county containing ***a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~such city~~, there may be created and established a joint metropolitan sewer district under the provisions of KRS 76.010 to 76.210, having the powers, duties and functions as herein prescribed, to be known by and under the name of (Name of city ~~of the first or second class~~) and (Name of county) metropolitan sewer district, which district under that name shall be a public body corporate, and political subdivision, with power to adopt, use, and alter at its pleasure a corporate seal, sue and be sued, contract and be contracted with, and in other ways to act as a natural person, within the purview of KRS 76.010 to 76.210.

➔Section 48. KRS 76.070 is amended to read as follows:

- (1) When the district created under KRS 76.010 to 76.210 has organized, thereupon and by virtue of KRS 76.010 to 76.210, the existing sewer and drainage system and facilities of the city ***forming a district pursuant to Section 47 of this Act*** ~~of the first or second class~~, together with all contracts, books, maps, plans, papers and records, of whatever description pertaining to or relating to the design, construction, maintenance, operation, and affairs of the existing sewer and drainage system, shall be assigned, transferred, and dedicated to the use of and be in possession, and under the jurisdiction, control, and supervision, of the district under KRS 76.010 to 76.210 created, and the district is empowered to take possession thereof for its use and purposes. The district created under KRS 76.010 to 76.210 shall thereafter have complete jurisdiction, control, possession, and supervision, of the existing sewer and drainage system, and of all of the facilities of the city ~~of the first or second class~~ for the disposal of sewage and storm water, and shall continue to exercise such power so long thereafter as any bonds or liabilities of the district remain unpaid or have not been otherwise discharged. When

all of the bonds issued by the district and all its obligations have been paid in full or have been otherwise discharged, the district shall nevertheless continue to function as contemplated by KRS 76.010 to 76.210 until dissolved and disposition of its property and assets provided for.

- (2) The rights and powers given in this section shall apply in the whole of the district area.
- (3) The board shall make and spread upon its records adequate descriptions, by map or otherwise, of the district area.

➔Section 49. KRS 76.080 is amended to read as follows:

The district created under the provisions of KRS 76.010 to 76.210 is empowered:

- (1) To have jurisdiction, control, possession, and supervision of the existing sewer and drainage system of the city ***forming a district pursuant to Section 47 of this Act***~~[of the first or second class]~~; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system; to make additions, betterments, and extensions thereto within the district area; and to have all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution. No enumeration of powers in KRS 76.010 to 76.210 shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.
- (2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures which in the judgment of the board will provide an effective and advantageous means for relieving the district area from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system of the district area as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of KRS 76.010 to 76.210, and may take all steps the board deems proper and necessary to effect the purposes of KRS 76.010 to 76.210.
- (3) To construct any additions, betterments and extensions to the facilities of the district, within or without the district area, and to construct any construction subdistrict facilities or additions, betterments and extensions thereto, within or without the district area, by contract or under, through, or by means of its own officers, agents and employees. No construction or extensions shall be started within the city ***forming a district pursuant to Section 47 of this Act***~~[of the first or second class]~~ until, firstly, the city's director of works, and secondly, its board of aldermen have approved the plans. No construction or extensions shall be started in any city ***with a population greater than three thousand (3,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census***~~[of the second, third, or fourth class]~~ until the governing authorities of such city or cities have approved the plans. No construction or extensions shall be started in any other part of the county until the plans have been approved, firstly, by the county engineer and, secondly, by the fiscal court.
- (4) To establish, construct, operate, and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. The sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board deems expedient.
- (5) To acquire and hold the personal property the board deems necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.
- (6) To acquire by purchase, gift, lease, or by condemnation, real property or any interest, right, easement, or privilege therein, as the board determines necessary, proper and convenient for the corporate purposes of the district, and to use the same so long as its corporate existence continues, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pursuant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in the Eminent Domain Act of Kentucky. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, the real property and interest therein may be disposed of.
- (7) To make bylaws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city ***forming a district pursuant to Section 47 of this Act***~~[of the first or second class]~~, shall be subject to the approval, supervision and control of the legislative body of the city as hereinafter provided.

- (8) To make contracts and execute all instruments necessary or convenient in the premises.
- (9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.
- (10) To fix and collect sewer rates, rentals, and other charges, for services rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city ***forming a district pursuant to Section 47 of this Act*** ~~of the first or second class~~, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.
- (11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.
- (12) To approve or revise the plans and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in the whole county, in order to insure that such proposed construction, alteration or reconstruction shall conform to and be a part of a comprehensive sewer and drainage system for the said county. No sewers, drains, pumping and ventilating stations, or disposal and treatment plants or works shall be constructed, altered or reconstructed without approval by the board of the district. Any such work shall be subject to inspection and supervision of the district.

➔Section 50. KRS 76.150 is amended to read as follows:

- (1) Subsections (2) through (4) have no application to construction subdistrict bonds or obligations. All references to revenues, rates, rentals, charges, or collections in subsections (2) and (3) exclude those derived from or made on account of construction subdistricts. District facilities referred to in subsections (2) and (3) exclude construction subdistrict facilities.
- (2) The district may, from time to time, issue its negotiable interest-bearing revenue bonds for any of its corporate purposes, and it may also, from time to time, issue its negotiable interest-bearing revenue bonds to refund any of its bonds at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders. All the bonds, including interest, are payable solely from and secured only by revenues of the district realized through the collection of rates, rentals, or other charges, imposed for use of the facilities of the district. The bonds shall be authorized by resolution of the board and shall bear the dates, mature at the times not exceeding forty (40) years from their respective dates, bear interest at the rate or rates or method of determining rates, payable at least annually, be in the denominations and form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment at the place, and be subject to the terms of redemption, with or without premium, as the resolutions provide; except that before the issuance of bonds for any project within the corporate limits of any city ***forming a district pursuant to Section 47 of this Act*** ~~of the first or second class~~, the issuance of bonds shall first be authorized by ordinance passed by the legislative body of the city and approved by the mayor of the city. The bonds shall be sold at public sale for the price as the board determines.
- (3) Any resolution authorizing any bonds may contain provisions, which shall be a part of the contract with the holders of the bonds, as to:
 - (a) Pledging all or any part of the gross or net revenues of the district to secure the payment of the bonds and interest on the bonds;
 - (b) The amounts to be raised in each year by rates, rentals, and charges, and their use and disposition, and of any other revenues of the district;
 - (c) The setting aside of reserves or sinking funds and their regulation and disposition;
 - (d) Limitations on the right of the district to restrict and regulate the use of its facilities;
 - (e) Limitations on the purposes to which the proceeds of sale of any issue of bonds to be issued may be applied;
 - (f) Limitations on the issuance of additional bonds; and
 - (g) The procedure, if any, by which the term of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent, and the manner in which the consent may be given.
- (4) The bonds or other obligations of the district shall not constitute an obligation or indebtedness of the city or of the county and it shall be plainly stated on the face of each bond of the district that it has been issued under the

provisions of KRS 76.010 to 76.210, and that it does not constitute an indebtedness of the city or of the county. All bonds authorized may be issued without a vote of the voters and without any other proceedings or happenings of any other conditions or things than those proceedings, conditions and things which are specified and required by KRS 76.010 to 76.210. The bonds shall be signed in the name of the district by the chairman or vice chairman of the board, attested by the signature of the secretary-treasurer, with corporate seal of the district attached.

➔Section 51. KRS 76.170 is amended to read as follows:

- (1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city ***forming a district pursuant to Section 47 of this Act***~~[of the first or second class]~~. The district also embraces the district area as defined in KRS 76.005. When territory which is part of a construction subdistrict is annexed to the city~~[of the first or second class]~~, that territory shall not become part of the district area during the existence of the construction subdistrict. When the existence of the construction subdistrict is wound up under KRS 76.271, the territory therein shall become a part of the district area if it is then a part of the city~~[of the first or second class]~~ or whenever it is annexed by the city~~[of the first or second class]~~. When a construction subdistrict consisting of territory outside the city~~[of the first or second class]~~ is wound up, the board of the district shall incorporate the territory into the district area under conditions of KRS 76.271. The district may also expand the district area by constructing and extending its initial sewer and drainage system and facilities beyond the corporate limits of the city~~[of the first or second class]~~ and within the county in which the city is located whenever the district and the owners of real property to be served and located outside the limits of the city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owners of the real property, of rates, rentals and charges for the services and facilities to be thus afforded and for that portion of the district's capital costs, equitably allocable to the real property. Thereupon the real property served becomes a part of the district area. In a like manner and upon the same conditions, the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and the other city or incorporated area approved by their respective governing boards or bodies; provided, however, nothing in this subsection shall be construed as requiring the district to obtain the consent of any city ***with a population of less than three thousand (3,000) based upon the most recent federal decennial census located within a county containing a consolidated local government***~~[of the fifth or sixth class]~~ prior to constructing any sanitary or storm sewerage facilities within the limits of such a city, regardless of whether said facilities will serve the said city or not. All agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer or creating a lien upon real estate. Any agreements entered into by the district pursuant to this section may provide that the district area shall include the real estate in such city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the district area shall be thereby officially enlarged and extended to include same; except that the district area shall not be enlarged to include a construction subdistrict by agreement or otherwise.
- (2) The district may also expand the district area by constructing and extending its initial sewer and drainage system, or by constructing or extending new sewerage and drainage systems and facilities, into areas of the county outside of the city of the first class and annexing the areas to be served by such new or expanded systems or facilities to the district area, as provided in KRS 76.171.
- (3) The words "incorporated area" as used in this section do not mean or apply to any sanitation district organized under KRS Chapter 220.
- (4) The provisions of this section shall not apply in cases involving annexation by a city of the first class pursuant to KRS 81.300 to 81.360.

➔Section 52. KRS 76.172 is amended to read as follows:

- (1) The ordinance providing for the construction of sewerage or drainage facilities and appurtenances shall describe the nature and kind of facilities to be furnished and shall describe the particular area benefited by said sewerage or drainage facilities.
- (2) The costs of the sanitary sewers, combined sewers, drains, and appurtenances shall be assessed against the land in said benefited area according to the number of square feet in any lot or tract within the area described in the ordinance, or according to any other equitable basis. If the square foot method of assessment is used, the rate of apportionment shall be the same for each square foot of land in said benefited area, and shall be determined by dividing the cost of the assessable sanitary sewers, combined sewers, drains and appurtenances

by the total area of all land benefited in the area. No property which has been assessed for collector lines shall be reassessed for the installation or reinstallation of collector lines.

- (3) The costs of property service connections from the sewer to the property line or easement line as required shall be assessed against the individual lots or tracts to which such property service connections are furnished. The costs to be assessed for the property service connections shall be fixed by regulation of the metropolitan sewer district based on its experience of costs for such work.
- (4) All land included in said described territory shall be assessed, except such property dedicated to use for public roadways and property owned by cities *forming a district pursuant to Section 47 of this Act* ~~of the first or second class~~, counties containing cities *forming a district pursuant to Section 47 of this Act* ~~of the first or second class~~, and any joint agencies of such cities and counties.
- (5) When the board of a metropolitan sewer district determines that such construction of sanitary sewers, combined sewers, drains, appurtenances or property service connections at the cost of the property owners shall be recommended to the board of aldermen of a city of the first class, the metropolitan sewer district shall cause its engineering department to prepare complete drawings and specifications for the work and to keep same available for inspection in its offices.
- (6)
 - (a) The actual construction work of the sanitary sewers, combined sewers, drains, appurtenances or property service connections constructed pursuant to such ordinance shall be done by, or under the control of, the metropolitan sewer district.
 - (b) The cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections shall include not only the actual construction costs and the costs of any easements required for the sewers, but also costs of surveys, designs, plans, specifications, advertising, inspection and administration; however, these costs other than actual construction costs and costs of easements shall not exceed fifteen percent (15%) of the actual construction cost of the project. The costs of surveys, designs, plans, specifications, advertising, inspection and administration, but not exceeding a total of fifteen percent (15%) of the actual construction costs and the cost of any easements shall be paid by the contractor to the metropolitan sewer district at the completion of the work so that such costs may be included in the apportionment warrants.
- (7) A lien superior to all liens except the liens for state, county, city, school and road taxes and liens prior in time for other public improvements shall exist against the respective lots or tracts of land for the cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections for apportionment as hereinafter provided for, and interest thereon at the rate of six percent (6%) per annum.
- (8) No error in the proceedings of the city legislative body shall exempt such property from payment after the work has been done as required by either the ordinance or contract, but the city legislative body, or the courts in which suits shall be proceeding, shall make all corrections, rules and orders to do justice to all parties concerned. In no event, if the sanitary sewers, combined sewers, drains, appurtenances or property service connections are constructed as provided, by ordinance or contract, shall the city or the metropolitan sewer district be liable for the costs of the sanitary sewers, combined sewers, drains, appurtenances or property service connections without the right to enforce such costs against the property receiving the benefit.
- (9) Upon completion and acceptance of the sewer facility constructed, the metropolitan sewer district shall make out all apportionment warrants for which liens are given for improvements of sewer facilities and shall immediately enter them in alphabetical order upon a register kept for that purpose. When the holder of the warrant has obtained payment, he shall notify the metropolitan sewer district and it shall mark upon the register the fact of payment.
- (10) The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless the apportionment warrant is entered and registered within ten (10) days of its issuance.
- (11) After any sewer facilities have been constructed in conformity with this section the metropolitan sewer district shall give notice by publication pursuant to KRS Chapter 424 of the costs apportioned, and the amounts assessed and levied on the various tracts of land liable for the payment.
- (12) When property is annexed to a city *forming a district pursuant to Section 47 of this Act* ~~of the first or second class~~ and subsequently is connected to a sewer owned or operated by the metropolitan sewer district, payment shall be made to the district of a proportionate part of the construction costs of the sewer on the basis that

would apply if the sewer were being built within the corporate limits of the city by apportionment of costs against the benefited area as provided in this section.

- (13) The district may construct sewerage or drainage facilities in areas of the district located outside of the city of the first class by assessment, using the procedures set forth in this section, with the word "ordinance" being read as "resolution," the words "board of aldermen" being read as "fiscal court," the words "city legislative body" being read as "fiscal court," and the word "city" being read as "county."

➔Section 53. KRS 76.175 is amended to read as follows:

The board of the district may annex any unincorporated area in the county, or any area of the county containing all or any part of a city ***with a population of less than three thousand (3,000) based upon the most recent federal decennial census located within a county containing a consolidated local government***~~[of the fifth or sixth class]~~, whether contiguous or noncontiguous, to the district by making a preliminary order describing the area to be annexed and causing said order to be published pursuant to KRS Chapter 424. The notice so published shall state that objections in writing to the proposed annexation may be filed with the district within thirty (30) days of the date of said notice. The district shall examine and hear all such complaints. It may modify or amend the areas proposed to be annexed; and it shall make a final order, within sixty (60) days of the date of publication of said notice, describing the area or areas to be annexed and shall cause the same to be published pursuant to KRS Chapter 424. Within sixty (60) days after final publication of an order made pursuant to this section, any freeholder of land within the area or areas proposed to be annexed may appeal such final order to the Circuit Court for the county in which the district is located. All matters appealed shall be tried as an equitable action. Decisions of the Circuit Court may be appealed to the Court of Appeals.

➔Section 54. KRS 76.190 is amended to read as follows:

In order to promote and protect its activities and facilities, and in furtherance of the public health, the district may enter into contracts with, and thereunder it may permit other cities, towns, municipalities, sewer and drainage districts, located in the same county as the city ***forming a district pursuant to Section 47 of this Act***~~[of the first or second class]~~, to connect with and use the facilities of the district. The rates for service and connections shall be as agreed upon between the contracting parties.

➔Section 55. KRS 76.231 is amended to read as follows:

- (1) As an alternative to establishing a metropolitan sewer district pursuant to KRS 76.010, any city ***with a population equal to or greater than twenty thousand (20,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census***~~[of the second class]~~, together with the county in which it is located, may jointly establish a sewer agency for the purpose of providing sewer and drainage facilities within the city and the county.
- (2) A joint sewer agency shall be established upon the enactment of identical ordinances establishing and setting out the powers of the agency by both the legislative body of the city and the fiscal court of the county.
- (3) All the powers granted a metropolitan sewer district in cities of the first class by KRS 76.010 to 76.279 may be granted by ordinance to the sewer agency except that these powers may be restricted or qualified in order to conform to the local needs of the county and the city.
- (4) The legislative body of the city and the fiscal court of the county shall establish a schedule of rates, rentals and charges to be collected from all real property served by the facilities of the sewer agency in the manner provided by KRS 76.090. If the city, county, and sewer agency find that local needs warrant, uniformity of rates for all residential property shall not be required for a period of no more than ten (10) years from the date the sewer agency is established under subsection (2) of this section. If for whatever reason the city and county cannot agree to amendments to a rate schedule, the current schedule shall remain in effect until such time as an agreement can be reached.
- (5) For purposes of establishing a schedule of rates, rentals, and charges to be collected, the legislative body of the city and the fiscal court of the county may prescribe by joint ordinance for the creation of a rate adjustment board that shall be comprised of the members of both legislative bodies, sitting as a single body. Upon the creation of a rate adjustment board, a simple majority of the combined membership of the rate adjustment board shall be required to establish rates, rentals, and charges to be collected.
- (6) The joint sewer agency shall be administered as a separate legal entity or by a jointly appointed administrator or joint board as set out in the establishing ordinances.

- (7) The joint sewer agency may be dissolved only by a joint action of the legislative body of the city and the fiscal court of the county. The establishing ordinance may be amended in the same manner as originally enacted.
- (8) The legislative body of any city ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third to sixth class]~~ may by ordinance elect to be within the jurisdiction of a joint sewer agency established pursuant to this section.

➔Section 56. KRS 76.232 is amended to read as follows:

- (1) A city ***with a population less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third to sixth class]~~ together with the county in which it is located or together with the sanitation district, or any city ***with a population equal to or greater than twenty thousand (20,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census***~~[of the second class]~~ together with the county in which it is located or together with the sanitation district, as an alternative to establishing a metropolitan sewer district under KRS 76.010, may jointly establish a sewer agency for the purpose of providing sewer and drainage facilities within the city and the county or within the city and the sanitation district.
- (2) In order to establish a joint sewer agency under this section, the legislative body of the city, the fiscal court of the county, or the governing body of the sanitation district may vote to merge any existing agency or sanitation district or any portion thereof into the jointly established sewer agency or into an existing city or county sewer agency. If the legislative body of the city, fiscal court of the county, or governing body of the sanitation district determines to merge an existing agency or sanitation district into the joint sewer agency, it shall determine a method to satisfy any legal obligations of the existing agency or sanitation district which might be affected.
- (3) A joint sewer agency shall be established upon the enactment of identical agreements establishing and setting out the powers of the sewer agency by all parties establishing the joint sewer agency. Any agreement enacted by a city or county shall be by ordinance. Any agreement enacted by a sanitation district shall be done in the same manner as any other official actions taken by the sanitation district.
- (4) All the powers granted a metropolitan sewer district and cities of the first class by KRS 76.010 to 76.279 may be granted by ordinance to the joint sewer agency except that such powers may be restricted or qualified in order to conform to the local needs of the county, city, and sanitation district.
- (5) The joint sewer agency shall be administered as a separate legal entity or by a jointly appointed administrator, joint board, or one of the merging entities, as set out in the ordinance creating the joint sewer agency.
- (6) The joint sewer agency may be dissolved only by adoption of an ordinance of the legislative body of the city and the fiscal court of the county. The ordinance creating the joint sewer agency shall be amended in the same manner as originally enacted.
- (7) The legislative body of any city ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third to sixth class]~~ may by ordinance elect to be within the jurisdiction of a joint sewer agency established pursuant to this section.

➔Section 57. KRS 76.233 is amended to read as follows:

Any city ***with a population of less than one hundred thousand (100,000) based upon the most recent federal decennial census***~~[of the second to sixth class]~~ and the county in which it is located which have established a joint sewer agency pursuant to KRS 76.231 may authorize the issuance of revenue bonds pursuant to the procedure set out in KRS 76.150 and 76.160.

➔Section 58. KRS 76.242 is amended to read as follows:

The construction subdistrict shall not include the whole or any part of any incorporated city ***with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first, second, third or fourth class]~~, or any sanitation district or sewer construction district, or that part of a water district in which the water district has exercised its power to establish sanitary sewerage facilities pursuant to KRS 74.407 to 74.415, except with the consent of the legislative or managing board of such city or district. With such consent, the property owners of such city or district will be considered as freeholders of the construction subdistrict.

➔Section 59. KRS 76.366 is amended to read as follows:

- (1) Any sewer construction district created in the manner provided in KRS 76.300 to 76.325, both inclusive, may if the commissioners of such sewer construction district deem it feasible, build, or acquire or enlarge sewer or drainage facilities, including treatment plants, without resort to the right to levy assessments for the cost of

such sewer or drainage facilities, including treatment plants, as is provided in KRS 76.340 to 76.365, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system.

- (2) In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of the system, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the sewer construction district and the commission shall have the same powers and duties as a city *with a population less than one hundred thousand (100,000) based upon the most recent federal decennial census*~~[of the second to sixth class]~~ inclusive under the provisions of KRS 96.350 to 96.510, both inclusive, the language referring to waterworks and water systems in KRS 96.350 to 96.510 to be read as sewers and drains including treatment plants.
- (3) In the event such procedure is followed the commission shall not observe the provisions of KRS 76.340 to 76.365 both inclusive.

➔Section 60. KRS 77.005 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Legislative body" means the chief legislative body of the city, whether it is the board of aldermen, general council, board of commissioners, or otherwise;
- (2) "Air contaminant" or "air contaminants" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof;
- (3) "District" means an air pollution control district;
- (4) ***"Largest city" means the city with the greatest population within the county based upon the most recent federal decennial census conducted by the United States Census Bureau;***
- (5) "Person" means any individual, firm, copartnership, joint adventure, association, corporation, social club, fraternal organization, estate, trust, receiver, syndicate, any county, city, municipality, district (for air pollution control or otherwise), or other political subdivision, or any group or combination acting as a unit, and the plural as well as the singular unit; ***and***
- ~~(6)~~~~(5)~~ "Ringelmann Chart" means that standard published by the United States Bureau of Mines to determine the density of smoke.

➔Section 61. KRS 77.015 is amended to read as follows:

- (1) An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the fiscal court of the county within which such district is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county, provided:
- (2) ***For the creation of any air pollution control district after January 1, 2015***~~[In any county containing a city of the first or second class]~~, it shall also be necessary, before the district of such county is qualified to transact any business or exercise any of its powers under this chapter, that the legislative body of ***the largest***~~[such]~~ city ***within the county***, by proper ordinance, declare, at any time after the aforementioned resolution has been made by the fiscal court of such county, that there is need for an air pollution control district to function in such city.

➔Section 62. KRS 77.020 is amended to read as follows:

The fiscal court of any county desiring to place its air pollution control district in operation and the legislative body of ***the largest city***~~[a city of the first or second class]~~ in such county must hold separate public hearings prior to and for the purpose of determining whether or not there is need for an air pollution control district to function.

➔Section 63. KRS 77.035 is amended to read as follows:

The legislative body of ***the largest city in the county***~~[a city of the first or second class]~~ may adopt an ordinance declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

- (1) That the air within such city is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property;

- (2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

➔Section 64. KRS 77.040 is amended to read as follows:

- (1) A resolution of the fiscal court declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of KRS 77.030 that both the conditions enumerated therein exist. No further detail is necessary.
- (2) An ordinance of the legislative body of ***the largest city within the county***~~a city of the first or second class~~ declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of KRS 77.035 that both the conditions enumerated therein exist. No further detail is necessary.

➔Section 65. KRS 77.045 is amended to read as follows:

- (1) A copy of a resolution of the fiscal court declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.
- (2) A copy of an ordinance of the legislative body of ***the largest city within the county***~~a city of the first or second class~~ declaring that there is need for an air pollution control district, duly certified by the clerk of such legislative body, is admissible in evidence in any suit, action or proceeding.

➔Section 66. KRS 77.055 is amended to read as follows:

- (1) Upon the adoption of the resolution by the fiscal court of the county in which the district is to function, and, where necessary pursuant to KRS 77.015, the passage of the ordinance by the legislative body of ***the largest city***~~a city of the first or second class~~ within such county, the district shall immediately begin to function.
- (2) After the adoption of the resolution of the fiscal court of the county in which the district is to function, and~~where necessary pursuant to KRS 77.015,~~ the passage of the ordinance by the legislative body of ***the largest city***~~a city of the first or second class~~ within such county, the regular activation and organization of the district shall be finally and conclusively established against all persons except the Commonwealth of Kentucky upon suit commenced by the Attorney General. The activation and organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding instituted by any other person.

➔Section 67. KRS 77.065 is amended to read as follows:

- (1) The members of the fiscal court of a county shall be, and they are hereby designated as, and empowered to act as, ex officio the air pollution control board of the air pollution control district in such county.
- (2) All county officers, their assistants, clerks, deputies, and employees, and all other county employees shall be ex officio officers, assistants, deputies, clerks, and employees respectively of the air pollution control district in the county in which they are employed. Except as otherwise provided in this chapter, they shall perform respectively the same various duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.
- (3) The provisions of subsections (1) and (2) of this section shall not be applicable to any county containing a city of the first ~~or second~~ class, or a consolidated local government, ***or to a county where the largest city in that county contains a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census.***
- (4) Notwithstanding any provision of this chapter to the contrary, whenever a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the county shall provide all staff support, including a secretary-treasurer and an air pollution control officer, to the air pollution control board through county officers, assistants, clerks, deputies and employees. In such case, the staff of the air pollution control board, including the secretary-treasurer and the air pollution control officer, shall be deemed county employees and shall be subject to the control of fiscal court. At the time the compact takes effect, the employees of the air pollution control district shall be transferred to the service of the county government; provided that all such employees who are in the classified service at such time shall be continued in the classified service administered by county government. Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the employees of an air pollution control district shall be deemed to be employees of the consolidated local government and the provisions of this subsection shall be applied to the consolidated local government.

➔Section 68. KRS 77.070 is amended to read as follows:

- (1) In a county containing a ***consolidated local government or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[city of the first or second class]~~, the air pollution control board of the air pollution control district shall consist of seven (7) members, three (3) of whom shall be appointed by the county judge/executive, subject to the approval of the fiscal court, and four (4) of whom shall be appointed by the mayor~~[of the city of the first or second class within such county]~~. The mayoral appointments shall be subject to the approval of the legislative body of the city.
- (2) The mayor shall appoint, subject to the approval of the legislative body of the city, one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years, and the county judge/executive, subject to the approval of the fiscal court, shall appoint one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years, and upon the expiration of each of said terms respectively, and thereafter, the term of each of such members shall be four (4) years, and until their successors are appointed and qualified.
- (3) All air pollution control board members appointed pursuant to this section must be freeholders within the district; those appointed by the county judge/executive must be residents of such county, and those appointed by a mayor must be residents of their respective city or consolidated local government.
- (4) Not more than four (4) of the seven (7) board members appointed pursuant to this section shall be of the same political party affiliation, nor shall an officer or employee of such city, consolidated local government, or county, whether holding a paid or unpaid position, be eligible for appointment to the board.
- (5) A member of the air pollution control board is eligible to succeed himself or herself. A vacancy in the membership shall be filled by an appointee of the mayor or of the county judge/executive as the case may be, for the unexpired portion of the term. An appointee to a vacancy shall have the same qualifications as any regularly appointed member.
- (6) Any member of the board appointed by a mayor may be removed, for cause, after a hearing, by the legislative body of such city or consolidated local government, and after ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the legislative body shall be final and removal results in vacancy in such office.
- (7) Any member of the board appointed by a county judge/executive may be removed, for cause, after a hearing, by the fiscal court of such county, and after ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the fiscal court shall be final and removal results in vacancy in such office.
- (8) As used in this section "mayor" means the chief executive of the city or consolidated local government whether the official designation of his office is mayor, city manager, or otherwise.
- (9) Notwithstanding subsections (1) and (2) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the air pollution control board shall consist of seven (7) members, four (4) of whom shall be appointed by the county judge/executive with the approval of the fiscal court and three (3) of whom shall be appointed by the mayor, with the approval of the legislative body, of the first-class city within such county. The terms of such members shall be three (3) years, and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the term of one (1) of each of their appointments expires in one (1) year, the term of one (1) of each of their appointments expires in two (2) years, and the term of one (1) of each of their appointments expires in three (3) years. The term of the then remaining member who was previously appointed by the mayor shall terminate immediately and the county judge/executive with approval of the fiscal court shall appoint a member for a one (1) year term. Upon the expiration of these staggered terms, successors shall be appointed for a term of three (3) years. Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of KRS 67C.139 for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment.

➔Section 69. KRS 77.085 is amended to read as follows:

- (1) ~~An~~~~In a county containing a city of the first or second class, the~~ air pollution control board ***operating under Section 68 of this Act*** shall, in July of each year, elect from its members a chairman and a vice chairman who shall be of different political party affiliation. The board shall employ a competent secretary-treasurer and an air pollution control officer, neither of whom shall be a member of the board. The secretary-treasurer and the air pollution control officer shall devote their entire time and attention exclusively to the services of the board.
- (2) The air pollution control officer shall be an engineer by profession and shall be a graduate of a recognized university or college, shall be thoroughly familiar with the theory and practice of the prevention and control of air pollution, and shall meet the qualifications for a nonelective peace officer stated in KRS 61.300.
- (3) The secretary-treasurer and the air pollution control officer may be removed by the board, for cause, after hearing by it and after at least ten (10) days notice in writing shall have been given to the secretary-treasurer or the air pollution control officer, as the case may be, which notice shall embrace the charges preferred against the person. At the hearing the person may be represented by counsel. The finding of the board shall be final.
- (4) The board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the secretary-treasurer and the air pollution control officer, and the times at which they shall be appointed.

➔Section 70. KRS 77.090 is amended to read as follows:

- (1) In all counties other than those provided for in ***Section 68 of this Act or*** KRS 77.085, the air pollution control board of the air pollution control district may appoint an air pollution control officer, and may provide for assistants, deputies, clerks, attaches and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed.
- (2) An air pollution control officer appointed pursuant to this section shall have the qualifications set forth in KRS 77.085.
- (3) Such air pollution control officer may be removed by the board, for cause, in the manner provided for the removal of air pollution control officers in subsection (3) of KRS 77.085.

➔Section 71. KRS 77.120 is amended to read as follows:

The air pollution control board shall determine the compensation of, and pay from district funds, the secretary-treasurer of the air pollution control board, his assistants, deputies, clerks, attaches, and other employees, the air pollution control officer, his assistants, deputies, clerks, attaches, and other employees, the members of the hearing board, and all other employees of the air pollution control board. The salaries and compensation paid shall be in line with that paid by the county, or ***the largest city***~~a city of the first or second class~~ within the county, for similar services.

➔Section 72. KRS 77.125 is amended to read as follows:

In order to provide money for carrying out the purposes of this chapter, the fiscal court of a county within which the air pollution control district has been activated and the legislative body of a city ***qualified to appoint members of the board pursuant to Section 68 of this Act***~~of the first or second class~~ within such county, if there be any such city, may annually appropriate funds to such district. If there be such city within the county, the appropriation shall be in such proportion as may be agreed upon between the city legislative body and the fiscal court. Such funds shall be deposited in the treasury of the air pollution control district.

➔Section 73. KRS 77.127 is amended to read as follows:

- (1) In a county containing a consolidated local government or a city of the first ***class or a city having a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~second class~~, there is established within the air pollution control district a special trust fund to be known as the "air quality trust fund" to be used for conducting and funding air quality research and development projects, special nonrecurring air quality projects, and air quality education programs approved by the air pollution control board to assist in implementing the policies and purposes of this chapter.
- (2) All money collected for the fund shall be deposited by the district into an interest-bearing capital project account maintained by the fiscal court or consolidated local government of the county in which the district is located. Money shall be distributed from the account by the finance director of the county or consolidated local government based upon written authorization from the air pollution control board. Money unexpended at the close of a fiscal year shall not lapse but shall be carried forward for future use.
- (3) The fund shall not be used to support or finance the routine day-to-day activities and responsibilities of the district.

- (4) The air pollution control board shall, by regulation, set policies and establish procedures for the receipt and disbursement of any money collected under this section and for the full disclosure of the source and use of the money.
- (5) The air pollution control board shall control and manage the fund. It shall publish in writing at its June meeting each year an accounting of the income and disbursements of the fund.
- (6) Four (4) members of the air pollution control board shall constitute a quorum for conducting business relating to the air quality trust fund. When votes are taken on matters relating to the fund, each member shall have one (1) vote, and the affirmative vote of at least a majority of the votes cast shall be necessary for the adoption of any motion, measure, or resolution.
- (7) Members of the air pollution control board shall not solicit, but may accept, money by grant, gift, donation, bequest, civil or criminal penalty, or other conveyance to be credited to the air quality trust fund, but they may not accept penalties collected under KRS 77.990 for the air quality trust fund.

➔Section 74. KRS 77.135 is amended to read as follows:

- (1) It shall be the duty of the secretary-treasurer of an air pollution control board ***formed pursuant to Section 68 of this Act***~~of a consolidated local government and a county containing a city of the first or second class~~, during or before the month of May of each year, to prepare and certify to the consolidated local government or fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgment of the air pollution control board, will be needed for the various departments of the district, together with a statement showing the estimated balances, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets (other than appropriations) will be or will become available for expenditure during that year. The board shall also furnish to the consolidated local government or the fiscal court and the city legislative body any other information or data available to it which the consolidated local government, the fiscal court, or the city legislative body may request.
- (2) Prior to the first day of each fiscal year, every air pollution control board shall prepare, for its own use and guidance, a financial budget setting forth the total amounts of funds available from all sources for expenditures during the said fiscal year, and also setting forth in detail the estimated expenditures of the board and the district during said fiscal year.
- (3) A contingent fund for unanticipated expenditures may be established in order to provide for such contingent and unanticipated needs as may arise during the district's said fiscal year.
- (4) All air pollution control boards shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 75. KRS 77.140 is amended to read as follows:

- (1) The air pollution control board ***created pursuant to Section 68 of this Act***~~of a consolidated local government or a county containing a city of the first or second class~~ shall install and maintain a modern and efficient system of accounting and keep financial records. The board, however, may select and use the finance department of the consolidated local government or city to do its financial accounting and make its disbursements in a manner as may be agreed upon by and between the board and the director of finance of the consolidated local government or city, which work shall be done by the finance department without compensation from the board.
- (2) The Auditor of Public Accounts of the Commonwealth of Kentucky, the comptroller and inspector of the consolidated local government or the city, and the county auditor of such county, respectively, shall have access to the books and records of the board.
- (3) All air pollution control boards shall be subject to audit or attestation engagement procedures as provided in KRS 65A.030. In addition, at any other time upon the direction of the legislative body of a consolidated local government, or upon the direction of the fiscal court of the county, the county auditor shall make an audit of the board's accounts and report back thereon.

➔Section 76. KRS 77.200 is amended to read as follows:

- (1) The air pollution control board may contract with the county in which the air pollution control district is located, and may contract with any city within the district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the

county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of KRS 77.195.

- (2) In a county ***with a board formed pursuant to Section 68 of this Act, the***~~containing a city of the first or second class, such~~ contracts may provide for the consideration, if any, which the air pollution control district shall pay to ~~the~~~~such~~ county or city.
- (3) In all other counties such contracts may provide for the consideration, if any, which shall be paid to ~~the~~~~such~~ city. In no event shall any consideration be paid by the district to such counties for such services.

➔Section 77. KRS 77.275 is amended to read as follows:

If any local ordinance has provided regulations similar to those in KRS 77.150 to 77.175 or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to the local ordinance a variance has been granted prior to the adoption of a resolution by the fiscal court and the passage of an ordinance by the legislative body~~of a city of the first or second class~~, pursuant to KRS 77.010 to 77.060, or the passage of an ordinance by the consolidated local government, the variance shall be continued as a variance of the hearing board for the time specified therein or one (1) year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in KRS 77.245 to 77.275.

➔Section 78. KRS 90.300 is amended to read as follows:

- (1) In KRS 90.310 to 90.410, unless the context requires otherwise:
 - (a) "Administrative or directorial position" means the head of a department of municipal government.
 - (b) "Appointing authority" means the officer, commission, board or body having the power of appointment or removal in any office, department, commission, board or institution.
 - (c) "Civil service" means the offices and positions of trust or employment in the service of the city not specifically excluded by KRS 90.310 to 90.410 or by ordinance of the city as provided in KRS 90.310.
 - (d) "Commission" means the board of civil service commissioners as established under KRS 90.310.
 - (e) "Dismissal" means the discharge of an employee.
 - (f) "Employee" means any person employed in the conduct of municipal affairs, but the term shall not include the mayor,~~or~~ city manager, ***city administrative officer, or*** an administrative or directorial position. ~~The term "employee" established for cities of the second or third class, except that the legislative body, no later than December 31, 1982, may elect by ordinance to designate persons in administrative or directorial positions as employees, however, any person employed in an administrative or directorial position on July 15, 1982, shall continue to be covered by the provisions of KRS 90.310 to 90.410 for the time as he is employed in a position notwithstanding the removal of the position from the definition of "employee" and in cities of the second class it] shall not include the offices of the board of health, members of the planning and zoning commission, the board of trustees of the public library, members of the housing authority, municipal hospital commission or the trustees, members or corresponding officers of similar boards or commissions~~of cities of the second class~~, persons employed on temporary and special projects or to persons whose regular employments with the city are seasonal and are less than nine (9) months in any one (1) year, persons in a class of employees designated by ordinance to be non-civil-service positions, and the city clerk or city assessor~~of a city of the second class operating under the commission form of government~~.~~
 - (g) "Pension fund" means the moneys derived from the employees and the levy of a special tax, either or both, or any other sum derived from any other source, to be used for the retirement of employees after the prescribed years of service and for the benefit of disabled employees, and surviving spouses and dependent children in the case of death of an employee within the scope of his employment according to the terms of KRS 90.310 to 90.410 and the ordinance of the city.
- (2) The provisions of KRS 90.310 to 90.410 are independent of and do not affect the laws governing the police and fire departments, nor their pension funds, ***as provided in KRS Chapter 95***~~in cities of the second and third classes~~.

➔Section 79. KRS 90.310 is amended to read as follows:

- (1) Any city of the *home rule*~~[second or third]~~ class may elect to operate under KRS 90.310 to 90.410, and, by ordinance, create a civil service commission which shall hold examinations as to the qualifications of applicants for municipal employment within the several departments of the city that are designated by ordinance. In all cities of the *home rule*~~[second]~~ class~~, and in cities of the third class~~, the city may, by ordinance, classify employees and designate the class of employees it desires to include.
- (2) The mayor, subject to the approval of the city legislative body, shall appoint at least three (3) but no more than five (5) persons who shall constitute the civil service commission of that city. Each appointee shall be at least thirty (30) years of age and not related by either blood or marriage to the mayor or any member of the city legislative body. The appointees shall originally be appointed one (1) for a term of three (3) years, one (1) for a term of two (2) years and all remaining appointments shall be for a term of one (1) year, and the successors to these appointees shall be appointed in like manner, each for a period of three (3) years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. At the time of any appointment, if the mayor elects to appoint only three (3) commissioners, not more than two (2) commissioners shall be adherents of the same political party. If the mayor elects to appoint more than three (3) commissioners not more than three (3) commissioners shall be adherents of the same political party. The appointee originally appointed for the term of three (3) years shall be secretary of the commission. Each appointee shall qualify by taking an oath of office as required by law. The salaries of the members of the commission may be fixed by the city legislative body.
- (3) If the appointing authority of any city fails to appoint a civil service commission within thirty (30) days after he has the power to so appoint or after a vacancy exists, the mayor pro tem shall make the appointment and the appointee shall hold office until the expiration of the term and until his successor is appointed and qualified.
- (4) The civil service commission shall make and enforce rules, not inconsistent with the provisions of KRS 90.310 to 90.410 or the ordinances of the city, for examinations and registrations therefor.

➔Section 80. KRS 90.320 is amended to read as follows:

- (1) The civil service commission shall prescribe and propound such examinations as are proper, commensurate with vacant positions within the various departments of the city, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of examinations by publication pursuant to KRS Chapter 424.
- (2) The civil service commission shall, as soon after examinations as is practicable, certify to the mayor or other appointing authority a list of the applicants so examined, with the one (1) having the highest average ranked first and all others ranked numerically according to the result of the examination.
- (3) Any honorably discharged soldier, sailor, marine, member of the Air Force, or member of any other branch of the military service who was inducted into that service through voluntary or involuntary enlistment, and who is an applicant for any municipal civil service position, and a registered voter of that municipality, shall be entitled to a five percent (5%) increase on his examination score. Any Red Cross nurse who served during the period of hostilities between the United States and the Central Powers in World War I and between the United States and Japan and Germany in World War II, and who is a registered voter of that municipality, shall be entitled to the same percentages. Such percentages shall be added to examination scores only if the score is determined by the civil service commission to be a passing score and after verification of the required service.
- (4) The civil service commission of cities~~[of the second class]~~ shall maintain an eligible list of not less than three (3) for each position to be filled.
- (5) The appointing authority may designate certain civil service positions and prescribe that for such positions the examinations shall first be given exclusively to current employees; provided, however, that if less than three (3) employees with a minimum of two (2) years seniority achieve a passing grade, the examination shall be held in accordance with subsection (1) of this section.

➔Section 81. KRS 90.340 is amended to read as follows:

Employees who at the time the provisions of KRS 90.310 to 90.410 are adopted by any city~~[of the second or third class]~~ have been in the employ of that city for one (1) year last past shall not be required to stand an original examination, and shall be eligible for all the benefits provided by KRS 90.310 to 90.410.

➔Section 82. KRS 90.350 is amended to read as follows:

- (1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the lists of applicants certified to him by the civil service commission after examination. Appointments

shall be made only by the selection of one (1) of the three (3) holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) of this section.

- (2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three (3) persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission for noncompetitive examination, and if certified by the commission as qualified after the noncompetitive examination he may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission, which eligible list shall be prepared within **sixty (60)**~~thirty (30)~~ days after a vacancy occurs~~[in cities of the second class, or within ninety (90) days after vacancy in cities of the third class]~~.
- (3) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than **forty-five (45)**~~thirty (30)~~ days~~[in cities of the second class, or sixty (60) days in cities of the third class]~~, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.
- (4) Temporary appointments made necessary by reason of illness or disability of regular employees shall continue only during such period of disability.
- (5) The death of an employee shall not authorize an appointment without examination~~[in cities of the second class]~~.
- (6) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employee in said classification ranking next highest in seniority, if he chooses, shall succeed to and fill said vacancy, unless upon charges made by the city that said employee is not qualified to fill said vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of an employee, it be established by the city that said employee has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occurs. Provided that in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority, competitive examination in such case has failed to provide an eligible list; the commission may suspend the provisions requiring competitive examination under civil service.
- (7) Where the service to be rendered by an appointee in the classified service is for a temporary period~~[not to exceed thirty (30) days in cities of the second class, or sixty (60) days in cities of the third class]~~, and the need of such service is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.
- (8) No person shall be certified by the commission from an eligible list more than four (4) times to the same appointing authority for the same or similar position.
- (9) The appointing authority may provide that all appointments for initial permanent employment may be probationary appointments for a period of not more than twelve (12) months, after which probationary period regular appointments shall be given to all probationary employees who are deemed to be satisfactory by the respective appointing authority.

➔Section 83. KRS 90.360 is amended to read as follows:

- (1) No employee in the classified service~~[of a city of the second or third class]~~ shall be dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination,~~[or]~~ violation of law involving moral turpitude, or~~[in a city of the third class,]~~ violation of any rule adopted by the city legislative body or civil service commission.
- (2) Any person may prefer charges in writing against any employee by filing them with the mayor or other appointing authority who shall communicate the charges without delay to the civil service commission of the city. The charges must be signed by the person making them and must set out clearly each charge. The

appointing authority shall, whenever probable cause appears, prefer charges against any employee whom he or she believes guilty of conduct justifying his or her removal. Upon the filing of charges, the clerk of the civil service commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place, and hour at which the hearing of charges will begin, this hearing not to be held within three (3) days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one (1) of the days of notice. The person accused may in writing waive the service of charges and demand trial within three (3) days after they have been filed with the clerk of the civil service commission.

- (3) Upon the hearing, the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges.
- (4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the clerk of that body and served upon the witnesses by members of the police department of the city or any officer authorized to serve subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The accused employee shall have the right to have subpoenaed any witnesses he or she may desire, upon furnishing their names to the clerk. As many as ten (10) subpoenas may be served on the request of the accused employee without charge but each additional subpoena requested by him shall be issued by the clerk and served by the police department only upon payment of fifty cents (\$0.50) to the city clerk by the employee. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.
- (5) In cases where the head of the department or the appointing authority has probable cause to believe an employee has been guilty of conduct justifying his removal or punishment he shall immediately suspend that employee from duty or from both pay and duty pending trial and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.
- (6) The civil service commission shall punish any employee found guilty by reprimand or a suspension for any length of time not to exceed six (6) months, or by reducing the grade, if the employee's classification warrants, or by combining any two (2) or more of these punishments, or by dismissal. No employee shall be reprimanded, removed, suspended, or dismissed except as provided in this section.
- (7) (a) Any of the following offices, positions, and places of employment, in the police and fire departments~~of a city of the second or third class~~, may be excluded from the classified service:
 1. Chief of police;
 2. Assistant chief of police;
 3. Chief of firefighters; and
 4. Assistant chief of firefighters.
- (b) Any classified employee in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of firefighters, or assistant chief of firefighters shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of those respective positions. If an individual should cease to serve in any of those positions, there shall be restored to him or her the same classification and rank which he or she held prior to his or her appointment.

➔Section 84. KRS 90.390 is amended to read as follows:

- (1) No person shall be appointed to any position because of political partisan service rendered by him or his family, or because of political sentiment or affiliation, nor shall any person be dismissed or reduced in grade because of any political opinion.
- (2) No employee~~of a city of the second class~~ shall coerce or persuade another, or in any way actively participate in any election, or cause others to do so.

➔Section 85. KRS 90.400 is amended to read as follows:

- (1) Any city ***maintaining a pension fund for employees under civil service hired before August 1, 1988, operating pursuant to this section as of January 1, 2015, shall continue to operate the existing pension fund***

in accordance with this section. The city~~[of the second class adopting a civil service plan under KRS 90.310 shall provide by ordinance for the creation and maintenance of a pension fund for employees under civil service, and]~~ may assess monthly such amount or percent of the salary of the employees as may be equitably determined on a fair actuarial basis, the assessment to be deducted from the employees' salaries and paid in cash into the pension fund.

- (2) The city may make current contributions to the fund on an actuarially funded basis, toward the annuities and benefits herein provided. These contributions shall be equal to the sum of the following:
 - (a) An annual amount resulting from the application of a rate percent of salaries of active members, representing the present value of the actuarial reserve requirements for membership service, for service retirement annuity, disability retirement annuity, and annuities to surviving spouses and children, and the one-year term premium for the city's liability for death benefits, after applying the contribution by the active members. Such rate percent shall be fixed by the *city legislative body*~~[board of city commissioners]~~ every three (3) years after an actuarial survey of the fund, and shall be in effect for a period of at least three (3) years.
 - (b) An amount resulting from the application of a rate percent of the salaries of active members which will provide each year regular interest on the remaining liability for prior service.
- (3) The city may create *or continue to operate* a board for the pension fund and designate trustees of that board, and may fix the powers of the trustees, determine the eligibility of employees or their dependents to a pension or other benefit, and may provide a monthly allowance for employees eligible for a pension.
- (4) Temporary employees appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.
- (5) In no year shall the contribution by the city to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employees.
- (6) The trustees of the pension fund shall, at least once every three months, report in writing to the mayor the receipts, expenditures, and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three (3) places where city employees frequent and report.
- (7) When any city *maintaining a pension fund for employees under civil service hired before August 1, 1988, operating pursuant to this section as of January 1, 2015*~~[of the second class adopts an ordinance under this section for the creation of a pension fund]~~, picks up employee contributions pursuant to KRS 65.155, or accepts from its employees a portion of their wages and contributes city funds therefor, an inviolable contract shall be created between the city as employer and its employees, and the city and its employees shall continue to operate under KRS 90.310 to 90.390 and the adopting ordinance, except that employees, pursuant to subsection (8) of this section, may choose to participate in the County Employees Retirement System. A repeal of that ordinance by the city shall in no wise affect such employees unless by the mutual consent of the city and an employee or employees.
- (8) After August 1, 1988, no new pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988. Any city which provided a pension plan for its employees on or prior to August 1, 1988, shall place employees hired after August 1, 1988, in the County Employees Retirement System. The board shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section.

➔Section 86. KRS 90.410 is amended to read as follows:

- (1) Any city *maintaining a pension fund for employees under civil service hired before August 1, 1988, operating pursuant to this section as of January 1, 2015, shall continue to operate the existing pension fund in accordance with this section. The city*~~[of the third class adopting a civil service plan under KRS 90.310 may provide by ordinance for the creation and maintenance of a pension fund for the benefit of employees under civil service, and]~~ may assess monthly such amount or percent of the salary of employees as may be equitably determined on a fair actuarial basis, not to exceed five percent (5%) of the monthly salary of any employee. The city legislative body shall contribute city revenues to the fund which shall be not less than the contributions of the employees.

- (2) The city may create a board for the pension fund and designate trustees of that board, and may fix the powers of trustees, determine the eligibility of employees or their dependents to a pension or other benefit, and may provide a monthly allowance for employees eligible for a pension, not to exceed one-half (1/2) of the monthly salary of any employee at the time of his retirement.
- (3) In order to adjust retirement benefits to the purchasing power of the dollar, the city may annually provide an increase in benefits paid pursuant to this section. The city may provide an increase of any amount up to the increase in the consumer price index calculated pursuant to KRS 64.527, but in no case shall the annual increase exceed five percent (5%).~~[-The city may grant the first increase in 1990.]~~
- (4) When any city ***maintaining a pension fund for employees under civil service hired before August 1, 1988, operating pursuant to this section as of January 1, 2015***~~[-of the third class adopts an ordinance under this section for the creation of a pension fund]~~, picks up employee contributions pursuant to KRS 65.155, or accepts from its employees a portion of their wages and contributes city funds therefor, an inviolable contract shall be created between the city as employer and its employees, and the city and its employees shall continue to operate under KRS 90.310 to 90.390 and the adopting ordinance, except that employees, pursuant to subsection (5) of this section, may choose to participate in the County Employees Retirement System. A repeal of that ordinance by the city shall in no wise affect such employees unless by the mutual consent of the city and an employee or employees.
- (5) After August 1, 1988, no new pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988. Any city which provided a pension plan for its employees on or prior to August 1, 1988, shall place employees hired after August 1, 1988, in the County Employees Retirement System. The board shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section.

➔Section 87. KRS 90.990 is amended to read as follows:

Any person who shall knowingly, or wittingly, or intentionally, or through gross negligence, violate any of the provisions of this chapter~~[-pertaining to cities of the first and second classes]~~, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), provided, however, that the provisions of this section shall not apply to KRS 90.220.

➔Section 88. KRS 91A.040 is amended to read as follows:

- (1) ***Except as provided in subsections (2) and (3) of this section***, each city~~[-of the first through fifth class]~~ shall, after the close of each fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten (10) days of the completion of the audit and its presentation to the city legislative body, in accordance with subsection (4)(e) of this section, each city shall forward three (3) copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall forward one (1) copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.
- (2) ***A city with a population of less than one thousand (1,000) based upon the most recent federal decennial census***~~[-Except as provided in subsection (3) of this section, each city of the sixth class]~~ shall, after the close of each odd-numbered fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year to be audited. Within ten (10) days of the completion of the audit and its presentation to the city legislative body, in accordance with subsection (4)(e) of this section, ~~the~~~~[-each sixth class]~~ city shall forward three (3) copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall forward one (1) copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975. After the close of each even-numbered fiscal year, each~~[-sixth class]~~ city ***subject to the provisions of this subsection*** shall prepare a financial statement in accordance with KRS 424.220 and immediately forward one (1) copy to the Department for Local Government, which shall forward one (1) copy of the financial statement to the Legislative Research Commission.
- (3) Any city~~[-of the sixth class]~~, which for any fiscal year receives and expends, from all sources and for all purposes, less than seventy-five thousand dollars (\$75,000), and which has no long-term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year.

Each city *exempted in accordance with this subsection* shall annually prepare a financial statement in accordance with KRS 424.220 and immediately forward one (1) copy to the Department for Local Government for information purposes. The Department for Local Government shall be responsible for forwarding one (1) copy of the financial statement to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

- (4) Each city required by this section to conduct an annual or biannual audit shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include but not be limited to requirements that:
 - (a) The auditor be employed to examine the basic financial statements, which shall include the government-wide and fund financial statements;
 - (b) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended;
 - (c) All audit information be prepared in accordance with generally accepted governmental auditing standards which include tests of the accounting records and auditing procedures considered necessary in the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;
 - (d) The auditor *shall* prepare a typewritten or printed report embodying:
 1. The basic financial statements and accompanying supplemental and required supplemental information;
 2. The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed; and
 3. Findings required to be reported as a result of the audit;
 - (e) The completed audit and all accompanying documentation shall be presented to the city legislative body at a regular or special meeting; and
 - (f) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant's work papers upon request.
- (5) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to a city for financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.
- (6) Each city shall, within thirty (30) days after the presentation of an audit to the city legislative body, publish an advertisement in accordance with KRS Chapter 424 containing:
 - (a) The auditor's opinion letter;
 - (b) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;
 - (c) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;
 - (d) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his personal use;
 - (e) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed twenty-five cents (\$0.25) per page; and
 - (f) A statement that copies of the financial statement prepared in accordance with KRS 424.220, *when a financial statement is required by Section 309 of this Act*, are available to the public at no cost at the business address of the officer responsible for preparation of the statement.
- (7) Any city ~~of the fifth or sixth class~~ may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

- (8) Any person who violates any provision of this section shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), in the discretion of the court, which may be recovered only once in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

➔Section 89. KRS 91A.180 is amended to read as follows:

- (1) The legislative body of any city~~[of the first or second class]~~ or urban-county government may sell or lease property, including any interest in real property, of the city~~[of the first or second class]~~ or urban-county government which is not needed or has become unsuitable for public use by the city~~[of the first or second class]~~ or urban-county government, or which property would be more suitably consistent with the public interest for some other use of a public nature.
- (2) When the legislative body of a city~~[of the first or second class]~~ or urban-county government finds that the purposes of one (1) or more of its departments and the public purposes of the Commonwealth would be promoted by the construction of buildings and improvements on land owned by the city~~[of the first or second class]~~ or urban-county government, it may authorize the construction of such buildings and improvements by private entrepreneurs with private capital under a conveyance and leaseback agreement authorized by subsection (3) of this section.
- (3) The legislative body of a city~~[of the first or second class]~~ or urban-county government may, subsequent to a finding made pursuant to subsection (2) of this section, convey the fee interest in the particular real property to a private individual, corporation or partnership, subject to a written agreement by such private entrepreneur to construct such buildings and improvements on the fee simple holding and then subsequently, after placing a mortgage necessary to fund the capital improvements on the fee interest by the private entrepreneur, reconvey the fee title back to the city~~[of the first or second class]~~ or urban-county government. The city~~[of the first or second class]~~ or urban-county government shall in turn execute a long term lease on the real property back to the private entrepreneur. Under such conveyances the mortgage shall not constitute a general obligation or debt of the city~~[of the first or second class]~~ or urban-county government. The city~~[of the first or second class]~~ or urban-county government may, in event of default, redeem the mortgage if it so elects. In such a leaseback arrangement, with suitable rentals, the actual operation of such constructed facilities shall be conducted solely by the entrepreneur or his agent, but the operation will be considered a public purpose and public use of the property. However, the city~~[of the first or second class]~~ or urban-county government and the lessee shall agree that, and with adequate insurance, the city~~[of the first or second class]~~ or urban-county government shall be held harmless in connection with property loss and general liability for injuries or death suffered on the property. Under the leaseback agreements the facility will not be considered a governmental facility or function of the city~~[of the first or second class]~~ or urban-county government.

➔Section 90. KRS 91A.350 is amended to read as follows:

- (1) The local governing bodies of counties containing cities of the first class and the local governing bodies of the cities of the first class located therein may, by joint or separate action, establish tourist and convention commissions for the purpose of promoting convention and tourist activity. The local governing body of a consolidated local government may establish or maintain tourist and convention commissions for the purpose of promoting convention and tourist activity.
- (2) Except in a county containing a consolidated local government, the local governing bodies of counties containing ***an urban-county government and counties containing cities of the home rule class***~~[of the second through sixth classes]~~ and the local governing bodies of the cities of the ***home rule class***~~[second through sixth classes]~~ located therein may, by joint or separate action, establish tourist and convention commissions for the purpose of promoting and developing convention and tourist activities and facilities.
- (3) The local governing bodies of two (2) or more counties may jointly establish tourist and convention commissions for the purpose of promoting convention and tourist activities and facilities.
- (4) The local governing bodies of two (2) or more counties, which may include a consolidated local government, may jointly establish tourist and convention commissions for the purpose of promoting convention and tourist activities and facilities.
- (5) Tourist and convention commissions may continue to fund recreational activities or projects not related to tourism or conventions that were funded by the commission prior to July 13, 1990, at a level no greater than that provided by the commission in the 1990 fiscal year.

- (6) For the purpose of promoting recreational, convention, and tourist activity in cities and counties served by joint playground and recreation boards established under KRS 97.035; to provide the boards with the same authority to issue revenue bonds granted to cities by KRS 58.010 to 58.150 and 103.200 to 103.285; and to authorize the boards to build and issue bonds for facilities located on leasehold and permithold land.

➔Section 91. KRS 91A.392 is amended to read as follows:

- (1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 and the one percent (1%) transient room tax authorized by KRS 153.440, a consolidated local government, or the fiscal court in a county containing ***an authorized***~~a city of the first or second class~~, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, or rooms charged by all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses.
- (2) All money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(8) to finance in part the expansion or construction or operation of a governmental or nonprofit convention center or fine arts center useful to the promotion of tourism located in the central business district of the consolidated local government or the ***authorized***~~city of the first or second class~~ located in the county.
- (3) After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the consolidated local government or fiscal court shall take action to repeal the ordinance which levied the tax.
- (4) ***As used in this section "authorized city" means a city of the first class and a city included on the registry maintained by the Department for Local Government under subsection (5) of this section.***
- (5) ***On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.***

➔Section 92. KRS 91A.400 is amended to read as follows:

- (1) ***As used in this section, "authorized city" means a city on the registry maintained by the Department for Local Government under subsection (2) of this section.***
- (2) ***On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of January 1, 2014, were classified as cities of the fourth or fifth class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.***
- (3) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390, the city legislative body in ***an authorized city***~~cities of the fourth and fifth classes~~ may levy an additional restaurant tax not to exceed three percent (3%) of the retail sales by all restaurants doing business in the city. All moneys collected from the tax authorized by this section shall be turned over to the tourist and convention commission established in that city as provided by KRS 91A.350 to 91A.390.

➔Section 93. KRS 91A.550 is amended to read as follows:

As used in KRS 91A.550 to 91A.580, unless the context otherwise requires:

- (1) "Board" means any appointed board of directors, or any existing governmental agency designated pursuant to the ordinance establishing a management district;
- (2) "City" means a city of the ***home rule***~~second through sixth~~ class;
- (3) "Economic improvement" means any activity or service for the improvement and promotion of a management district that is of special benefit to property within the district, but shall not include any service ordinarily provided throughout the city from general fund revenues unless an increased level of the service is provided in the management district;
- (4) "Fair basis" means assessed value basis, front foot basis, square foot basis, or benefits received basis;
- (5) "Legislative body" means the legislative body of any city of the ***home rule***~~second through sixth~~ class;

- (6) "Management district" means an area designated by a legislative body pursuant to KRS 91A.555 to 91A.580, that is to be benefited by economic improvements and subjected to the payment of special assessments for the costs of the economic improvements;
- (7) "Property" means any real property benefited by economic improvements; and
- (8) "Special assessment" means a special charge fixed on property to finance economic improvements in whole or in part.

➔Section 94. KRS 91A.555 is amended to read as follows:

A city of the **home rule**~~[second through sixth]~~ class may establish one (1) or more management districts pursuant to KRS 91A.550 to 91A.580, for the purpose of providing and financing economic improvements that specially benefit property within the management district.

➔Section 95. KRS 92.280 is amended to read as follows:

- (1) Except as provided in KRS 132.487, the legislative body of **an urban-county government and** each city of the **home rule**~~[second to the sixth]~~ class shall provide each year, by ordinance, for the assessment of all real and personal property within the corporate limits that is subject to taxation for **urban-county government or** city purposes, and shall levy an ad valorem tax thereon for **those**~~[city]~~ purposes.
- (2) The legislative body of **an urban-county government and** each city of the **home rule**~~[second to sixth]~~ class may impose license fees on stock used for breeding purposes, and on franchises, trades, occupations and professions, and may provide for the collection of such fees.

➔Section 96. KRS 92.281 is amended to read as follows:

- (1) Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.
- (2) Nothing in this section shall be construed to repeal, amend, or affect in any way the provisions of KRS 243.070.
- (3) This section shall not in any wise repeal, amend, affect, or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a city to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.
- (4) This section shall also be subject to the provisions of KRS 91.200 in cities of the first class having a sinking fund and commissioners of a sinking fund.
- (5) (a) License fees on businesses, trades, occupations, or professions may not be imposed by a city **with a population of less than one thousand (1,000) based upon the most recent federal decennial census**~~[of the sixth class]~~ at a percentage rate on salaries, wages, commissions, or other compensation earned by persons for work done or services performed within **that**~~[said]~~ city~~[of the sixth class]~~ nor the net profits of businesses, professions, or occupations from activities conducted in **that**~~[said]~~ city~~[of the sixth class]~~.
- (b) **Notwithstanding paragraph (a) of this subsection, a city with a population of less than one thousand (1,000) based upon the most recent federal decennial census that, prior to January 1, 2014, imposed a license fee at a percentage rate on salaries, wages, commissions, or other compensation for work done or services performed within the city or on the net profits or gross receipts of businesses, professions, and occupations from activities conducted within the city may continue to impose that fee on a percentage rate.**
- (6) License fees or occupational taxes may not be imposed against or collected on income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.
- (7) License fees or occupational taxes may not be imposed against or collected on any profits, earnings, or distributions of an investment fund which would qualify under KRS 154.20-250 to 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor.
- (8) (a) It is the intent of the General Assembly to continue the exemption from local license fees and occupational taxes that existed on January 1, 2006, for providers of multichannel video programming

services or communications services as defined in KRS 136.602 that were taxed under KRS 136.120 prior to January 1, 2006.

- (b) To further this intent, license fees or occupational taxes may not be imposed against any company providing multichannel video programming services or communications services as defined in KRS 136.602. If only a portion of an entity's business is providing multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services.

➔Section 97. KRS 92.290 is amended to read as follows:

With the exception that the taxable situs of motor vehicles is governed by KRS 132.227, all real and personal property within any city~~[of the third, fifth or sixth class]~~, and all personal property, except such tangible personal property as has an actual and bona fide situs without the city, of persons domiciled or actually residing in the city on the assessment date, and of all corporations having their chief office or place of business in the city on that date, and all franchises of same, shall be subject to assessment and taxation for city purposes, unless exempt from taxation by the Constitution or statutes of this state. Any franchise granted in whole or in part by a city~~[of the third, fifth or sixth class]~~, and exercised within the city, may be taxed by the city notwithstanding the corporation owning or exercising the same may have its chief office or place of business elsewhere. Any corporation doing business in a city~~[of the sixth class]~~, whether its franchise was granted by such city or not, may be required to pay a license tax.

➔Section 98. KRS 92.300 is amended to read as follows:

- (1) The legislative body of ***an urban-county government and*** any city of the ***home rule***~~[second to sixth]~~ class may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the ***urban-county government, or city***~~[In cities of the third class, two thirds (2/3) of the members of the city legislative body must concur for this purpose.]~~
- (2) (a) No city of the ***home rule***~~[second to sixth]~~ class or urban-county government may impose or collect any license tax upon:
 - 1. Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state;
 - 2. Any savings and loan association whether state or federally chartered; or
 - 3. The provision of multichannel video programming services or communications services as defined in KRS 136.602. It is the intent of the General Assembly to continue the exemption from local license fees and occupational taxes that existed on January 1, 2006, for providers of multichannel video programming services or communications services as defined in KRS 136.602 that were taxed under KRS 136.120 prior to January 1, 2006. If only a portion of an entity's business is providing multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services.
- (b) No city of the ***home rule***~~[second to sixth]~~ class or urban-county government may impose or collect any license tax upon income received:
 - 1. By members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training; or
 - 2. By precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.
- (3) ~~[Unpaid volunteer members of fire companies in cities of the fourth class shall be exempt from city poll taxes so long as they remain active members.]~~
- (4) ~~[Pursuant to KRS 92.281, no city shall regulate any aspect of the manner in which any duly ordained, commissioned, or denominationally licensed minister of religion may perform his or her duties and activities]~~

as a minister of religion. Duly ordained, commissioned, or denominationally licensed ministers of religion shall be subject to the same license fees imposed on others in the city enacted pursuant to KRS 92.281.

➔Section 99. KRS 92.305 is amended to read as follows:

- (1) Any **urban-county government or** city of the **home rule**~~[second to the sixth]~~ class which finds and declares that there exists abandoned urban property as defined in KRS 132.012 within the **urban-county government or** city, or which finds that there exists blighted or deteriorated property pursuant to KRS 99.705 to 99.730, may levy a separate rate of taxation on abandoned urban property pursuant to KRS 132.012.
- (2) Prior to levying a tax upon abandoned urban property, the legislative body of **the urban-county government or the**~~a~~ city of the **home rule**~~[second to the sixth]~~ class shall delegate to the vacant properties review commission, if established pursuant to KRS 99.710, or another department or agency of **the urban-county or** city government, the responsibility of determining which properties within the **urban-county government or** city are abandoned urban properties. A list of abandoned urban properties shall be furnished to the county property valuation administrator prior to the date fixed for the annual assessment of real property within the county. If a property classified as abandoned urban property is repaired, rehabilitated, or otherwise returned to productive use, the owner shall notify the **urban-county government or** city which shall, if it finds the property is no longer abandoned urban property, notify the property valuation administrator to strike the property from the list of abandoned urban properties.

➔Section 100. KRS 92.330 is amended to read as follows:

All taxes and license fees levied or imposed by cities of the **home rule**~~[second to sixth]~~ class shall be levied or imposed by ordinance. The purpose for which each tax is levied or license fee imposed shall be specified in the ordinance, and the revenue therefrom shall be expended for no other purpose than that for which the tax was levied or the license fee imposed. Failure to specify the purpose of the tax or license fee shall render the ordinance invalid.

➔Section 101. KRS 92.340 is amended to read as follows:

If, in any city of the **home rule**~~[second to sixth]~~ class, any city tax revenue is expended for a purpose other than that for which the tax was levied or the license fee imposed, each officer, agent or employee who, by a refusal to act, could have prevented the expenditure, and the members of the city legislative body who voted for the expenditure, shall be jointly and severally liable to the city for the amount so expended. The amount may be recovered of them in an action upon their bonds, or personally. The city attorney shall prosecute to recovery all such actions. If he fails to do so for six (6) months after the money has been expended, any taxpayer may prosecute such action for the use and benefit of the city. A recovery under this subsection shall not bar a criminal prosecution. Any indebtedness contracted by a city of the **home rule**~~[second to sixth]~~ class in violation of this subsection or of KRS 92.330 or 91A.030(13) shall be void, the contract shall not be enforceable by the person with whom made, the city shall never assume the same, and money paid under any such contract may be recovered back by the city.

➔Section 102. KRS 92.810 is amended to read as follows:

In addition to those powers granted in this chapter for the collection of ad valorem taxes, any **urban-county government or** city of the **home rule**~~[second through the sixth]~~ class may enforce collection of any tax bill due it by the procedure authorized by the provisions of KRS 91.484 to 91.527, except the statute of limitations shall, in all cases, be that set forth in KRS 134.546.

➔SECTION 103. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

- (1) *Any city of the home rule class that does not elect by ordinance under KRS 132.285 to use the annual county assessment as the basis for ad valorem tax levies for property situated within its boundaries shall follow the procedures set out in this section.*
- (2) *The city legislative body of any city providing for its own assessment shall establish by ordinance the manner of assessment, levy, and collection of ad valorem taxes, except that taxes on motor vehicles and motorboats shall be governed by KRS 132.487. The ordinance shall, at a minimum, include the following:*
 - (a) *The establishment of a board of tax supervisors that shall conform to the requirements of Section 104 of this Act;*
 - (b) *The date for assessment of all property subject to city taxation, excluding motor vehicles and motorboats;*
 - (c) *The method of assessment by an assessor and the development of an assessment list that shall conform as nearly as possible to that required by law of the property valuation administrator. The*

method of assessment shall include a mechanism by which the assessor can correct errors and notify owners;

- (d) A statement that the assessment of any real property in the name of a person other than the true owner shall not invalidate the assessment or any liens created upon the property;*
 - (e) Specific penalties for the failure of an owner to give a list of all taxable property when requested by the assessor and for providing a false or fraudulent list of property;*
 - (f) The dates that the board of tax supervisors shall be required to meet and complete work unless called to meet earlier by the assessor;*
 - (g) A method for taxpayers to appeal to the board of tax supervisors in the case of a dispute regarding the assessor's valuation and a statement that a taxpayer shall have the right to appeal a decision of the board of tax supervisors to the Circuit Court of the county within thirty (30) days of the final adjournment of the board of tax supervisors by filing with the court a copy of the action of the board, certified by the clerk of the board;*
 - (h) The method for preparation and delivery of tax bills; and*
 - (i) The due date for ad valorem taxes, including any discounts for early payments and any penalties for delinquent payment.*
- (3) The city may file an action in District Court to request the court to compel answers by process of contempt from an owner who fails to provide a list of taxable property to the assessor or gives a false or fraudulent list and may recover the legal costs, including attorney's fees, from the owner.*
 - (4) If any property subject to taxation has not been listed by the assessor or board of supervisors, the city legislative body may assess it later, but not after more than five (5) years after the date when the assessment should have been made.*
 - (5) The assessment of property, the levy of taxes on property, the tax bills, the sale of property for taxes and the report thereof, and all other acts of record of cities relating to the assessment of property and the levy of taxes on property shall be conclusive notice to all persons of the assessment, levy, and sales, as well as the liens and rights created thereby. No irregularity in the proceedings shall invalidate or defeat the collection of taxes by the city upon any property subject to taxation therein. The courts shall make all necessary orders to require all such property to bear its just proportion of taxation.*
 - (6) The city shall give notice of the due date of taxes by publication pursuant to KRS Chapter 424.*
 - (7) The city shall possess a lien on delinquent taxes in accordance with KRS 91A.070(3).*

➔SECTION 104. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

- (1) The board of tax supervisors shall consist of three (3) members who live in the city and own real property within the corporate limits of the city. Each member shall be appointed annually by the mayor, subject to the approval of the city legislative body. The members of the board of tax supervisors may be compensated as set out in ordinance.*
- (2) Each member of the board of tax supervisors shall take an oath to faithfully discharge his or her duties. The board shall elect from among its membership a chair. The board shall elect a member to serve as secretary unless the city provides by ordinance another individual to serve as clerk for the board.*
- (3) The board may cause the custodian of any city records to bring the records before the board for inspection, and may retain them for defense, if necessary, by giving its receipt to the custodian. The board may interrogate any city official who shall, at its request, attend the meeting of the board and respond to all questions. Each member of the board may administer oaths, and the board may compel attendance of witnesses.*
- (4) The board of tax supervisors shall carefully examine the assessor's books and correct any errors of the assessor that are found. The board shall hear complaints of taxpayers either made in person, by agent, or by attorney, and may add to, increase, or decrease any list of property or the value thereof, or change the name of the person assessed.*
- (5) The board of tax supervisors shall provide at least ten (10) days' printed notice of its meeting by publication pursuant to KRS Chapter 424.*

(6) *Failure or informality in the meetings or proceedings of the board of tax supervisors shall not affect the validity of any tax.*

➔Section 105. KRS 95.010 is amended to read as follows:

- (1) As used in KRS 95.160 to 95.290 and in KRS ~~95.830[95.787]~~ to ~~95.845[95.850]~~, unless the context requires otherwise:
 - (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority.
 - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.
 - (c) "Fire department" means the officers, firefighters, and clerical or maintenance employees, including the chief of the fire department.
 - (d) "Member" means any person in the police or fire department, other than the chief or assistant chief of the department.
 - (e) "Police department" means the officers, policemen, and clerical or maintenance employees, including the chief of police.
 - (f) "Police force" means the officers and policemen of the police department, other than the chief of police.
 - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee.
 - (h) "Salary" means any compensation received for services.
 - (i) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
- (2) As used in KRS 95.440 to 95.630, the following words and terms shall have the following meaning, unless the context requires otherwise:
 - (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority.
 - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.
 - (c) "Fire department" means and includes all officers, firefighters, and clerical or maintenance employees of the fire department.
 - (d) "Police department" means and includes all officers, policemen, and clerical or maintenance employees of the police department.
 - (e) "Member" means any and all officers, firefighters, policemen, clerical or maintenance employees in the police or fire department, except as used in subsections (1) and (3) of KRS 95.440, and KRS 95.450, 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580; it shall not include the chief of police ~~in a city of the second class operating under the commission form of government or~~ in an urban-county government.
 - (f) "Police force" means and includes all officers and policemen in the police department.
 - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee.
 - (h) "Firefighter" means a member of the fire department below the rank of officer, other than a clerical or maintenance employee.
 - (i) "Salary" means any compensation received for services.
 - (j) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
 - (k) "Pension fund" shall mean the moneys derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments

after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.

- (3) As used in KRS 95.761 to 95.785 the following words and terms shall have the following meaning:
- (a) "Regular police department." For the purpose of KRS 95.761 to 95.785, a "regular police department" is defined as one having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties.
 - (b) "Regular fire department." For the purpose of KRS 95.761 to 95.785, a "regular fire department" is defined as one having a fixed headquarters where firefighting apparatus and equipment are maintained, and where firefighters are in constant and uninterrupted attendance to receive and answer fire alarms.
 - (c) "Legislative body." Wherever in KRS 95.761 to 95.785 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government or urban-county government.
 - (d) "Commission." The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.785.
 - (e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.785.
 - (f) "Pension fund." The term "pension fund" shall mean the moneys derived from the policeman or policemen and firefighter or firefighters salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of policeman or policemen and firefighter or firefighters after the prescribed number of years of service and for the benefit of disabled policeman or policemen and firefighter or firefighters, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of a policeman or firefighter within the scope of his employment, according to the terms of KRS 95.761 to 95.785.

➔Section 106. KRS 95.019 is amended to read as follows:

- (1) The chief of police and all members of the police force in **urban-county governments and cities**~~[of the first through fifth classes]~~ shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, anywhere in the county in which the **urban-county government or city** is located, but **the chief of police and members of the police force in a city** shall not be required to police any territory outside of the city limits.
- (2) ~~[The chief of police and all members of the police force in cities of the sixth class shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, only within the corporate boundaries of the city and within the boundaries of any real property owned by the city which is located outside of its corporate boundaries.]~~
- (3) ~~—~~The chief of police and all members of the police force in all **urban-county governments and cities** shall be entitled to the same fees, and the same remedies for collecting them, that are allowed to sheriffs and other officers for similar services, but all fees shall be paid into the **urban-county government or city** treasury.

➔Section 107. KRS 95.290 is amended to read as follows:

- (1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the firefighters' pension fund or either or both of them, all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess, and collect contributions from the members for the benefit of the fund.
- (2) There shall be a governing body of the policemen's pension fund, and a governing body of the firefighters' pension fund. The governing bodies of the respective funds shall hold title to all assets in their respective funds, and shall have exclusive authority relating to investment of the assets of the funds, including contracting with investment advisors or managers to perform investment services as deemed necessary and prudent by the board. A majority of the governing body of each fund shall be comprised of persons receiving pension benefits

from the respective pension systems, and no more than one (1) member of the city legislative body may be a member of the governing body of either the policemen's or the firefighters' pension fund. To be effective, an action of the governing body of a fund shall require only a simple majority of the votes cast at a properly convened meeting of the governing body where a quorum is present, with a quorum being a majority of the members of a governing body.

- (3) Any policemen's pension fund or any firefighters' pension fund established under the provisions of this section shall be held or distributed for, and only for, any of the following purposes of the respective fund as applicable:
- (a) Paying pensions, and any bonus payments under applicable ordinances;
 - (b) Making payments to the city for transfer to the County Employees Retirement System for alternate participation pursuant to KRS 78.530(3)(a) and 78.531(2);
 - (c) Transferring pension assets through investment contract or other financial instrument for the purpose of amortizing unfunded service liabilities; and
 - (d) Payment from the city to the County Employees Retirement System for future pension contributions required pursuant to KRS 61.565.

Pursuant to the terms of this section, if policemen of the city of the first class elect entry into the County Employees Retirement System and thereby create excess funds over those required to provide for the purposes set forth in paragraphs (a), (b), and (c) of this subsection, these excess funds shall be distributed to the city for use by the city for any other purpose it may elect, including, but not limited to, the establishment of a reserve for payment under paragraph (d) of this subsection. The governing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting, and legal services, the amount such governing board deems proper.

- (e) Payment from the city to the County Employees Retirement System for future pension contributions required pursuant to KRS 61.565. Pursuant to the terms of this section, if firefighters of the city of the first class elect entry into the County Employees Retirement System and thereby create excess funds over those required to provide for the purposes set forth in paragraphs (a), (b), and (c) of this subsection, these excess funds shall be distributed according to the terms of an agreement negotiated between the city and the union organization representing the firefighters. The city may use its share of the distributed excess funds for any purpose it may elect, including, but not limited to, the establishment of a reserve for payment under paragraph (e) of this subsection.
- (4) (a) The governing body of each pension fund shall insure that all of the assets in the fund are distributed for the purposes in subsection (3) of this section, and only for these purposes. If in any calendar year the assets in either fund exceed those needed for the actuarial liability for payment of pension benefits and any anticipated liabilities under subsection (3)(b) and (c) of this section, the legislative body of the city establishing the pension system shall insure by pension bonus ordinance that a portion of these excess funds be distributed in an equitable manner to all eligible pension recipients. Nothing in this subsection shall be construed to require any change to be made to any pension ordinance as it exists on July 15, 1998.
- (b) The governing board of either fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting, and legal or other professional services, the amount such governing board deems proper.
- (5) Any ordinance establishing a pension fund under this section shall make equitable provision for the rights of persons having an interest in assets transferred to the fund from any fund heretofore established by statute.
- (6) To assure equal protection for the beneficiaries of either fund, any action taken by the city executive or legislative body in cities of the first class that affects a policemen's pension fund or a firefighters' pension fund established under this section shall, to the maximum extent permitted by law, treat each fund in a uniform manner and shall not cause any change to be made to the structure or operation of either fund, whether through legislation, litigation, compromise, settlement, or otherwise, unless any proposed change is offered to the other fund before it takes effect. Nothing in this subsection shall be construed to require any change to be made to any pension ordinance as it exists on July 15, 1998.
- (7) The legislative body in a city of the first class shall issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen in the County Employees Retirement System. All new employees who would have been granted membership in the local policemen's pension system shall be members of the County

Employees Retirement System. All active members of the local policemen's pension system at the time of transition to the County Employees Retirement System may choose membership in the County Employees Retirement System or may retain membership in the local system. The city shall elect the alternate participation plan, pursuant to KRS 78.530(3), for policemen who transfer to the County Employees Retirement System. Notwithstanding the provisions of KRS 78.530(3)(b), the city may, at its option, extend the payment period for the cost of alternate participation to a maximum of twenty (20) years with the interest at the rate actuarially assumed by the board. The city shall have the right to use assets in the local pension fund, other than assets necessary to pay benefits to the remaining active members of the local policemen's pension system and to retirees and their survivors as determined by actuarial evaluation, to assist in the payment of the annual installment cost of alternate participation. All policemen who become members of the County Employees Retirement System pursuant to this section shall be granted hazardous duty coverage, and the city may, at its option, purchase accumulated sick leave for each policeman upon retirement pursuant to KRS 78.616.

- (8) The legislative body in a city of the first class may issue the appropriate order, pursuant to KRS 78.530(1), directing participation for firefighters in the County Employees Retirement System. In the event that the legislative body in a city of the first class issues such an order, then all new employees who would have been granted membership in the local firefighters' pension system shall be members of the County Employees Retirement System. All active members of the local firefighters' pension system at the time of transition to the County Employees Retirement System may choose membership in the County Employees Retirement System or may retain membership in the local system. The city shall elect the alternate participation plan, pursuant to KRS 78.530(3), for firefighters who transfer to the County Employees Retirement System. Notwithstanding the provisions of KRS 78.530(3)(b), the city may, at its option, extend the payment period for the cost of alternate participation to a maximum of twenty (20) years with the interest at the rate actuarially assumed by the board. The city shall have the right to use assets in the local firefighters' pension fund, other than assets necessary to pay benefits to the remaining active members of the local firefighters' pension system and to retirees and their survivors as determined by actuarial evaluation, to assist in the payment of the annual installment cost of alternate participation. After certification by the County Employees Retirement System of eligibility for hazardous duty coverage, each firefighter who becomes a member of the County Employees Retirement System pursuant to this section shall be granted hazardous duty coverage.
- (9) Notwithstanding the provisions of KRS 61.565, which relate to the contributions required of participating employers, any city of the first class participating in the County Employees Retirement System hazardous duty pension plan which has in effect a collective bargaining agreement with a group of employees who participate in said plan, shall have the right to enter into agreement with its employees or with their respective collective bargaining representatives. This agreement may include, but is not limited to, specifications of what portion of the required employer contribution shall be borne by the participating employer and what portion shall be borne by the participating employee. This provision in no way modifies the employer's obligation to remit the contributions required by the County Employees Retirement System pursuant to KRS 61.565, whether such contributions are borne by the city or by its participating employees.
- (10) With regard to the employer participation or employer contributions pursuant to KRS 61.565 as it relates to future pension contribution requirements or as it relates to payback period or interest charge for service liability cost under alternate participation, if any statute or any resolution of the appropriate state board of trustees having authority over employer participation or employer contribution grants any terms or conditions to any city of the *home rule*~~[second through the sixth]~~ class, or to any county, or to any urban-county government, which are more favorable in terms of participation than terms or conditions granted to any city of the first class, then said provisions for employer participation or contribution shall be available to the city of the first class, at its option and effective upon adoption by the city of the first class and notification to the County Employees Retirement System.

➔Section 108. KRS 95.435 is amended to read as follows:

- (1) The police department in cities of the *home rule*~~[second]~~ class~~[,]~~ and urban-county *governments*~~[government]~~ shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.
- (2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from

whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property pursuant to KRS Chapter 424 for the information of the public as to the amount and disposition of the property.

- (3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court but shall be returned to the police department.
- (4) All property except firearms that remains in the custody of the police department for three (3) months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose after having been advertised pursuant to KRS Chapter 424. The proceeds of such sales shall be paid into the police and firefighters' pension fund of said city or urban-county government *if the city or urban-county government has a pension fund with active members or beneficiaries. If the city or urban-county government does not maintain a policemen's and firefighters' pension fund or no longer has active members or beneficiaries, then the proceeds shall be designated by the city or urban-county government for the exclusive use of the police department.* Firearms shall be transferred to the Department of Kentucky State Police within ninety (90) days of abandonment, confiscation, release of the weapon as evidence, or forfeiture by a court, whichever occurs later.

➔Section 109. KRS 95.440 is amended to read as follows:

- (1) The legislative body ~~of in~~ cities of the *home rule class*~~[second and third classes]~~ and urban-county governments ~~may shall~~ require, *in addition to the peace officer professional standards training under KRS 15.380 to 15.404*, all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.
- (2) Each member of the police or fire department in cities~~[of the second and third classes]~~ and urban-county governments shall be able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen. *No person convicted of a felony is eligible for appointment.*
- (3) Members of the police and fire departments in cities *required to comply with Section 112 of this Act*~~[of the second and third classes]~~ or urban-county governments qualified under this section shall hold their positions during good behavior, except that the legislative body may decrease the number of policemen or firefighters as it may deem proper.
- (4) If the legislative body of a city *required to comply with Section 112 of this Act*~~[of the second or third class]~~ or urban-county government decreases the number of policemen or firefighters, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.
- (5) The legislative body in an urban-county government may by ordinance provide that any person who has successfully completed his probationary period and subsequently ceased working for the police or fire department for reasons other than dismissal may be restored to the position, rank and pay he formerly held or to an equivalent or lower position, rank or pay than that which he formerly held if he so requests in writing to the appointing authority. Such person shall be eligible for reinstatement for a period of one (1) year following his separation from the police or fire department and shall be reinstated only with the approval of the appointing authority.

➔Section 110. KRS 95.442 is amended to read as follows:

Any city *with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census*~~[of the second or third class]~~ may elect to operate under KRS 90.310 to 90.410, and, by ordinance, create a civil service commission. Any classified employee in the police or fire department who accepts an appointment and qualifies as chief of police, assistant chief of police, chief of firefighters, or assistant chief of firefighters shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of those respective positions. If an individual should cease to serve in any of those positions, there shall be restored to him or her the same classification and rank which he or she held prior to his *or her* appointment.

➔Section 111. KRS 95.445 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section***, the legislative body of a city of the ***home rule*** ~~second, third, fourth, fifth, or sixth~~ class, or urban-county government, ~~except a city of the fifth or sixth class in a county containing a first class city,~~ may by ordinance provide for the establishment or abolishment of an auxiliary police force to perform special duties within the city on terms it deems proper. The ordinance shall prescribe the number of officers and men of such force and the manner of their appointment, and rules and regulations governing the powers and duties of members of such force.
- (2) ***No city containing a population of less than three thousand (3,000) based upon the most recent federal decennial census that is located within a county that contains a consolidated local government shall establish or otherwise provide for an auxiliary police force.***

➔Section 112. KRS 95.450 is amended to read as follows:

- (1) ***The provisions of this section shall only apply to members of police and fire departments in urban-county governments and those cities that are included in the Department for Local Government registry created pursuant to subsection (9) of this section.***
- (2) Except as provided in subsection ~~(6)~~~~(5)~~ of this section no member of the police or fire department in cities ***listed on the registry pursuant to subsection (9) of this section***~~[of the second and third classes]~~ or ***an*** urban-county government shall be reprimanded, dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the legislative body, and only after charges are preferred and a hearing conducted as provided in this section.
- ~~(3)~~~~(2)~~ Any person may prefer charges against a member of the police or fire department by filing them with the clerk of the legislative body who shall immediately communicate the same to the legislative body. The mayor shall, whenever probable cause appears, prefer charges against any member whom he believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made. The person preferring the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may thereupon be dismissed.
- ~~(4)~~~~(3)~~ Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within three (3) days after the charges have been filed with the legislative body, that body shall proceed to hear the charges. At least two (2) days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within three (3) days after the charges are filed with the clerk.
- ~~(5)~~~~(4)~~ The legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.
- ~~(6)~~~~(5)~~ When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused.
- ~~(7)~~~~(6)~~ The legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal from the service.
- (8) ***A member of a police or fire department found guilty pursuant to the provisions of this section shall have the right to appeal to the Circuit Court under the provisions of Section 113 of this Act.***
- (9) ***On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall be required to comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class as of***

January 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 113. KRS 95.460 is amended to read as follows:

- (1) Any member of the police or fire department~~[in cities of the second and third classes or urban-county governments]~~ found guilty by the legislative body of any charge, as provided by KRS 95.450, may appeal to the Circuit Court of the county in which the city or urban-county government is located, but the enforcement of the judgment of the body shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the legislative body makes its determination on the charge.
- (2) Upon request of the accused, the clerk of the legislative body shall file a certified copy of the charges and the judgment of that body in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.
- (3) If the clerk fails to certify the transcript to the Circuit Court within seven (7) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the legislative body, together with a statement that demand for transcript was made upon the clerk more than five (5) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed, and the Circuit Court may compel the filing of the transcript by the clerk by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

➔Section 114. KRS 95.470 is amended to read as follows:

- (1) No person shall be appointed a member of the police or fire department in cities of the **home rule**~~[second and third classes]~~ or urban-county governments on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.
- (2) The appointment and continuance in office of members of the police or fire department shall depend solely upon their ability and willingness to enforce the law and comply with the rules of the department, and shall not be a reward for political activity or contribution to campaign funds.
- (3) No member of either department shall be forced to pay or collect any assessments made by political organizations, contribute to political campaign funds, or be active in politics.
- (4) No member of either department shall be active in politics or work for the election of candidates while on duty.

➔Section 115. KRS 95.480 is amended to read as follows:

- (1) The chief of police in cities ~~[of the second class]~~ or a policeman acting under his authority shall, ***if required by the city***, attend all sessions of the legislative body, execute their orders, and preserve order at their sessions.
- (2) The chief of police may receive the same fees, for the use of the city or urban-county government, that sheriffs are entitled to receive for like services, and have the same power to collect them.
- (3) The chief of police, policemen deputized by him, and others to whom the process of a court is directed and comes for execution shall execute and return the process within the time prescribed by law for sheriffs to execute and return similar process, and on their failure they and their sureties shall be liable to the same penalties as sheriffs. They shall be subject to similar penalties for not paying over moneys collected on execution, making illegal charges, false returns and like illegal acts.
- (4) The District Court may hear and determine motions against them and their sureties for failure to pay over moneys collected, as the Circuit Court has jurisdiction to hear and determine motions against defaulting sheriffs, or may proceed by fines and imprisonment to enforce the execution and return of process.

➔Section 116. KRS 95.490 is amended to read as follows:

- (1) Each member of the police force in cities of the **home rule**~~[second]~~ class or ***in an*** urban-county government, before entering upon the discharge of his duties, shall take an oath before the mayor to faithfully discharge the duties of his ***or her*** office. The oath shall be subscribed by the person taking it, and filed in the office of the city ~~clerk~~~~[auditor]~~, or in urban-county governments, the office most closely resembling such office.
- (2) The chief of police and each other member of the police force shall give such bond to the city or urban-county government, and with such surety as may be required by ordinance, conditioned that they will faithfully

perform the duties of their office and pay over to the persons entitled thereto all moneys that may come into their hands. A lien shall exist on the lands of the chief of police or policemen deputized by him, and their sureties, from the time of executing bond, for all sums of money that come into their hands.

➔Section 117. KRS 95.495 is amended to read as follows:

- (1) In ~~all~~ cities ***listed on the registry pursuant to subsection (3) of this section***~~[of the second class]~~ or urban-county governments, except those in which, by ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight (8) hours per day, for five (5) days each week or ten (10) hours per day, for four (4) days each week, except in the event of an emergency. Each member of the police department shall have an annual leave of fifteen (15) working days with full pay. Nothing in this section shall prohibit a member of the police department from voluntarily agreeing to work a different work schedule provided that the officer is paid overtime for any work performed in excess of forty (40) hours per week.
- (2) The salary of the members of the police department shall not be reduced by reason of the enactment of this section.
- (3) ***On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class on August 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.***

➔Section 118. KRS 95.500 is amended to read as follows:

- (1) The chief of the fire department in cities~~[of the second class]~~ or urban-county governments, or an officer acting under his authority, shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.
- (2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks, and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines, and other equipment provided for the fire department. He shall perform such other duties as the legislative body shall, by ordinance, prescribe.
- (3) The fire department of each city ***listed on the registry pursuant to subsection (5) of this section***~~[of the second class]~~ or urban-county government shall be divided into three (3) platoons. Each platoon, excluding the chief and the assistant chief in fire departments ***in the cities listed on the registry or in urban-county governments***~~[of the second class]~~, shall be on duty for twenty-four (24) consecutive hours, after which the platoon serving twenty-four (24) hours shall be allowed to remain off duty for forty-eight (48) consecutive hours, except in cases of dire emergency. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section. The pay, rank, or benefits of the members and officers of the fire department shall not be reduced as a result of this subsection.
- (4) In each city~~[of the second class]~~ or urban-county government ***listed on the registry***, all employees of the fire department shall be given not less than two (2) weeks leave of absence annually, with full pay.
- (5) ***On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall be required to comply with the provisions of subsections (3) and (4) of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second class on August 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.***

➔Section 119. KRS 95.505 is amended to read as follows:

In cities ***that are not required to comply with Section 118 of this Act***~~[of the third class]~~, the city legislative body may by ordinance provide that members of the fire department shall receive a period of twenty-four (24) consecutive hours off duty in each period of fourteen (14) days, in addition to receiving twenty-four (24) hours off duty in each period of forty-eight (48) hours, except in cases of extraordinary emergency.

➔SECTION 120. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

The provisions of KRS 95.520 to 95.620 and KRS 95.621 to 95.629 shall only apply to those cities that were previously classified as cities of the third class on or before August 1, 1988, under the city classification system that was in effect on or before August 1, 1988, and have established a policemen's and firefighters' pension program specifically under the provisions of KRS 95.520 to 95.620 and KRS 95.621 to 95.629 on or before August 1, 1988, or to any other city that established a policemen's and firefighters' pension program specifically under the provisions of KRS 95.520 to 95.620 and KRS 95.621 to 95.629 on or before August 1, 1988.

➔Section 121. KRS 95.520 is amended to read as follows:

- (1) *In cities meeting the criteria set out in Section 120 of this Act*, there shall be ~~in cities of the third class~~ a policemen's and firefighters' pension fund, and a board of trustees for that fund unless the policemen and firefighters are included in the membership of the County Employees Retirement System.
- (2) The board of trustees is the trustee of the pension fund, and has exclusive control and management of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.
- (3)
 - (a) After August 1, 1988, no new locally administered pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988;
 - (b) Cities which were covered by this section on or prior to August 1, 1988, shall provide for the retirement of police or firefighters rehired after August 1, 1988, by placing such employees in the County Employees Retirement System;
 - (c) Cities which were covered by this section on or prior to August 1, 1988, shall place police or firefighters newly hired after August 1, 1988, in the County Employees Retirement System;
 - (d) Cities which were covered by this section on or prior to August 1, 1988, shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section;
 - (e) The city shall certify that all police and firefighters placed in the County Employees Retirement System, and not covered by Social Security for their employment with the city, are employed in hazardous positions. If the police and firefighters are covered by Social Security for their employment with the city, the city may certify that they are employed in hazardous positions; and
 - (f) If the city's participation in the County Employees Retirement System is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.520 to 95.620 to any of its police and firefighters who have not retained membership in the County Employees Retirement System pursuant to KRS 78.535(4).

➔Section 122. KRS 95.530 is amended to read as follows:

- (1) In cities *with a pension fund established under Section 121 of this Act* ~~of the third class~~ where there are fewer than six (6) active members of the pension fund, the board of trustees of the policemen's and firefighter's pension fund is composed of the mayor, city treasurer, and one (1) retired member each from the police and fire departments. The retired members from the police and fire departments shall be elected by the respective retired members of those departments annually by ballot, one (1) from each department, and shall serve for one (1) year and until their respective successors are elected and qualified. The board shall select from their number a president and a secretary.
- (2) If there are six (6) or more active members of the fund, there shall be two (2) additional board members who shall be one (1) active member of the fund from each department elected by the active members of the fund from the respective departments and who shall serve for one (1) year and until their respective successors are elected and qualified. If all of the six (6) or more active members or all of the retired members are from one (1) department, then both of the active member board members or both of the retired board members, as the case may be, shall be elected from that department.
- (3) The board of trustees' membership shall be restructured according to the provisions of this section at the time of the next scheduled election of board members after July 15, 1990.

➔Section 123. KRS 95.540 is amended to read as follows:

- (1) The board of trustees of the pension fund ***established under Section 121 of this Act***~~[in cities of the third class]~~ may make all necessary rules for its government in the discharge of its duties, and shall hear and decide all applications for benefits or pensions. Its decision on these applications shall be conclusive, and not subject to revision or reversal, except by the board. A record shall be kept of the meetings and proceedings of the board.
- (2) The board of trustees of the pension fund shall make an annual report on the condition of the pension fund to the city legislative body, at that body's last meeting in August.

➔Section 124. KRS 95.550 is amended to read as follows:

- (1) The pensions or benefits paid for disability or death from the policemen's and firefighters' pension fund ***established under Section 121 of this Act***~~[in cities of the third class]~~ shall be as follows:
 - (a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally, while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one (1) year, a sum of not more than sixty dollars (\$60) per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period. Provided, however, that the provisions of this paragraph shall not apply unless the disabled firefighter or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board of trustees.
 - (b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent (50%) of his monthly salary at the time of his retirement. Provided, however, that the provisions of this paragraph shall not apply unless the disabled firefighter or policeman has served from one (1) day to ten (10) years consecutively in his department, such period of service to be fixed by the board.
 - (c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen (15) consecutive years of service in the department, and leaves a widow, widower, or a child under eighteen (18) years of age, the board of trustees shall order a pension paid to the widow, widower, or child. There shall be paid monthly to the widow or widower, while unmarried, a pension of not less than thirty dollars (\$30), or not more than fifty percent (50%) of the deceased's monthly salary at the time of retirement or death and for each child until it reaches the age of eighteen (18) years, not less than six dollars (\$6) or not more than ten percent (10%) of the deceased's monthly salary, such amount to be determined by the board of trustees. The board may provide a minimum benefit of no more than four hundred dollars (\$400) per month, initially, to the surviving spouse if the benefit can be supported on an actuarially-sound basis by the pension fund. The board may increase the minimum benefit pursuant to the provisions of KRS 95.560. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of not less than thirty dollars (\$30) or not more than twenty percent (20%) of the deceased's monthly salary. If one (1) parent is dead, the other shall receive the entire amount, and if both are living, each shall receive one-half (1/2) the amount, such amount to be determined by the board of trustees.
- (2) No person shall receive a pension from the policemen's and firefighters' pension fund except as provided in this section.

➔Section 125. KRS 95.560 is amended to read as follows:

- (1) In cities ***that have a policemen's and firefighters' pension fund established under Section 121 of this Act***~~of the third class~~, any member of the police or fire department having served twenty (20) years or longer in the police or fire department may petition the board of trustees for retirement; and if his petition is granted, the board may order paid to him monthly fifty percent (50%) of his monthly salary at the time of retirement.
- (2) In order to adjust retirement benefits to the purchasing power of the dollar, the board shall if it is actuarially feasible annually order an increase in benefits paid pursuant to this section and KRS 95.550. The board shall if it is actuarially feasible order an increase in benefits by an amount equal to the increase in the cost-of-living increase for a recipient of Social Security, but the annual increase shall not exceed five percent (5%).

- (3) The board may provide a group hospital and medical insurance plan for retirees and their spouses who have not reached the age to qualify for Federal Medicare, if providing insurance will not jeopardize the capacity of the board to pay retirement and survivor benefits. No insurance shall be provided for persons who are entitled to Medicare benefits or are receiving Medicare benefits.

➔Section 126. KRS 95.565 is amended to read as follows:

Any member of the police or fire department of a city ***with a pension fund established under Section 121 of this Act***~~[of the third class]~~, who, while a member of the police or fire department, entered the Armed Forces of the United States, and who was honorably discharged therefrom, shall upon his return to that police or fire department be entitled to the same pension or benefits provided by KRS 95.560, and his beneficiaries shall be entitled to the same pension under KRS 95.550, as if the member had remained on active duty with that police or fire department, and his time served in the Armed Forces shall be added to his previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department. This section shall apply only to those members who served in World War II, who apply for reinstatement within ninety (90) days after the date on which the member first received or could have received an honorable discharge, and shall not apply to those members reenlisting in the Armed Forces of the United States.

➔Section 127. KRS 95.570 is amended to read as follows:

When an active or retired member of the police or fire department~~[in cities of the third class]~~ dies under the conditions set out in paragraph (c) of subsection (1) of KRS 95.550, the board of trustees of the pension fund may pay from the fund to the widow, widower or family a sum of not more than two hundred dollars (\$200) for funeral expenses.

➔Section 128. KRS 95.580 is amended to read as follows:

- (1) The policemen's and firefighters' pension fund ***established under Section 121 of this Act***~~[in cities of the third class]~~ shall consist of:
- (a) Revenues of the city authorized to be paid by the city legislative body, which shall be not less than the amount contributed by the members of the police and fire departments.
 - (b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.
 - (c) Assessments, which the board of trustees of the pension fund may make, upon each member of the police and fire departments, of not less than one percent (1%) nor more than four percent (4%) of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.
- (2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities ***with a pension fund established under Section 121 of this Act***~~[of the third class]~~.

➔Section 129. KRS 95.590 is amended to read as follows:

- (1) The city treasurer, in cities ***with a pension fund established under Section 121 of this Act***~~[of the third class]~~, is ex officio treasurer of the board of trustees of the pension fund, and custodian of the pension funds.
- (2) The treasurer, as custodian, shall securely keep the fund, subject to the control of the board, and shall keep his books and accounts concerning the fund in the manner prescribed by the board. The books and accounts are always subject to the inspection of the board or any board member.
- (3) The treasurer shall, within ten (10) days after his election, execute a bond to the city with good surety, in the penal sum the board of trustees directs, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties that come into his hands as treasurer of the pension fund, and that upon the expiration of his term of office he will deliver to his successor all securities, unexpended moneys and other properties that come into his hands as treasurer of the fund. The bond shall be filed in the office of the treasurer, and suit may be filed thereon in the name of the city for the use of the board or any person injured by its breach.

➔Section 130. KRS 95.600 is amended to read as follows:

The board of trustees ***established under Section 121 of this Act***~~[in cities of the third class]~~ may draw the pension fund from the treasury and shall invest it, in whole or in part, in the name of the board or nominee name as provided by KRS 286.3-225, as the board deems most advantageous for the objects of the fund, in interest-bearing bonds of any county, or any city~~[of the first, second or third class]~~ in this state, or in any securities in which trustees are

permitted to invest trust funds under the laws of this state, including a local government pension investment fund created pursuant to KRS 95.895. The securities shall be subject to the order of the board.

➔Section 131. KRS 95.610 is amended to read as follows:

- (1) The officers of cities ***with pension funds established under Section 121 of this Act that are***~~[of the third class]~~ designated by law to draw warrants on the city treasurer shall, on request in writing by the board of trustees of the pension fund, draw warrants on the city treasurer payable to the treasurer of the board of trustees of the pension fund for all funds belonging to the pension fund.
- (2) Moneys ordered paid from the pension fund to any person shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of the board and countersigned by the secretary. No warrant shall be drawn except by order of the board of trustees duly entered on the records of the proceedings of the board.
- (3) If at any time there is not sufficient money in the pension fund to pay each beneficiary the full amount per month to which he is entitled, an equal percentage of the monthly payments due shall be paid to each until the fund is so replenished as to warrant payment in full to all beneficiaries.

➔Section 132. KRS 95.620 is amended to read as follows:

- (1) Except for court or administratively ordered current child support, or owed child support, or to-be-owed child support, and except as provided in KRS 65.156 and subsections (2), (3) and (4) of this section, the policemen's and firefighters' pension fund ***established under Section 121 of this Act***~~[in cities of the third or fourth class]~~ shall be held and distributed for the purpose of paying pensions and benefits, and for no other purpose.
- (2) From July 15, 1982, and thereafter, the board of trustees of the pension fund shall, upon the request of a member, refund a member's contributions, including contributions picked up by the employer pursuant to KRS 65.155, upon that member's withdrawal from service prior to qualifying for pension. The member shall be entitled to receive a refund of the amount of contributions made by the member, including contributions picked up by the employer pursuant to KRS 65.155, after the date of establishment, without interest.
- (3) Any member receiving a refund of contributions shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six (6) months after receipt of an application from a member.
- (4) Any member who has received a refund shall be considered a new member upon subsequent reemployment if such person qualifies for membership under the provisions hereof. After the completion of at least five (5) years of continuous membership service following his latest reemployment, such member shall have the right to make a repayment to the system of the amount or amounts previously received as refund, including six percent (6%) interest from the dates of refund to the date of repayment. Such repayments shall not be picked up by the employer pursuant to KRS 65.155. Upon the restoration of such refunds, as herein provided, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service and shall be made in a single sum.

➔Section 133. KRS 95.621 is amended to read as follows:

- (1) ***If a city described in Section 120 of this Act adopted the alternative pension fund provisions under KRS 95.621 to 95.629 prior to August 1, 1988, to govern the pension fund for its policemen and firefighters,***~~[A city of the third class may adopt an ordinance creating a pension fund for firefighters and policemen pursuant to KRS 95.621 to 95.629 as an alternative to the fund established in KRS 95.520 to 95.620. In the event a third class city does elect to adopt KRS 95.621 to 95.629]~~ all the provisions ***in this section***~~[herein]~~ are mandatory. The provisions of KRS 95.620 shall apply to any city~~[of the third class]~~ which has adopted KRS 95.621 to 95.629.
- (2) Any member of the police or fire department serving at the time of passage of the ordinance and not desiring to participate in the fund and its benefits may be excluded by notifying the board of trustees of the pension fund in writing of his desire not to participate within ten (10) days after the effective date of this ordinance.
- (3) (a) After August 1, 1988, no new pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988;

- (b) Cities which were covered by this section on or prior to August 1, 1988, shall provide for the retirement of police or firefighters rehired after August 1, 1988, by placing such employees in the County Employees Retirement System;
- (c) Cities which were covered by this section on or prior to August 1, 1988, shall place police or firefighters newly hired after August 1, 1988, in the County Employees Retirement System;
- (d) Cities which were covered by this section on or prior to August 1, 1988, shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section;
- (e) The city shall certify that all police and firefighters placed in the County Employees Retirement System, and not covered by Social Security for their employment with the city, are employed in hazardous positions. If the police and firefighters are covered by Social Security for their employment with the city, the city may certify that they are employed in hazardous positions; and
- (f) If the city's participation in the County Employees Retirement System is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.621 to 95.629 to any of its police and firefighters who have not retained membership in the County Employees Retirement System pursuant to KRS 78.535(4).

➔Section 134. KRS 95.622 is amended to read as follows:

- (1) There shall be created in cities ***that elected to adopt the provisions of KRS 95.621 to 95.629***~~of the third class~~ a policemen's and firefighter's pension fund, and a board of trustees for that fund.
- (2) In ***these***~~of the third class~~ cities where there are fewer than six (6) active members of the pension fund, the board of trustees of the policemen's and firefighter's pension fund shall be composed of the mayor, city treasurer, and one (1) retired member each from the police and fire departments shall be elected by the respective retired members of those departments annually by ballot, one (1) from each department, and shall serve for one (1) year and until their successors are elected and qualified. If there are six (6) or more active members of the fund, there shall be two (2) additional board members who shall be one (1) active member of the fund from each department elected by the active members of the fund from the respective departments and who shall serve for one (1) year and until their successors are elected and qualified. If all of the six (6) or more active members or all of the retired members are from one (1) department, then both of the active member board members or both of the retired board members, as the case may be, shall be elected from that department. The board shall select from their number a president and a secretary. The board of trustees shall be the trustees of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.
- (3) The board of trustees may draw the pension fund from the treasury and invest it, in whole or in part, in the name of the board or nominee name as provided by KRS 286.3-225, as the board deems most advantageous for the objects of the fund, in a local government pension investment fund created pursuant to KRS 95.895 or in any other securities in which trustees are permitted to invest trust funds under the laws of this state. The securities shall be subject to the order of the board.
- (4) The board of trustees membership shall be restructured according to the provisions of this section at the time of the next scheduled election of board members after July 15, 1990.

➔Section 135. KRS 95.624 is amended to read as follows:

- (1) In cities ***that have adopted the alternative pension fund provisions authorized by Section 133 of this Act***~~of the third class~~, any member of the police or fire department having served twenty (20) years or longer in the police or fire department may petition the board of trustees for retirement; and if his petition is granted, the board may order paid to him monthly fifty percent (50%) of his monthly salary at the time of retirement. If this petition for retirement is denied, any policeman or firefighter has the right of appeal in accordance with the Rules of Civil Procedure.
- (2) The pension payable for periods of service between twenty (20) and twenty-five (25) years shall be fifty percent (50%) of salary plus two percent (2%) of salary for each year in excess of twenty (20). The pension payable for twenty-five (25) years of service shall be sixty percent (60%) of salary. The pension payable for periods of service between twenty-five (25) and thirty (30) years shall be sixty percent (60%) of salary plus three percent (3%) of salary for each year in excess of twenty-five (25). The pension payable for thirty (30) years of service shall be seventy-five percent (75%) of salary.

- (3) The pensions or benefits paid for disability or death from the policemen's and **firefighters'** ~~firefighter's~~ pension fund **created under Section 134 of this Act** ~~in cities of the third class~~ shall be as follows:
- (a) If any member of the police and fire department becomes temporarily totally disabled, physically or mentally, the board of trustees of the pension fund shall order paid to him monthly, during his disability, until he has recovered and returned to active duty, a sum of not more than one-half (1/2) his salary per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.
 - (b) If any member of the police or fire department becomes permanently disabled, physically or mentally, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent (50%) of his monthly salary at the time of his retirement.
 - (c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after one (1) year of service in the department and leaves a widow or a child under eighteen (18) years of age, the board of trustees shall order a pension paid to the widow, while unmarried, of one-half (1/2) of salary per month and for each child until it reaches the age of eighteen (18) years, twenty-four dollars (\$24) per month. The board may provide a minimum benefit of no more than four hundred dollars (\$400) per month, initially, to the surviving spouse if the benefit can be supported on an actuarially-sound basis by the fund. The board may increase the minimum benefit pursuant to the terms of subsection (4) of this section. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of one-fourth (1/4) of salary per month. If one (1) parent is dead, the other shall receive the entire one-fourth (1/4) salary.
- (4) In order to adjust retirement benefits to the purchasing power of the dollar, the board shall if it is actuarially feasible annually order an increase in benefits paid pursuant to this section. The board shall if it is actuarially feasible order an increase in benefits by an amount equal to the increase in the cost-of-living increase for a recipient of Social Security, but the annual increase shall not exceed five percent (5%).
- (5) The board may provide a group hospital and medical insurance plan for retirees and their spouses who have not reached the age to qualify for federal Medicare, if providing insurance will not jeopardize the capacity of the board to pay retirement and survivor benefits. No insurance shall be provided for persons who are entitled to Medicare benefits or are receiving Medicare benefits, except that supplemental health insurance may be provided to those retirees and their spouses who are entitled to Medicare benefits or are receiving Medicare benefits if providing the supplemental health insurance will not jeopardize the capacity of the board to pay other existing retirement and survivor benefits.

➔Section 136. KRS 95.625 is amended to read as follows:

Any member of the police or fire department of a city **that has adopted the alternative pension fund provisions authorized by Section 133 of this Act** ~~of the third class~~, who, while a member of the police or fire department entered the armed forces of the United States, and who was honorably discharged therefrom shall upon his return to that police or fire department be entitled to the same pension or benefits provided by KRS 95.621 to 95.629 as if the member had remained on active duty with that police or fire department, and his time served in the armed forces shall be added to his previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department; except this section shall apply only to those members who served in World War II or any emergency conflict called by the President of the United States, who apply for reinstatement within ninety (90) days after the date on which the member first received or could have received an honorable discharge and shall not apply to those members reenlisting in the armed forces of the United States.

➔Section 137. KRS 95.627 is amended to read as follows:

- (1) The policemen's and firefighters' pension fund **created pursuant to Section 134 of this Act** ~~in cities of the third class~~ shall consist of:
- (a) Revenues of the city authorized by the city legislative body, which shall be not less than the amount contributed by the members of the police and fire departments. Policemen and firefighters shall contribute the same rate as Social Security from their salary.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

- (2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions ***governed by the provisions of KRS 95.621 to 95.629***~~[in cities of the third class].~~

➔Section 138. KRS 95.629 is amended to read as follows:

- (1) In case of insufficient funds the city will be held responsible for the payment of the monthly payments of the pension fund after the entire proceeds of said pension fund have been transferred to the general fund of the city ***that has adopted the alternative pension fund provisions authorized by Section 133 of this Act***~~[of the third class].~~
- (2) Revenues of the city authorized by the city legislative body to support the pension fund shall be computed by determining the amount needed to meet the monthly requirements of KRS 95.621 to 95.629.

➔Section 139. KRS 95.630 is amended to read as follows:

- (1) The legislative bodies of cities of the ***home rule class***~~[second and third classes]~~ or urban-county governments may, by ordinance, form the members of the police and fire departments into groups to obtain the advantages of the group plan of life insurance.
- (2) The legislative bodies may aid the members of the police and fire departments by paying from city funds not to exceed fifty percent (50%) of the annual premiums on the policies, and may contract with the insurer on such other terms as may be provided for in the ordinance.

➔Section 140. KRS 95.761 is amended to read as follows:

- (1) Any city ***with a population equal to or greater than one thousand (1,000) but less than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the fourth or fifth class]~~ which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments. ***If a city elects to establish a civil service system for its police and fire employees under this section, then it may adopt either the provisions of this section, or KRS 95.762, 95.763, 95.764, 95.765, and 95.766, or it may adopt the provisions of KRS 90.300 to 90.420. A city meeting the population criteria of this subsection may adopt the provisions of KRS 90.300 to 90.420 for municipal employees who are not police or fire personnel.***

- (2) ~~Any city [A city of the fourth or fifth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing policemen's and firefighters' pension fund, the same as a city of the third class.~~

- ~~(3) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 90.300 to 90.420 governing civil service, the same as a city of the third class, and [may provide a retirement system for any of its employees, including police and firefighters, pursuant to KRS 90.400 or 90.410. If a city creates a retirement system for its police and firefighters pursuant to KRS 90.400 or 90.410, it shall establish a board of trustees for that system. The provisions of KRS 90.400 and 90.410 notwithstanding, a majority of the board shall be members of the retirement system elected by the members of the retirement system. The board of trustees shall control and manage the retirement fund, for the exclusive purposes of providing benefits to members and their beneficiaries and defraying reasonable expenses of administering the plan. The board may contract with investment advisors or managers to perform investment services as deemed necessary and prudent by the board.~~

- ~~(3) [(4)] A city ***meeting the criteria of subsection (6) of this section***~~[of the fourth or fifth class]~~ may adopt the provisions of KRS 79.080 or 78.510 to 78.852 for any of its employees, or ***either KRS 95.520 to 95.620 or KRS 95.767 to 95.784*** for its police and firefighters.]~~

- ~~(5) The legislative body of the city of the fourth or fifth class may not establish or continue a retirement system for any of its employees unless such action is taken pursuant to statutes listed in subsection (2), (3) or (4) of this section, or unless the city adopts a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. If a city has adopted a retirement system but has not done so pursuant to the options listed in this subsection or in subsection (2), (3), or (4) of this section, it shall amend its action to comply with the provisions of this subsection. This subsection shall not be construed to limit the application of KRS 82.082(2) with respect to the comprehensive nature of Kentucky law governing city retirement systems.] After adoption~~

of the provisions of any of the statutes listed in this section, the city may not revoke, rescind or repeal these adoptions for any employee covered thereby.

- (4)~~(6)~~ (a) Any of the following offices, positions, and places of employment, in the police and fire departments, may be excluded from the classified service: The chief of police, assistant chief of police, chief of firefighters and assistant chief of firefighters.
- (b) Any classified employee in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of firefighters, or assistant chief of firefighters, shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of said respective positions. Should any such chief or assistant chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.
- (5)~~(7)~~ After August 1, 1988, no city shall create a new pension fund pursuant to this section other than by adopting KRS 78.510 to 78.852, or by adopting a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. Any city which adopted a pension system pursuant to this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988.
- (6) *As used in subsections (2) and (3) of this section, "city" means only those cities that were previously classified as cities of the fourth and fifth class under the classification system that was in effect before August 1, 1988.*

➔SECTION 141. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

The provisions of KRS 95.767 to 95.784 shall only apply to those cities that were previously classified as cities of the fourth or fifth class prior to August 1, 1988, under the city classification system that was in effect prior to August 1, 1988, or to any other city that established a policemen's and firefighters' pension program specifically under the provisions of KRS 95.767 to 95.784 prior to August 1, 1988.

➔Section 142. KRS 95.768 is amended to read as follows:

- (1) The police and firefighters' pension fund in cities *that have established a fund pursuant to KRS 95.767 to 95.784*~~[of the fourth class]~~ shall consist of:
- Revenues of the city authorized by the city legislative body, which shall not be less than the amount contributed by the members of the police and fire departments;
 - All rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department;
 - Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent (3.5%) of his salary, to be held from the monthly salary and paid by the city treasurer into the pension fund. Beginning July 15, 1982, and thereafter, upon a member's withdrawal from service prior to qualifying for a pension, the board of trustees shall be governed by the provisions of KRS 95.620(2), (3) and (4).
- (2) Said fund shall be for the pensioning of any policeman or firefighter who has served in the police or fire departments for at least a period of twenty (20) years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of KRS 95.761, by said city, to the eligibility of the twenty (20) year or more, period for pension, not less than three (3), nor to exceed fifteen (15) years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and Firefighters' Pension Fund," and the board of trustees of the policemen's pension fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.
- (3) (a) After August 1, 1988, no new pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988.

- (b) Cities which were covered by this section on or prior to August 1, 1988, shall provide for the retirement of police or firefighters rehired after August 1, 1988, by placing such employees in the County Employees Retirement System.
- (c) Cities which were covered by this section on or prior to August 1, 1988, shall place police or firefighters newly hired after August 1, 1988, in the County Employees Retirement System.
- (d) Cities which were covered by this section on or prior to August 1, 1988, shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section.
- (e) The city shall certify that all police and firefighters placed in the County Employees Retirement System are employed in hazardous positions.

➔Section 143. KRS 95.772 is amended to read as follows:

The said board of trustees of the policemen's and firefighters' pension fund shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the policemen's and firefighters' pension fund or nominee name as provided by KRS 286.3-225, in interest-bearing bonds of the United States or the State of Kentucky, or any county or city ~~of the first, second, third or fourth class~~ in the State of Kentucky, or in any securities in which trustees or guardians are permitted to invest trust or guardianship funds under the laws of this state including a local government pension investment fund created pursuant to KRS 95.895, and all such securities shall be subject to the order of said board. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under KRS 95.761 to 95.785.

➔Section 144. KRS 95.783 is amended to read as follows:

In the event that the provisions of KRS ~~95.767 to 95.784~~ ~~95.761 to 95.785~~ are accepted and adopted by the legislative body of a city, **as authorized in Section 141 of this Act** ~~of the fourth class~~ by ordinance, as herein provided, the repeal of such ordinance shall not become effective unless adopted by the unanimous vote of the duly elected members of such legislative body. In the event a repeal ordinance is adopted by such legislative body, all moneys or property belonging to the policemen's and firefighters' pension fund at the time of the repeal of the said adoption ordinance shall be dissolved or liquidated by the board of trustees of said policemen's and firefighters' pension fund and distributed by said board in the following manner: Within sixty (60) days of adoption by said legislative body of said repeal ordinance, the said board of trustees shall proceed with the liquidation of said pension fund as follows: All unexpended moneys appropriated to said pension fund out of the said city's general fund to the policemen's and firefighters' pension fund by the said legislative body of such city and at the time of adoption of a repeal ordinance shall revert back to the city's general fund. All other unexpended moneys or property which has come into the said pension fund's hands shall be liquidated by said board of trustees in the following manner: All unexpended moneys in the said pension fund which accumulated thereto by pick up of employee contributions by the employer pursuant to KRS 65.155 or assessments from policemen's and firefighters' salaries and gifts, or accumulated thereto in any manner except appropriations from the said city's general fund, shall revert back to the active or retired policemen and firefighters and dependents who have qualified under KRS 95.761 to 95.785 in such city. In the division to the beneficiaries, the board of said trustees shall use in the division of said fund the per centum of the present salaries of such members. After all disbursements have been made of said fund by the board of trustees, the said board of trustees shall file, as their last act, a complete report of same with said legislative body within thirty (30) days, and such report shall be kept in the office of the city clerk as other city records.

➔Section 145. KRS 95.785 is amended to read as follows:

When the provisions of KRS 95.761 to 95.784 have been accepted and adopted by the legislative body of any city ~~of the fourth class~~, KRS 95.710 and 95.760 shall not apply to that city.

➔Section 146. KRS 95.851 is amended to read as follows:

Words and phrases, used in KRS 95.851 to 95.884 and KRS 95.991, unless a different meaning is clearly indicated by the context, shall have the following meanings:

- (1) "Fund" shall mean the "Policemen's and Firefighters' Retirement Fund of the City of _____."
- (2) "City" shall mean any city **that was previously classified as a city of the second class prior to August 1, 1988, under the city classification system that was in effect prior to August 1, 1988, or to any other city that established a policemen's and firefighters' retirement fund specifically under the provisions of KRS 95.851**

to 95.884 prior to August 1, 1988~~[of the second class in the State of Kentucky, or city of the second class which may subsequently attain first class status].~~

- (3) "Department" shall mean the police department or the fire department of a city.
- (4) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund.
- (5) "Member" shall mean any member of the police or fire department who is included in the membership of the fund.
- (6) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.
- (7) "Prior service" shall mean service rendered prior to the date of establishment.
- (8) "Membership service" shall mean service rendered on or after the date of establishment.
- (9) "Total service" shall mean prior service, membership service, and military service.
- (10) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be three percent (3%) per annum, compounded annually.
- (11) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder.
- (12) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease.
- (13) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member, and includes employee contributions picked up by the employer pursuant to KRS 65.155.
- (14) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.
- (15) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following.
- (16) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

➔Section 147. KRS 95.852 is amended to read as follows:

- (1) There is hereby established in cities~~[of the second class]~~, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries, unless the policemen and firefighters are included in the membership of the County Employees Retirement System and certified to be working in hazardous positions. The fund shall be established as of July 1, 1956, and shall be known as the "Policemen's and Firefighters' Retirement Fund of the City of _____." In such name all of its business shall be transacted, and in such name or nominee name as provided by KRS 286.3-225 all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.
- (2)
 - (a) After August 1, 1988, no new pension fund shall be created pursuant to this section and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988;
 - (b) Cities which were covered by this section on or prior to August 1, 1988, shall provide for the retirement of police or firefighters rehired after August 1, 1988, by placing such employees in the County Employees Retirement System;
 - (c) Cities which were covered by this section on or prior to August 1, 1988, shall place police or firefighters newly hired after August 1, 1988, in the County Employees Retirement System;
 - (d) Cities which were covered by this section on or prior to August 1, 1988, shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the

alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section;

- (e) The city shall certify that all police and firefighters placed in the County Employees Retirement System are employed in hazardous positions; and
- (f) If the city's participation in the County Employees Retirement System is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.851 to 95.884 and KRS 95.991 to any of its police and firefighters who have not retained membership in the County Employees Retirement System pursuant to KRS 78.535(4).

➔Section 148. KRS 95.873 is amended to read as follows:

The board may invest the moneys accruing to the fund, in interest-bearing bonds of any county, urban-county government or city~~[of the first, second, or third class]~~ in this state, or in any securities in which trustees are permitted to invest trust funds under the laws of this state including participation in a local government pension investment fund created pursuant to KRS 95.895. Such bonds shall be registered in the name of the board to the extent possible. The securities acquired by the board shall be subject to the order of the board. The board may, at its own cost, employ or engage consultants to provide investment advice to aid the board in its determinations.

➔Section 149. KRS 95.883 is amended to read as follows:

- (1) The order or determination of the board upon the rehearing shall be conclusive and binding, but any interested party may, within twenty (20) days after the rendition of the order of the board, by petition appeal to the Circuit Court of the county in which the city~~[of the second class]~~ is located for a review of the order of the board.
- (2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner who shall furnish a copy to the board at the time of the filing of the same. Summons shall be issued directing the board to answer within twenty (20) days and directing the board to send the original record to the circuit clerk certifying that such record is the entire original record of the rehearing which shall be filed by the clerk of the Circuit Court and such record shall then become and be considered by the Circuit Court on the review. The appeal provided for herein shall not be considered effective unless the person making the appeal has paid to the board one-half (1/2) of the cost of the transcript of the record of the rehearing within the period provided for making the appeal.
- (3) No new nor additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of KRS 95.851 to 95.884 and KRS 95.991, and affecting the order, decision, or determination appealed from, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner, its review being limited to determining whether or not:
 - (a) The board acted without or in excess of its powers;
 - (b) The order, decision, or determination was procured by fraud;
 - (c) The order, decision, or determination of the board is not in conformity with the provisions of KRS 95.851 to 95.884 and KRS 95.991;
 - (d) If findings of fact are in issue the party seeking to set aside any order, decision, or determination of the board shall have the burden of proof to show by clear and satisfactory evidence that the order, decision, or determination is unreasonable or unlawful. If upon appeal as herein provided the order, decision, or determination of the board is reversed the party perfecting the appeal shall be refunded by the board his portion of the costs paid for the transcript of the record made on the rehearing.
- (4) The board and each interested party may appear before the Circuit Court. The court shall enter judgment affirming, modifying, or setting aside the order, decision, or determination appealed from, or in its discretion remand the cause to the board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the board.

➔Section 150. KRS 96.050 is amended to read as follows:

The legislative body of any **authorized** city~~[of the second class]~~ may, by ordinance:

- (1) Direct and control the laying and construction of railroad or street railway tracks, bridges, turnouts and switches, poles, wires, apparatus and appliances in the streets and alleys of the city, and the location of depot grounds within the city.

- (2) Require that bridges, turnouts and switches be so constructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and that sufficient space be kept on either side of the tracks for safe and convenient passage.
- (3) Prohibit the making of running switches.
- (4) Require all railroad companies to construct and keep in repair suitable crossings at the intersections of streets, alleys, ditches, sewers and culverts, and to light and guard the same.
- (5) Require railroad companies to erect gates at street crossings.
- (6) Direct the use and regulate the speed of locomotive engines, steam, electric, street or other kind of cars within the limits of the city.
- (7) Prohibit and restrain railroad companies from doing any storage and warehouse business, or collecting money for storage, except in cases where the consignor or consignee of goods or wares fails to remove them within a reasonable time from the depots of such companies.
- (8) Compel telephone and telegraph companies and all persons using, controlling or managing telegraph or telephone wires to put and keep their wires underground.
- (9) Compel gas and electric light companies and all persons using, controlling or managing electric light wires for any purpose to change and relocate poles, electric wires, conduits for electric wires, gas mains and pipes, place those above the surface of the ground below it, change the method of conveying light, and generally to do things conducive to the safety and comfort of the inhabitants of the city in the premises.
- (10) Regulate the manner in which electric light, telephone and telegraph wires are placed underground, and the use of all such wires and connections therewith.
- (11) *As used in this section, "authorized city" means a city included on the registry maintained by the Department for Local Government under subsection (12) of this section.*
- (12) *On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.*

➔Section 151. KRS 96.060 is amended to read as follows:

- (1) The legislative body of any city ***with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third class]~~ may, by ordinance, grant the right of way in streets, alleys and public grounds of the city to any railway, street railway, gas, water, steam heating, telephone or electric light or power company for a term not exceeding twenty (20) years. Before granting such privilege, the city shall, after advertising by publication pursuant to KRS Chapter 424, receive bids publicly, and award the privilege to the highest and best bidder, having the right to reject any and all bids.
- (2) The city shall reserve the right to regulate and control the tracks, pipes and wires of such companies, and the public ways in which they are laid or constructed, and shall reserve the right to require any such company to conform to any changed grades of the streets and public grounds, to pay the cost of improving between its rails and for a reasonable distance on either side of its rails, to make culverts beneath them for the free flow of water, to change its rails, or mode of construction or operation, to suit public convenience, to raise or lower its pipes, or to take down its wires and lay them underground, as the public good requires.
- (3) The city shall not be liable for the cost or damage occasioned by such changes, or for any damage for delay in the operation of the business of any such company occasioned by any street improvement or repairs, or the constructing, bursting or repairing of any sewer or pipe in or across any street, alley or public ground, or for injury by any mob or other violence.
- (4) All such grants shall expire and become voidable, at the option of the city, although a consideration has been paid, unless a bona fide organization has taken place and business has been commenced and prosecuted under the grant in good faith within one (1) year from the date of the grant. The legislative body may impose other conditions and terms in addition to and not inconsistent with those enumerated in this section. The provisions in this section as to advertisements and bids, and limitation of the grant to twenty (20) years, shall not apply to the grant of the right of way to a trunk railway.

➔Section 152. KRS 96.070 is amended to read as follows:

The legislative body of any city~~[of the fourth class]~~ may grant rights-of-way over the public streets or public grounds of the city to any utility company, on such conditions as seem proper, shall have a supervising control over the use of same, and shall regulate the speed of cars and signals and fare on street cars. The legislative body may compel any railroad company to erect and maintain gates at street crossings and prevent railroads from obstructing public ways of the city, and fix penalties for the violation of these provisions. Nothing in this section shall prevent any property owner whose property abuts on a street on which a railroad is granted a right-of-way from recovering from the railroad any damage done to his property by the occupation or use of the street by the railroad.

➔Section 153. KRS 96.110 is amended to read as follows:

Any city~~[of the fourth, fifth or sixth class]~~ may, with funds provided from the general levy or from the sale of bonds, purchase stock in any corporation owning or operating or organized for the purpose of owning or operating a waterworks within the corporate limits of the city.

➔Section 154. KRS 96.160 is amended to read as follows:

The legislative body of any city~~[of the second class]~~ may, by ordinance:

- (1) Provide the city with water; establish and regulate public cisterns, hydrants and reservoirs, within or beyond the limits of the city, for the extinguishment of fires and the convenience of the inhabitants; prevent the unnecessary waste of water; and compel any water company to change or relocate any water main or pipe.
- (2) Provide, by itself or through others, for lighting the streets, public places and buildings of the city and furnishing light to its inhabitants; and regulate the quality and quantity of the light and the method, time and appliances for furnishing light.

➔Section 155. KRS 96.170 is amended to read as follows:

The legislative body of any city~~[of the third class]~~ may, by ordinance, provide the city and its inhabitants with water, light, power, and heat, by contract or by works of its own, located either within or beyond the boundaries of the city, make regulations for the management thereof, and fix and regulate the prices to private consumers and customers.~~[Telecommunication service may be provided by any legislative body of any city of the third class by contract or by works of its own, except that any city of the third class that establishes municipal telephone service shall, for purposes of that service solely, be deemed a utility under KRS 278.010 and shall be regulated, as to telephone service, by the Public Service Commission.]~~

➔Section 156. KRS 96.171 is amended to read as follows:

~~The provisions of KRS 96.172 to 96.188 shall not apply in the case of any municipality of the third class now operating an electric or water system or plant under any existing law; but the~~ governing body of any municipality~~[of the third class]~~ now or hereafter owning an electric and water system and operating them as one (1) combined system or plant may elect to operate under the provisions of KRS 96.172 to 96.188, in which case, from the time of the exercise of such election and the appointment of a board under said sections, the electric and water system of such municipality shall be operated under the provisions of KRS 96.172 to 96.188 as an electric and water plant.

➔Section 157. KRS 96.172 is amended to read as follows:

- (1) Any municipality~~[of the third class]~~ now or hereafter owning and operating an electric system and a water system and operating them as one (1) combined system or plant may elect to operate such systems as an electric and water plant under the provisions of KRS 96.171 to 96.188 by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate its electric and water system or plant under the provisions of KRS 96.171 to 96.188 and by providing in said ordinance that the municipality accepts and agrees to all of the provisions of KRS 96.171 to 96.188. The ordinance shall further authorize the mayor or chief executive to appoint a board, subject to the approval of the appointments by the governing body of the municipality. Upon the passage of such ordinance the mayor or chief executive of any such municipality shall, with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of five (5) citizens, taxpayers, voters, and users of electric energy or water. Said board shall be appointed and qualified before the municipality shall have any authority to proceed further under the provisions of KRS 96.171 to 96.188. Said board, when so appointed and qualified, shall be and hereby is declared to be a body-politic and corporate, with perpetual succession; and said board may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of the board shall be "Electric and Water Plant Board of the City of _____, Kentucky."

- (2) No person shall be appointed a member of the board who has, within two (2) years next before his appointment, held any public office, or who is related within the third degree to the mayor or any member of the governing body of the municipality.
- (3) Neither the board, nor the superintendent appointed by the board as provided in KRS 96.176, shall appoint to any subordinate office which it may create, nor employ in any capacity any person who is related within the third degree to any member of the board or to the superintendent or to the mayor of said municipality or to any member of the governing body of the municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one (1) year after the expiration of the term of his office or employment.
- (4) The members of the board shall be citizens, taxpayers, voters, and users of electric energy or water, and shall not at the time of their appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of said municipality.
- (5) If at any time during his term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the board, and another person shall be appointed to his place.
- (6) Each member of said board shall execute bond, in an amount required by the governing body of the municipality by resolution or ordinance, conditioned upon the faithful performance of their official duties. The surety on said bonds shall be a surety company qualified to do business in Kentucky. The cost of said bonds shall be charged as an operating expense and paid by the board.
- (7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.
- (8) The original appointees shall serve two (2) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four (4) years, respectively, from the date of their appointment, as the said mayor or chief executive officer of the municipality shall designate. Successors to retiring members so appointed shall be appointed for a term of four (4) years in the same manner, prior to the expiration of the term of office of the retiring members. Appointments to complete unexpired terms shall be made in the same manner as original appointments.
- (9) Any member of the board may be removed from office upon a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office.

➔Section 158. KRS 96.189 is amended to read as follows:

- (1) Any city ***with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the second or third class]~~ may, pursuant to an ordinance so providing, acquire any streetcar system existing in the city, with all its appliances, or may establish and install a streetcar system, and may operate within and not more than ten (10) air miles beyond the corporate limits of the city, improve and extend a system so acquired or installed upon the terms and conditions as may be provided by ordinance and by the terms of the contract by which the system is acquired or installed. Any city ***meeting the population requirements of this section***~~[of the second or third class]~~ may acquire, establish, and install a street omnibus or taxicab system, and operate it upon the terms and conditions as are prescribed by ordinance.
- (2) To provide for the financing of the streetcar system or street omnibus or taxicab line, the city may issue bonds at not less than par and accrued interest, to bear interest at a rate or rates or method of determining rates as the city determines, payable at least annually, and to mature at any time not exceeding twenty (20) years after their date, and may provide for a sinking fund to meet the bonds at their maturity. No bonds shall be issued except in compliance with the general law in reference to the amount of indebtedness that may be incurred by ***the city***~~[cities of the second or third class]~~, nor until after a vote is taken as required by law to authorize the incurring of indebtedness.

➔Section 159. KRS 96.190 is amended to read as follows:

- (1) The legislative body of any city~~[of the fourth class]~~ may provide the city and all persons in the city with water, gas, electric power, light, and heat, by contract with any person or by works and facilities owned or leased by the city and located within or beyond the city boundaries.~~[Telecommunication service may be provided by any legislative body of any city of the fourth class by contract or by works of its own, except that any city of the fourth class that establishes municipal telephone service shall, for that service solely, be deemed a utility under KRS 278.010 and shall be regulated as to the telephone service, by the Public Service Commission.]~~

- (2) In all cases where the person furnishing the services is operating under a charter or franchise granted by the General Assembly prior to the adoption of the present Constitution of Kentucky the city legislative body may make and enforce rules and regulations for the furnishing and sale of such services, fix and regulate the quality, character and standards of such services, and fix and regulate the rates charged consumers for such services.

➔Section 160. KRS 96.195 is amended to read as follows:

Municipal corporations~~[of the fourth class]~~ in the Commonwealth of Kentucky which own and operate municipal electric power plants or waterworks are authorized to issue interest-bearing warrants in payment for extensions and improvements to electric power plants or waterworks. The warrants shall bear interest at the rate or rates or method of determining rates as the legislative body of the municipal corporation determines and be due not more than five (5) years from date. They shall be payable only out of the income from the operation of the electric power plants or waterworks.

➔Section 161. KRS 96.200 is amended to read as follows:

Except as otherwise provided in KRS 96.550 to 96.900, **or Section 163 of this Act**, the legislative body of any city~~[of the third through sixth classes inclusive]~~ may, by ordinance, provide in what manner and for what purpose any profits, earnings or surplus funds arising from the operation of any public utility owned or operated by the city may be used and expended. The ordinance may be amended or repealed from time to time. Until such an ordinance is enacted any surplus earnings shall be paid into the city treasury, to be expended for the general purposes of government in the city.

➔Section 162. KRS 96.320 is amended to read as follows:

Cities~~[of the second class]~~ that own a waterworks may operate such waterworks as a department of the city, or may appoint a commission to operate such waterworks. If such a commission is appointed, it ~~may~~**shall** be styled "Commissioners of Waterworks," and shall be composed of from three (3) to six (6) members to be appointed by the mayor, subject to the approval of the city legislative body. If a commission is composed of six (6) members, the mayor shall appoint, in addition to the six (6) members, a member of the legislative body of the city who shall be an ex officio member of the commission. All commissioners shall reside in the area served by the waterworks and be registered voters in the county. A majority of the commissioners shall be residents of the city. The terms of the members shall be fixed by the city legislative body, or they may be appointed for indefinite terms, subject to removal by the city legislative body for cause. The commissioners shall give bond for the faithful performance of their duties in the sum of five thousand dollars (\$5,000). The commissioners shall manage the water system of the city. They may appoint a superintendent, secretary, treasurer and other necessary employees and fix their salaries. They shall make full monthly reports to the city legislative body of the operation and condition of the water system, including all receipts and expenditures. A majority of the members of the board shall constitute a quorum for the transaction of business.

➔Section 163. KRS 96.330 is amended to read as follows:

The net revenue derived by any city **with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census created pursuant to Section 162 of this Act**~~[of the second class]~~ from its waterworks shall be applied to the improvement or reconstruction of the streets and other public ways of the city, to the extension of the waterworks system or to the payment of interest or principal on the waterworks bonds.

➔Section 164. KRS 96.340 is amended to read as follows:

The legislative body of any city~~[of the fourth class]~~ may, by ordinance, prescribe punishment by fine not exceeding one hundred dollars (\$100) or imprisonment not exceeding sixty (60) days, of any person who molests, damages or interferes with any system of waterworks in the city, or may, by ordinance, impose the same penalty as for damaging or molesting any other public property. It may, subject to the rules of any water company that may establish a system, select persons who shall have the right to open, tap or make connection with pipes or mains in public ways of the city.

➔SECTION 165. A NEW SECTION OF KRS 96.350 TO 96.510 IS CREATED TO READ AS FOLLOWS:

Having the powers of the city of the highest class at the time of the creation of an urban-county government, the provisions of KRS 96.350 to 96.510 are hereby affirmed to be possessed by urban-county governments. Any reference to a city, mayor, city legislative body, or agency of a city in KRS 96.350 to 96.510 shall also mean an urban-county government, mayor of an urban-county government, legislative body of an urban-county government, or agency of an urban-county government, respectively.

➔Section 166. KRS 96.350 is amended to read as follows:

- (1) Any city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class may, under the provisions of KRS 96.350 to 96.510, purchase, establish, erect, maintain and operate waterworks, together with extensions and necessary appurtenances thereto, within or without the corporate limits of the city, for the purpose of supplying the city and its inhabitants with water.
- (2) A sewerage system may be acquired with a water system and joined in one (1) project with the water system for the purpose of original financing.
- (3) KRS 96.350 to 96.510 constitute a method for the acquisition of waterworks by any city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class in addition or as an alternate to any other method authorized by statute. No proceedings shall be required for the acquisition of any waterworks or the issuance of bonds under KRS 96.350 to 96.510 except the proceedings required by KRS 96.350 to 96.510.

➔Section 167. KRS 96.351 is amended to read as follows:

- (1) The city council of cities~~[of the third class]~~ in a county containing a population of more than fifty thousand (50,000) other than a county containing a **consolidated local government**~~[city of the first class]~~ or urban-county government which have acquired a waterworks or a waterworks and sewerage system pursuant to KRS 96.350, and which are operating under the council form of government, may, by ordinance, establish either a waterworks commission or a waterworks and sewerage commission. The ordinance shall require the appointment of the commission in one (1) month from the passage of the ordinance. No two (2) members of the commission shall be selected from the same ward. The commission shall be appointed by the mayor, and shall consist of the mayor, who shall be a non-voting ex-officio member and either three (3) or five (5) freehold electors of the city who have been bona fide residents of the city for two (2) years next before their appointment. One (1) member shall be a member of the city legislative body. No appointed member shall be related to the mayor or a member of the city council within the third degree of consanguinity or affinity under the civil law.
- (2) The members of the commission shall enter upon the discharge of their duties as soon as appointed, and shall hold office four (4) years and until their successors are appointed and qualified, except that the member of the commission who is a member of the city legislative body shall hold office for one (1) year and until his successor is appointed and qualified. Any vacancy shall be filled in the same way the original appointments were made. The compensation of members shall be fixed by the city council prior to their appointment. The commission shall hold at least one (1) meeting each month, or more if required. Meetings shall be held at stated times, except special meetings.
- (3) The commission may designate a member to act as chairman in the absence of the mayor, with the same powers the mayor would have if presiding. If the commission consists of five (5) members, three (3) members shall constitute a quorum. If the commission consists of three (3) members, two (2) members shall constitute a quorum. The mayor or any two (2) members may call a special meeting. The city auditor shall be ex-officio clerk of the commission and custodian of its records. Copies of its records attested by him as clerk shall be competent evidence in all courts.

➔Section 168. KRS 96.355 is amended to read as follows:

- (1) The legislative body of any city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class may by ordinance:
 - (a) Provide the city with water; establish, regulate and control public cisterns, hydrants and reservoirs, together with extensions and appurtenances thereto, within or without the limits of the city, for fire protection and the use and convenience of its inhabitants;
 - (b) Provide for the enforcement of said regulations for the health, welfare and well-being of its inhabitants.
- (2) Whenever cisterns, hydrants, reservoirs or any other portion of a waterworks system owned by any city set forth in subsection (1) of this section is located in whole or in part outside the city limits of any such city, the city may provide police protection as is necessary to prevent damage to or destruction of such property and to safeguard the water supply of the city from possible contamination.

➔Section 169. KRS 96.390 is amended to read as follows:

Bonds issued pursuant to KRS 96.370 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in a manner and upon the terms as the city **or urban-county**

government legislative body deems for the best interest of the city **or urban-county government**, or any contract for the purchase or acquisition of any waterworks may provide that payment shall be made in bonds. The bonds shall be payable solely from the revenue funds derived from the waterworks as provided in KRS 96.430 and shall not constitute an indebtedness of the city **or urban-county government** within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 96.350 to 96.510 and that it does not constitute an indebtedness of the city **or urban-county government** within the meaning of the Constitution.

➔Section 170. KRS 96.520 is amended to read as follows:

- (1) Any city of the **home rule**~~[second, third, fourth, fifth, or sixth]~~ class **or urban-county government** may purchase, establish, erect, maintain, and operate electric light, heat, and power plants, with extensions and necessary appurtenances, within or without the corporate limits of the city **or the urban-county government**, for the purpose of supplying the city **or urban-county government** and its inhabitants with electric light, heat, power, and telecommunications. Any city **or urban-county government**-owned utility created under this section that provides telecommunications services shall be regulated as to that service by KRS Chapter 278. Any city **or urban-county government**-owned utility created under this section that provides municipal telephone service shall be regulated as to that service by KRS Chapter 278. For the purpose of providing electric light, heat, power, and telephone services, a city of the **home rule**~~[second, third, fourth, fifth, or sixth]~~ class **or urban-county government** may enter into and fulfill the terms of an interconnection agreement with any electric or combination electric or gas utility whose rates and service are regulated by the Public Service Commission of Kentucky (or, if not so regulated, operating and having customers only outside of Kentucky), or an affiliate entirely owned by or under complete common ownership with an electric or combination electric and gas utility whose rates and service are regulated by the Public Service Commission of Kentucky. Any city of the **home rule**~~[second, third, fourth, fifth, or sixth]~~ class **or urban-county government** may establish, erect, maintain, and operate plants, individually or jointly with any of these utilities or utility affiliate. In the case of any joint action, a city **or urban-county government** and utility or utility affiliate may provide by contract for their respective responsibilities, for operation and maintenance and for the allocation of expenses, revenues, and power. If in the accomplishment of this purpose a city **or urban-county government** at any time has capacity or energy surplus to the immediate needs of the city **or urban-county government** and its inhabitants, the surplus, if not disposed of for consumption outside this state, may be disposed of to an electric or combination electric and gas utility whose rates and service are regulated by the Public Service Commission of Kentucky, to an affiliate entirely owned by or under complete common ownership with such a utility, or to a city **or urban-county government**-owned utility established pursuant to KRS Chapter 96.
- (2) The city **or urban-county government** shall proceed in the same manner and be governed by the same conditions as are set forth in KRS 96.360 to 96.510 for the acquisition and operation of a water system, with the following exceptions:
 - (a) A petition calling for an election on the proposition of purchasing an existing plant shall be signed by at least two hundred (200) qualified voters of the city **or urban-county government**, rather than by twenty-five percent (25%) of the qualified voters of the city **or urban-county government** who voted at the last preceding regular election.
 - (b) Notwithstanding any other laws, bonds may be issued bearing interest at a rate or rates and may be sold on a basis to yield interest at a rate or rates as may be determined upon the sale of the bonds.
 - (c) Bonds of an issue, or bonds of two (2) or more issues consolidated for the purposes of sale, which equal or exceed \$10,000,000 in the aggregate principal amount may be sold at public or private sale without compliance with KRS 424.360.
- (3) This section constitutes a method for the acquisition of an electric light, heat, and power plant by any city of the **home rule**~~[second, third, fourth, fifth, or sixth]~~ class **or urban-county government** in addition or as an alternate to any other method authorized by statute, provided that the city **or urban-county government** was operating an electric plant on June 1, 1942, and has not elected to operate under KRS 96.550 to 96.900. No proceedings shall be required for the acquisition of any electric light, heat, or power plant or the issuance of bonds under this section except the proceedings required by KRS 96.360 to 96.510.

➔Section 171. KRS 96.530 is amended to read as follows:

- (1) Any city acquiring or constructing an electric light, heat, and power plant under the provisions of KRS 96.520 shall, by ordinance, appoint a city utility commission consisting of three (3) commissioners to operate, manage, and control the plant, except that a city **with a population equal to or greater than twenty thousand**

(20,000) based upon the most recent federal decennial census~~[of the second class]~~ shall appoint five (5) commissioners. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates the commission shall be governed by the provisions of KRS 96.430, as it is made applicable to those plants by KRS 96.520, and by any ordinance enacted under that section, except that in fixing rates the commission in a city **with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[of the second or third class]~~ shall be governed by the provisions of KRS 96.535 and any ordinance enacted according to this section. The utility commission, when so appointed, shall be a public body politic and corporate, with perpetual succession; and the body may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The utility commission shall provide rules for the management of the plant, and it shall fix the number, qualifications, pay, and terms of employment of all employees needed to operate the plant. In cities **with populations equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[of the second or third class]~~ providing civil service coverage for city employees, the utility commission appointed under this section may provide civil service coverage for all of its employees, and it shall exercise the powers and functions with respect to their employees which are vested in the city legislative body with respect to the city employees by KRS 90.380. Employees who have been in the employment of the utility commission for one (1) year immediately preceding the adoption of an order by the utility commission placing all of its employees under civil service coverage shall not be required to stand a civil service examination, and they shall be eligible for all the benefits provided by civil service coverage. Out of the revenue of the plant, it shall pay operating expenses, repairs, and necessary additions and provide sufficient reserve fund against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.430 and 96.440, as they are made applicable to the plants by KRS 96.520, except that the commission in a city **with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[of the second or third class]~~ shall pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.535 and any ordinance adopted according to this section. Notwithstanding the foregoing provisions, the utility commission, for the purpose stated in KRS 96.520(1), may enter into an agreement for the operation of any of its plants or other facilities.

- (2) Except as provided in KRS 61.070, no person shall be appointed a member of the commission who has, within the last two (2) years before his appointment, held any city, county, state, or federal office, or been a member of any committee of any political party, or who is related within the third degree to the mayor, or a member of a city legislative body. The commission shall not appoint to any subordinate office that it may create any person who is related to any commissioner, to the mayor or to any member of the city legislative body. No officer or employee of the city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of the commission or to be employed by the commission in any capacity. The members of the commission shall be citizens, taxpayers, and legal voters of the city and shall not at the time of appointment be indebted to the city or be surety on the official bond of any officer of the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership on the commission, and another person shall be appointed in his place.
- (3) The city shall pay the cost of securing bonds for the commissioners from a surety company, and each commissioner shall execute bond to be approved by the city legislative body.
- (4) The city legislative body shall fix the salary to be paid each member of the commission at a sum not to exceed two thousand four hundred dollars (\$2,400) per annum. The Department for Local Government shall compute by the second Friday in February of every year the annual increase or decrease in the Consumer Price Index of the preceding year by using 1998 as the base year, and the salary of the commissioners may be adjusted at a rate no greater than that stipulated by the Department for Local Government.
- (5) The first commissioners appointed under this section shall be appointed one (1) for the term of one (1) year, one (1) for the term of two (2) years, and one (1) for the term of three (3) years. Upon the expiration of the first terms, successors shall be appointed for a term of three (3) years. On a commission with five (5) members, not more than two (2) members shall hold concurrent terms of office.
- (6) All commission members appointed subsequent to the initial members shall be appointed by the mayor or chief executive of the municipality, with the approval of the governing body of the municipality.

➔Section 172. KRS 96.531 is amended to read as follows:

Any legislative body of any city~~[of the first through the fifth class]~~ may provide telecommunications service. Any city that owns, operates, or controls, either directly or indirectly, a municipal utility that provides telecommunications

services as defined in KRS 278.010(3)(e) shall, as to telephone service solely, be subject to the provisions of KRS Chapter 278 in the same manner as other nonmunicipal providers of telephone services.

➔Section 173. KRS 96.535 is amended to read as follows:

- (1) At the time or before or after the issuance of revenue bonds for the acquisition, extension or maintenance of a system of waterworks or electric light, heat and power plants in cities ***with populations equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the second and third classes]~~, which bonds do not represent the general obligation of the city, the city legislative body shall, by ordinance, set aside and pledge the income and revenue of any such municipally owned utility into a separate and special fund to be used and applied in the payment of the cost thereof, and in the maintenance, operation and depreciation thereof, and for the purposes hereinafter set out. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the portion to be set aside for the reasonable and proper operation and maintenance of the utility, and may provide that the surplus not needed for the purposes aforesaid shall be paid over to and become a part of the general funds of such city. The rates to be charged for services from the utility shall be fixed and revised from time to time by the board appointed to operate the utility by and with the approval of the legislative body of the city so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due; to provide for the operation and maintenance of the utility and an adequate depreciation account; and such rates may be fixed as will furnish a fair and reasonable return to the municipality on the fair value of the used and useful property of the utility.
- (2) Nothing in this section shall apply to electrical plants acquired or operated under provisions of KRS 96.550 to 96.900.

➔Section 174. KRS 96.540 is amended to read as follows:

- (1) Except as provided in KRS 96.171 to 96.188, inclusive, and in KRS 96.5405, no city of the ***home rule***~~[second, third, fourth, fifth, or sixth]~~ class that owns a lighting system by gas or electricity, shall sell, convey, lease, or encumber the system or the income therefrom without the assent of a majority of the total number of legal voters of the city voting at an election held for that purpose, after notice of the election has been published pursuant to KRS Chapter 424.
- (2) In the case of a city ***with a population of less than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the fourth, fifth, or sixth class]~~, the election shall be ordered and the election officers shall be selected by the city legislative body, the city clerk shall prepare the question for presentation to the voters, and a tabulation of the vote shall be done by the city legislative body in the presence of the mayor; in all other respects the election shall be conducted under the regular election laws.
- (3) Except as provided in KRS 96.171 to 96.188, inclusive, and in KRS 96.5405, no city of the ***home rule***~~[second, third, fourth, fifth, or sixth]~~ class that owns a waterworks system, shall sell, convey, lease, or encumber the system or the income therefrom without the assent of a majority of the legislative body for the city or of a majority of the total number of legal voters of the city voting at an election held for that purpose, after notice of the election has been published pursuant to KRS Chapter 424.
- (4) This section shall not apply to the issuance of revenue bonds under the provisions of KRS 96.350 to 96.520.

➔Section 175. KRS 96.5405 is amended to read as follows:

- (1) A city ***with a population of less than one thousand (1,000) based upon the most recent federal decennial census***~~[of the sixth class]~~ may, in an emergency situation, sell, lease, or otherwise transfer a utility system which it owns after obtaining the approval of two-thirds (2/3) of the utility's customers by petition, as specified in this section, without holding an election under KRS 96.540.
- (2) The city legislative body shall enact an ordinance pursuant to 83A.060 which shall describe the terms of the proposed sale, lease, or other transfer of the city-owned utility system, declare an emergency, and set out the reasons why the proposed transaction is deemed to be an emergency. The ordinance also shall set a deadline for obtaining the necessary signatures, and specify who will certify the petition.
- (3) At least two (2) public hearings shall be held to inform the public of the proposed sale, lease, or other transfer of the utility system, and to obtain public comment on the proposal. The hearings shall be publicized at a minimum, in accordance with KRS 424.130(1)(d).

- (4) The petition may consist of several separate units, and shall include a full address and the date with each signature. Unless the ordinance provides otherwise, only a person named on an account shall be a valid signer of the petition. The utility shall make available a list of the names and addresses of all current customers.

➔Section 176. KRS 97.120 is amended to read as follows:

- (1) In cities of the first *class and in cities with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census,*~~[and second class]~~ the city recreational committee shall consist of not less than three (3) nor more than seven (7) members, the exact number to be at the discretion of the city legislative body. In cities *with populations of less than twenty thousand (20,000) based upon the most recent federal decennial census,*~~[of the third, fourth, fifth and sixth class]~~ the city recreational committee shall consist of three (3) members.
- (a) In cities of any class the city recreational committee shall be appointed by the mayor, with the approval of a majority of the members of the legislative body of the city, for terms of four (4) years, except that the members first appointed shall be so appointed that the terms of the members will expire in different years.
- (b) The members shall serve without compensation.
- (c) The members shall be legal voters of the city.
- (d) If any member during the term of his or her office becomes a candidate for, or is elected or appointed to any public office, he or she shall automatically vacate his membership on the commission and another person shall be appointed in his or her place; but this provision shall not prevent a member of the commission from serving as a member of any other appointive commission of the city, county, state or federal government.
- (2) Any member of the commission may be removed by the vote of three-fourths (3/4) of the elected members of the city legislative body. Vacancies shall be filled in the same manner as in the original appointment. The city may require each commissioner to execute a bond in the penal sum of one thousand dollars (\$1,000). If the commissioners are required to execute bonds, the bonds shall be approved by the legislative body of the city, and the cost thereof may either be paid by the city or by the commission out of its revenue.
- (3) The commission shall provide rules and regulations for the management of the recreational project or projects, and out of the revenue derived from the project or projects it shall pay all operating expenses, provide for necessary repairs and additions, provide a sufficient reserve fund to insure the buildings and improvements against fire and tornado, provide a fund for payment of any incidental or emergency expenses that may arise, and set up a fund to provide for the payment of any debts created in connection with the establishment and maintenance of the project or projects.
- (4) The commission may levy and collect fees for the use of or admission to the project or projects and expend or invest the income from the fees for the purposes set forth in this section.
- (5) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 177. KRS 97.441 is amended to read as follows:

- (1) Any city ~~that~~*that*~~[of the second class]~~ has the care, management and custody of the parks and grounds used for park purposes, the boulevards and parkways belonging to the city or in the control of the city, and all property acquired for park purposes or public squares by the city~~[-~~
- ~~(2) Each city of the second class] may:~~
- (a) Acquire and hold property for public parks and public squares and for parkways connecting the parks, by condemnation, contract, purchase or gift;
- (b) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;
- (c) Protect all park property and improvements belonging to the city or under its management or control from injury or decay;
- (d) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;
- (e) Prevent disorder and improper conduct within the precincts of any park or inclosure, or upon any drive, walk or avenue under the control of the city;

- (f) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of the trees.

~~(2)(3)~~ In locating parks the city shall regard the needs of the different sections of the city and the suitability of the ground for park purposes, as well as the cost thereof. The city shall have discretion as to the location and improvement of parks.

~~(3)(4)~~ The police power of the city extends over the park property of every kind, as it is acquired. All violations of the park rules and regulations and all other offenses committed within any park property or precinct shall be punished as provided by law in cases of misdemeanors and violations of city ordinances.

➔Section 178. KRS 97.455 is amended to read as follows:

There shall be established in each city ~~of the second class~~ electing to operate under KRS 97.425 to 97.485 a board to be known as the "Board of Park Commissioners." The board shall consist of not less than five (5) nor more than seven (7) members as determined by the legislative body of the city and shall be appointed by the mayor with the approval of a majority of the legislative body for terms of four (4) years, except that the members first appointed shall be so appointed that the terms of not more than two (2) members shall expire in the same year. Any member of the board may be removed by a majority vote of the members of the city legislative body.

➔Section 179. KRS 97.530 is amended to read as follows:

The legislative body of any city ~~of the third class~~ may, by ordinance, acquire, establish and maintain public cemeteries, parks, squares, avenues, promenades and fountains, either within or without the city; repeal ordinances heretofore or hereafter enacted creating such public cemeteries, parks, squares, avenues, promenades and fountains where the same were not acquired or given to the city for such specific purposes, and provide, by appropriate ordinances, for the use of said lands, easements, buildings and appurtenances thereon or appertaining thereto for other purposes; make all necessary appropriations for the cost and maintenance of same; and make regulations for the use, management and direction thereof.

➔Section 180. KRS 97.540 is amended to read as follows:

Whenever, in the opinion of the legislative body of any city ~~of the third or fourth class~~, land or other property located either within or without the boundaries of the city and within the county in which the city is located is needed for cemetery or park purposes and the legislative body is not able to contract with the owner of the property for its purchase, the legislative body may, by resolution reciting such need, order the condemnation of such property. The proceedings shall be conducted in the manner provided in the Eminent Domain Act of Kentucky.

➔Section 181. KRS 97.610 is amended to read as follows:

- (1) Cities of the *home rule*~~second, third, fourth, fifth, and sixth~~ classes may levy an annual tax of not more than ten (10) mills on the assessed valuation of the city, for the purpose of providing a fund for the maintenance or employment of a band or orchestra.
- (2) Before such tax may be levied a petition signed by five percent (5%) of the legal voters of the city, as shown by the last regular municipal election, must be filed with the city legislative body, requesting that the following question be submitted to the voters: "Shall a tax of not exceeding ten (10) mills be levied each year for the purpose of furnishing a fund for the maintenance or employment of a municipal band or orchestra?"
- (3) The petition shall be filed with the county clerk and the county clerk shall certify whether the petition is sufficient not later than the second Tuesday in August preceding a general election, and the legislative body shall cause the question to be submitted to the voters at the first following general municipal election.
- (4) The levy shall be authorized if a majority of the electors voting at the election cast votes in favor of the proposition, and the legislative body may then enact an ordinance carrying the plan into effect.

➔Section 182. KRS 97.630 is amended to read as follows:

- (1) Any city of the first class that has constructed a war memorial under the provisions of Chapter 23 of the Acts of 1922 shall have a memorial commission consisting of seven (7) members. Members shall be not less than twenty-five (25) years of age and shall be bona fide residents of the county in which the city is situated. Upon the expiration of the terms of the members of the commission appointed or elected under the provisions of Chapter 23 of the Acts of 1922, the remaining members of the commission shall elect members to succeed those whose terms have expired, to serve for terms of seven (7) years each, and annually thereafter members to succeed those whose terms have expired shall be elected for terms of seven (7) years each by the remaining members of the commission. Vacancies in the terms of members shall be filled by the remaining members of

the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged on the business of the commission.

- (2) A city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class that has constructed a war memorial under the provisions of Chapter 128 of the Acts of 1946, may, by ordinance, have a memorial commission consisting of fifteen (15) members. Members of the commission shall be nominated and appointed by the mayor and approved by the city legislative body. Five (5) of said members shall be appointed to serve five (5) years; five (5) members shall be appointed to serve six (6) years; and five (5) members shall be appointed to serve seven (7) years. Thereafter, members to succeed those whose terms have expired shall be elected by the remaining members of the commission for terms of three (3) years. Vacancies in the terms of members shall be filled by the remaining members of the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged in the business of the commission.

➔Section 183. KRS 97.640 is amended to read as follows:

- (1) A commission in a city of the first class shall annually elect a chairman from its members, to serve for the term of one (1) year. The commission may elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of the commission, and may receive a salary to be fixed and paid by the commission, not exceeding \$2,500 per annum. The commission may select and fix the compensation of such officers or employees as it deems necessary to properly carry on the work of the commission, to serve at the pleasure of the commission. The compensation of all officers and employees of the commission employed in the operation or maintenance of the memorial shall constitute maintenance expenses and shall be paid as such.
- (2) A commission in a city of the **home rule class**~~[second, third, fourth, fifth and sixth classes]~~ shall annually elect a chairman from its members, to serve for the term of one (1) year. The commission may elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of the commission, and may receive a salary to be determined by the commission. The commission may select and fix the compensation of such officers or employees as it deems necessary to properly carry on the work of the commission, to serve at the pleasure of the commission. The compensation of all officers and employees of the commission employed in the operation or maintenance of the memorial shall constitute maintenance expenses and shall be paid as such.

➔Section 184. KRS 97.700 is amended to read as follows:

- (1) In order to provide sufficient funds for maintaining the memorial and for carrying on the work of the commission the city legislative body in cities of the first class shall annually appropriate from the general fund of the city such sums as in the judgment of the legislative body shall, when supplemented by any funds received by the commission from gifts or earnings of the memorial, be reasonably necessary for such purposes. All moneys so appropriated may be paid over to the commission by the director of finance of such city in regular monthly installments. If it appears from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate for the purpose, the appropriation for such year may be withheld by the legislative body.
- (2) For the purpose of providing necessary funds for maintaining such memorial and for carrying on the work of the commission a city legislative body of cities of the **home rule class**~~[second, third, fourth, fifth and sixth classes]~~ may annually appropriate from the general fund of the city or annually levy and collect a tax not exceeding five cents (\$0.05) on each one hundred dollars (\$100) worth of taxable property in such city as determined by the last regular assessment of such city, and the taxes so levied shall be collected in the customary way and shall be paid over to said commission for the purpose named in this section; provided, however, that if it shall appear from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate therefor after deductions therefrom are made as herein provided, the said tax levy for such year may be withheld by the city legislative body.

➔Section 185. KRS 99.010 is amended to read as follows:

- (1) The following terms, whenever used or referred to in KRS 99.010 to 99.310 shall, unless a different intent clearly appears from the context, be construed as follows:
 - (a) "Area" means a portion of a city which a planning commission has found or shall find to be substandard or insanitary, so that the clearance, replanning, rehabilitation or reconstruction thereof is necessary or

advisable to effectuate the public purposes declared in KRS 99.020. An area may include any buildings or improvements not in themselves substandard or insanitary, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;[-]

- (b) "City" means and is deemed to relate to any city of the first *class, a city with a population of fifteen thousand (15,000) or more based upon the most recent federal decennial census, or urban-county government*~~for second class~~ in the Commonwealth of Kentucky;[-]
- (c) "Development" means a specific work, repair or improvement to put into effect a development plan. The term includes the real property, buildings, and improvements owned, constructed, managed, or operated by a redevelopment corporation;[-]
- (d) "Development area" means that portion of an area to which a development plan is applicable;[-]
- (e) "Development cost" means the amount determined by the supervising agency to be the actual cost of the development, or of the part thereof for which such determination is made, and includes, among other costs, the reasonable costs of planning the development, including preliminary studies and surveys, neighborhood planning, and architectural and engineering services, the reasonable value of the services performed by or for the incorporators of a redevelopment corporation in connection with the development plan prior to the time when the redevelopment corporation was incorporated or became a redevelopment corporation, fees for acquisition costs, the costs of financing the development, including carrying charges during construction, working capital in an amount not exceeding five percent (5%) of development cost, the actual cost of real property or any part thereof where acquired partly or wholly in exchange for securities, then, an amount which shall be approved by the supervising agency as being equal to the reasonable value of the real property acquired therefor, the actual cost of demolition of existing structures, the actual cost of utilities, landscaping and roadways, the actual cost of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builder's fees, the actual cost of reconstruction, rehabilitation, remodeling or initial repair of existing buildings and improvements, reasonable management and operation costs until the development is ready for use, and the actual cost of improving that portion of the development area which is to remain as open space, together with such additions to development cost as shall equal the actual cost of additions to or changes in the development in accordance with the original development plan or after approved changes in or amendments thereto;[-]
- (f) "Development plan" means a plan for the redevelopment of all or any part of an area, and includes any amendments thereto approved in accordance with the requirements of KRS 99.070;[-]
- (g) "Local legislative body" means the board of aldermen or other board or body vested by the charter of the city or other law with jurisdiction to adopt or enact ordinances or local laws;[-]
- (h) "Mortgage" means a mortgage, trust indenture, deed of trust, building and loan contract or other instrument creating a lien on real property, and the indebtedness secured by each of them;[-]
- (i) "Neighborhood unit" means a primarily residential district having the facilities necessary for well-rounded family living, such as schools, parks, playgrounds, parking areas and local shopping districts;[-]
- (j) "Planning commission" means the official bureau, board, planning and zoning or other commission or agency of the city or city and county authorized to prepare, adopt and amend or modify plans for the development and improvement of the city generally;[-]
- (k) "Supervising agency" means the director of finance or such other person or city agency as may be authorized by the local legislative body under KRS 99.090;[-]
- (l) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including rights of way, terms for years and liens, charges, or encumbrances by mortgage, judgment or otherwise;[-]
- (m) "Redevelopment" means the clearance, replanning, reconstruction, or rehabilitation of a substandard or insanitary area, and the provision of such industrial, commercial, residential or public structures and

spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;~~[-]~~

- (n) "Redevelopment corporation" means a corporation organized pursuant to the corporation laws of the Commonwealth of Kentucky whose articles of incorporation shall comply with the requirements of KRS 99.100 to 99.130.
- (o) "State" means the Commonwealth of Kentucky; ~~and~~~~[-]~~
- (2) "Owner" as used in KRS 99.220 to 99.240, includes a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon.

➔Section 186. KRS 99.020 is amended to read as follows:

It is hereby declared that in cities, ***as defined in Section 185 of this Act***, ~~that~~~~[- of the first and second class]~~ substandard and insanitary areas exist which have resulted from inadequate planning, excessive land coverage, lack of proper light, air, and open space, defective design and arrangement of buildings, lack of proper sanitary facilities, and the existence of buildings which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have become economic or social liabilities, or both; that such conditions are prevalent in areas where substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, crime and poverty; that such conditions impair the economic value of large areas, infecting them with economic blight and that such areas are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; that such conditions are chiefly in areas which are so subdivided into small parcels in divided ownerships and frequently with defective titles, that their assembly for purposes of clearance, replanning, rehabilitation and reconstruction is difficult and costly; that the existence of such conditions and the failure to clear, replan, rehabilitate or reconstruct these areas result in a loss of population by the areas and further deterioration, accompanied by added costs to the communities for creation of new public facilities and services elsewhere; that it is difficult and uneconomic for individual owners independently to undertake to remedy such conditions; that it is desirable to encourage owners of property or holders of claims thereon in such areas to join together, with or without other persons, or other persons to join together, in corporate groups, for the purpose of the clearance, replanning, rehabilitation and reconstruction of such areas by joint action; that it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, rehabilitation and reconstruction of such areas; that such conditions require the employment of such capital on an investment rather than a speculative basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition at fair prices of adequate areas, the gradual clearance of such areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning, land use and construction policies; that the clearance, replanning, rehabilitation and reconstruction of such areas on a large scale basis are necessary for the public welfare; that the clearance, replanning, reconstruction and rehabilitation of such areas are public uses and purposes for which private property may be acquired; that such substandard and insanitary areas constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of such cities and the state; that such conditions require the creation of the agencies, instrumentalities and corporations hereinafter described, for the purpose of attaining the ends herein recited; that the protection and promotion of the health, safety, morals, welfare and reasonable comfort of the citizens of such cities and the state are matters of public concern; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

➔Section 187. KRS 99.610 is amended to read as follows:

It is hereby declared to be the policy of the Commonwealth to assist in the preservation and revitalization of historically or economically significant local areas, including open spaces, of cities of the first ***class, cities with populations equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census, consolidated local governments***, and~~[- second class and counties governed under]~~ urban-county ***governments***~~[-government statutes]~~, for the purpose of planning and financing the preservation and revitalization of areas of said cities which are of economic or historical significance, while at the same time accommodating necessary and desirable central city and suburban growth, to the extent funds are available for the accomplishment of such purposes.

➔Section 188. KRS 99.615 is amended to read as follows:

The following words or terms shall have the following meanings wherever used in KRS 99.610 to 99.680 unless a different meaning is clearly indicated by the context:

- (1) "Act" means KRS 99.610 to 99.680 which may be called the "Local Development Authority Act";

- (2) "Technical advisory council" means that committee appointed under the terms of KRS 99.655;
- (3) "Price advisory council" means that committee appointed under the terms of KRS 99.680;
- (4) "Agency" means a development authority established by this statute in and for cities of the first *class, cities with populations equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census* ~~and second class~~, a consolidated local government, and ~~each county governed under the statutes permitting the establishment of~~ urban-county governments;
- (5) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to the provisions and purposes of KRS 99.610 to 99.680;
- (6) "Project area" means any area or specific property designated by an agency or any area or specific property actually acquired or formally proposed for acquisition by an agency, for historical or open space preservation purposes, or for the development permitted by KRS 99.610 to 99.680;
- (7) "City" means any city of the first *class, cities with populations equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census* ~~or second class~~, a consolidated local government, or *an* ~~a county governed under the~~ urban-county government ~~statutes~~, in which an agency has been established;
- (8) "Development" means the acquisition, planning, designing, clearance, renovation, or rehabilitation of existing improvements, development, and disposal, or any combination thereof, of a project area, including the preparation of such project area for the development of residential, commercial, industrial, public, recreational, open space, or other uses, including the preservation of existing residential, commercial, industrial, public, recreational, open spaces, or other uses valued locally for their economic or historical importance as may be appropriate or necessary, in the opinion of the board of commissioners of an agency;
- (9) "Subdevelopment" means the actual construction, renovation, or rehabilitation of improvements to real property including the installation of or improvement to existing utilities, curbs, gutters, sidewalks, storm sewers, and other necessary works and improvements, consistent with the established development plan for each specific project area in order to market, through private enterprise, said improvements to individuals, commercial business, and industry;
- (10) "Development plan" means the plan for the development as defined, of all or any part of a project area;
- (11) "Mayor" means the mayor of a ~~first or second class~~ city *as defined in this section*~~, of a consolidated local government, or of an urban-county government as established by law~~;
- (12) "Governing board" means a board of aldermen or commissioners, a legislative council in a consolidated local government, *an* ~~or a common or~~ urban-county council , *or any legislative body of a city as defined in this section* ~~of a city as herein defined, as the case may be~~;
- (13) "Project" means any undertaking within a project area and any such undertaking which may be included in, and financed by, a single or separate financing agreement or bond issue;
- (14) "Persons and families of lower income" means persons and families who lack the amount of income which is necessary (as determined by standards established by the agency) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding; and
- (15) "Residential housing project" means a specific work or improvement undertaken primarily to provide or to rehabilitate dwelling accommodations for persons and families of lower income, including the acquisition, construction, and rehabilitation of land, buildings, and improvements and such other facilities as may be incidental or appurtenant thereto.

➔ Section 189. KRS 99.620 is amended to read as follows:

There is hereby authorized, created, and established in cities *as defined in Section 188 of this Act* ~~of the first and second class, consolidated local governments, and counties governed under the urban-county government statutes~~, upon adoption of a resolution so declaring by a majority of the governing board of said cities, ~~consolidated local governments, or counties,~~ an agency to be known by the name of the city, ~~the consolidated local government, or in the case of an urban-county government, the largest city in such county and the name of the county itself, separated by the word "and,"~~ and the words "Development Authority." Said agency shall exist for each such city~~, consolidated local government, or county~~ with the powers, duties, and functions hereinafter provided.

➔ Section 190. KRS 100.111 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Administrative official" means any department, employee, or advisory, elected, or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and, if delegated, any provision of any housing or building regulation or any other land use control regulation;
 - (2) "Agricultural use" means the use of:
 - (a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
 - (b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
 - (c) A tract of at least five (5) contiguous acres used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
 - (d) A tract of land used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.
- This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;
- (3) "Board" means the board of adjustment unless the context indicates otherwise;
 - (4) "Citizen member" means any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of the city, county, or consolidated local government;
 - (5) "Commission" means planning commission;
 - (6) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;
 - (7) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:
 - (a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and

- (b) A statement of the specific conditions which must be met in order for the use to be permitted;
- (8) "Development plan" means written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant;
- (9) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;
- (10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions;
- (11) "Legislative body" means the chief body of the city,~~[-or]~~ consolidated local government, ***urban-county government, charter county government, or unified local government*** with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;
- (12) "Mayor" means the chief elected official of the city,~~[-or]~~ consolidated local government, ***urban-county government, charter county government, or unified local government***, whether the official designation of his office is mayor or otherwise;
- (13) "Nonconforming use or structure" means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;
- (14) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;
- (15) "Planning unit" means any city, county,~~[-or]~~ consolidated local government, ***urban-county government, charter county government, or unified local government***, or any combination of cities, counties, or parts of counties, or parts of consolidated local governments engaged in planning operations;
- (16) "Plat" means the map of a subdivision;
- (17) "Political subdivision" means any city, county,~~[-or]~~ consolidated local government, ***urban-county government, charter county government, or unified local government***;
- (18) "Several" means two (2) or more;
- (19) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;
- (20) "Street" means any vehicular way;
- (21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;
- (22) "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city ***with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the first, second, or third class]~~ or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;
- (23) "Unit" means planning unit; and

- (24) "Variance" means a departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

➔Section 191. KRS 100.137 is amended to read as follows:

- (1) Except in a consolidated local government, counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three (3) members, who are nonresidents of the largest city of the county, appointed by the county judge/executive of such county; three (3) members who are residents of the largest city of the county appointed by the mayor of that city; and the mayor of the largest city, or his designee; the county judge/executive, or his designee; the director of works of the largest city in the county; and the county road engineer. The county judge/executive and the mayor together shall ensure that three (3) of the six (6) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. All ten (10) members of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records under KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings under KRS 100.157.
- (2) A county with a consolidated local government created pursuant to KRS Chapter 67C shall be a planning unit and shall have a planning commission which shall include eight (8) members who are residents of the planning unit, approved by the mayor of the consolidated local government pursuant to the provisions of KRS 67C.139. The membership of the planning commission shall also include the mayor of the consolidated local government, or his or her designee, and the director of public works of the consolidated local government, or his or her designee, or the county engineer as determined by the mayor. If the director of public works designates a designee, the designee shall be either a civil or highway engineer licensed under KRS Chapter 322, and shall have at least three (3) years' practical road building, road design, or transportation planning experience. The mayor shall ensure that four (4) of the eight (8) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. All ten (10) members of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records pursuant to KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings pursuant to KRS 100.157.
- (3) In counties containing a ~~city of the first class or a~~ consolidated local government, all legislation implementing or amending the plan or amended plan which affects cities ***with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census or any city with a population of less than three thousand (3,000) based upon the most recent federal decennial census that regulated land use under the provisions of this chapter prior to January 1, 2014,*** ~~of the first through fourth classes~~ shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court or, in the case of a consolidated local government, by the consolidated local government.
- (4) In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter.

➔Section 192. KRS 100.209 is amended to read as follows:

- (1) When a city which has adopted zoning or other land use regulations pursuant to this chapter proposes to annex unincorporated or accept the transfer of incorporated territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations for the property proposed for annexation or transfer prior to adoption of the ordinance of annexation or transfer. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex or transfer property and prior to final action upon the ordinance of annexation or transfer, for the purpose of adopting the comprehensive plan amendment and making its

recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation or transfer. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation or transfer and to adjoining property owners in accordance with KRS 100.212(2). The city legislative body shall take final action upon the planning commission's recommendations prior to adoption of the ordinance of annexation or transfer and shall include in the ordinance of annexation or transfer a map showing the zoning or other land use regulations which will be effective for the annexed or transferred property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation or transfer, the newly annexed or transferred territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation or transfer until those restrictions are changed by zoning map amendments or other regulations in accordance with this chapter.

- (2) When a city is created or when a city ***that does not regulate land use within the confines of the city equals or exceeds a population of three thousand (3,000) based upon the most recent federal decennial census***~~[of the fifth or sixth class is reclassified to a city of the fourth class or higher]~~ in a county containing~~[a city of the first class or]~~ a consolidated local government, and ***that city intends***~~[the intent is]~~ to regulate land use within the confines of the city, the process for adopting or amending the comprehensive plan and adopting zoning or other land use regulations shall be as provided for in this chapter. Until such actions have been taken, the properties within the city shall remain subject to the land use restrictions, if any, as applied prior to the ***city's*** creation or ***the city's exceeding of the population threshold set out in this subsection***~~[reclassification of the city]~~.

➔Section 193. KRS 100.214 is amended to read as follows:

When in any planning unit containing any portion of a county containing a city of the first class or a consolidated local government a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation, or ordinance to be given:

- (1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed at least fourteen (14) days immediately prior to the hearing. Posting shall be as follows:
 - (a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and
 - (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission;
- (2) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first-class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed, to the mayor and city clerk of any city ***with a population of less than three thousand (3,000) based upon the most recent federal decennial census***~~[of the fifth or sixth class]~~ so affected, to an owner of every parcel of property adjoining at any point the property the classification of which is proposed to be changed, to an owner of every parcel of property directly across the street from said property, and to an owner of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from said property; provided, however, that no first-class mail notice, required by this subsection, shall be required to be given to any property owner whose property is more than five hundred (500) feet from the property which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address;
- (3) If the hearing has been scheduled for a time during normal working hours, and if, within ten (10) days of the scheduled date of the hearing the planning commission shall receive a petition from two hundred (200) property owners living within the planning unit requesting that the hearing be rescheduled for a time after normal working hours, then the planning commission shall reschedule the hearing for a time after normal working hours on a date no earlier than the date of the original hearing. The planning commission shall then publish notice of the new hearing time and date according to the provisions of KRS 100.211, except that notice shall occur at least seven (7) days prior to the public hearing. The sign required by subsection (1) of this section shall be changed to reflect the new hearing time and date at least seven (7) days prior to the public

hearing. The persons who receive mail notice according to the provisions of subsection (2) of this section shall again be notified in the same manner of the new hearing time and date at least seven (7) days prior to the hearing. The hearing time shall not be changed more than once by the procedures of this section except in the event of intervening emergency which requires the cancellation of a hearing; and

- (4) Notice by mail shall include a list of the names and addresses of each person so notified, and a description of the procedure by which those notified can petition for a change in the hearing time.

➔Section 194. KRS 100.217 is amended to read as follows:

- (1) (a) Before any zoning regulation may have legal effect within the planning unit, a board or boards of adjustment shall be appointed for the planning unit as stated in the agreement under which the unit operates. The agreement may provide for additional boards of adjustment with jurisdiction of a particular city or area within the planning unit. Provided, that the jurisdiction of the boards of adjustment so established shall be clearly defined as to territorial limits, that all territory within the planning unit is within the jurisdiction of some board of adjustment so established and, that no territory is subject to the jurisdiction of more than one (1) board of adjustment, except as provided in KRS 100.203(5).
- (b) ***Except as provided by paragraph (c) of this subsection,*** in a county containing a consolidated local government where a planning agreement is not required, there shall be one (1) board of adjustment which shall be established by ordinance of the consolidated local government. Until such time as the consolidated local government establishes and appoints a board of adjustment pursuant to this subsection, the existing board of adjustment for the county shall serve as the board of adjustment for the entire planning unit.
- (c) A city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~ within a county containing a consolidated local government where a planning agreement is not required may establish, by ordinance, a board of zoning adjustment under the provisions of this section. If ***such*** a city ~~[of the second class]~~ creates a board of zoning adjustment, then that board of zoning adjustment shall have exclusive jurisdiction within that city's territorial boundaries.
- (2) A board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission.
- (3) The mayor shall be the appointing authority for cities, and the county judge/executive shall be the appointing authority for counties, subject to the approval of their respective legislative bodies. The mayor shall be the appointing authority for a consolidated local government pursuant to the provisions of KRS 67C.139.
- (4) The term of office for the board of adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
- (5) Vacancies on the board of adjustment shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- (6) All members of boards of adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, county judge/executive, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.
- (7) Reimbursement for expenses or compensation or both may be authorized for members on a board of adjustment.
- (8) Any member of a board of adjustment may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the board of adjustment shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the board of adjustment, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Circuit Court of the county in which he resides.

- (9) Notwithstanding subsection (4) of this section, when a city of the first class and a county containing such city have in effect a compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, if the board is not reorganized pursuant to subsection (1) of this section, the mayor, and county judge/executive with approval of the fiscal court, shall adjust the terms of the sitting members to provide that the terms of one-third (1/3) plus one (1) of the members expire in one (1) year, the terms of one-third (1/3) of the members in two (2) years, and the terms of one-third (1/3) of the members expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years. Notwithstanding subsection (4) of this section, upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon expiration of the terms of incumbent members, their successors shall be appointed to three (3) year terms which are staggered.
- (10) Each board of adjustment annually shall elect a chairman, vice chairman, and secretary and any other officers it deems necessary, and any officer shall be eligible for reelection at the expiration of his term.

➔Section 195. KRS 100.237 is amended to read as follows:

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

- (1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- (2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- (3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- (4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (5) Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of

the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

- (6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city ***with a population of less than three thousand (3,000) based upon the most recent federal decennial census***~~of the fifth or sixth class~~ so affected within any county containing ~~a city of the first class or~~ a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
 - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
 - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

➔Section 196. KRS 100.253 is amended to read as follows:

- (1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
- (2) The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
- (3) Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.
- (4) The provisions of subsection (3) of this section shall not apply to counties containing a city of the first class,~~a city of the second class,~~ a consolidated local government,~~or~~ an urban-county government, ***or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census.***

➔Section 197. KRS 100.401 is amended to read as follows:

It is the intent of KRS 100.401 to 100.419 to strengthen the enforcement of binding elements which have been approved as part of a land use development plan in a county containing ~~a city of the first class or~~ consolidated local government. This is intended to be done by extending to a planning commission in counties containing ~~a city of the first class or~~ consolidated local government the authority to issue remedial orders and impose civil fines in order to

provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with approved land use plans as they apply to binding element agreements. KRS 100.401 to 100.419 is intended and shall be construed to provide an additional or supplemental means of obtaining compliance with local zoning ordinances and nothing contained in KRS 100.401 to 100.419 shall prohibit the enforcement of local zoning ordinances by any other means authorized by law.

➔Section 198. KRS 100.403 is amended to read as follows:

As used in KRS 100.401 to 100.419, unless the context otherwise requires:

- (1) "Land use enforcement officer" in a county containing a ~~city of the first class or~~ consolidated local government means an officer authorized by a planning commission to enforce binding elements.
- (2) "Land use ordinance" in a county containing a ~~city of the first class or~~ consolidated local government means an official action of a local government body which is a regulation of a general and permanent nature relating to the use and development of land within the jurisdictional boundary of the planning commission. It is enforceable as a local law and shall include any provision of a code of ordinances adopted by a local government which embodies all or part of an ordinance.
- (3) "Local government" means a county containing a ~~city of the first class or~~ consolidated local government and all cities ***with a population equal to or greater than three thousand (3,000) or any city with a population of less than three thousand (3,000) based upon the most recent federal decennial census that regulated land use under the provisions of this chapter prior to January 1, 2014,*** ~~of the first through fourth classes~~ within the county.
- (4) "Binding element" in a county containing a ~~city of the first class or~~ consolidated local government means a binding requirement, provision, restriction, or condition imposed by a planning commission or its designee, or a promise or agreement made by an applicant in writing in connection with the approval of a land use development plan or subdivision plan.

➔Section 199. KRS 100.405 is amended to read as follows:

- (1) The planning commission in counties containing a ~~city of the first class or a~~ consolidated local government may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has been classified as a civil offense in accordance with this section.
- (2) Subject to the limitations set forth in subsections (1) and (3) of this section, if a local government elects to enforce a binding element as a civil offense, it shall do so by ordinance, which shall provide:
 - (a) That a violation of the binding element is a civil offense; and
 - (b) A maximum civil fine that may be imposed for each violation of a binding element.
- (3) No local government shall classify the violation of a binding element as a civil offense if the violation would also constitute an offense under any provision of the Kentucky Revised Statutes, including specifically and without limitation any provision of the Kentucky Penal Code and any moving motor vehicle offense.

➔Section 200. KRS 102.010 is amended to read as follows:

For the purpose of advertising and developing their natural resources, and promoting the general welfare, better business methods and civic conditions, a corporate body, to be known as the chamber of commerce, is authorized in cities of the ***home rule*** ~~second, third and fourth~~ class.

➔Section 201. KRS 104.520 is amended to read as follows:

- (1) When the petition is filed with the secretary, he shall investigate at once the boundary of the district proposed to be organized, and may, at the cost of the petitioners, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by the creation of the district in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the secretary need not follow the boundary proposed by the petitioners, but if the boundary established by the secretary results in a material change from that proposed in the original petition the petitioners shall secure, in case of a larger or smaller area, the signatures of seventy percent (70%) of the freeholders or owners in the area as established by the secretary.
- (2) Should it be found desirable to include in a flood control district all or a portion of a city ***with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census*** ~~of the~~

~~first, second or third class~~, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the taxes levied for the benefits of the district in such area.

➔Section 202. KRS 104.580 is amended to read as follows:

- (1) Within thirty (30) days after the secretary certifies to the county clerk of each county in which the district is located that the district is incorporated, there shall be appointed a board of directors for the district, consisting of five (5) members, which shall control and manage the affairs of the district. If all or part of a **city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[first, second, or third class city]~~ lies within the district, the mayor of such city shall appoint three (3) members of the board of directors, and the county judge/executive shall appoint two (2) members, or if the district lies within two (2) counties, each county judge/executive shall appoint one (1) member, or if the district lies within more than two (2) counties, the county judge/executive of each of two (2) of the counties, in rotation as determined by lot, shall appoint one (1) member. If all or part of two (2) cities **with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[of the first, second, or third class]~~ lies within the district the mayor of each city shall each appoint two (2) members of the board of directors, and the fifth member shall be appointed by the county judge/executive of the county in which the major portion of the district lies. If all or part of more than two (2) cities **with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[of the first, second, or third class]~~ lies within the district the mayor of each city shall appoint one (1) member of the board and one (1) additional member shall be appointed by each mayor of the city or cities containing most of the district to make the full number of five (5) directors. If no **city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census**~~[first, second, or third class city]~~, or part thereof, lies within the district, the county judge/executive shall appoint all five (5) members, or if the district lies in two (2) counties, the county judge/executive of the county in which the major portion of the district is located shall appoint three (3) members and the county judge/executive of the other county shall appoint two (2) members, or if the district lies in more than two (2) counties, the county judge/executive of each county shall appoint one (1) member and one (1) additional member shall be appointed by each county judge/executive of the county or counties containing most of the district to make the full number of five (5) directors. No director shall in any way be associated or connected with the ownership, operation or control of any privately-owned public utility operating within the district. Two (2) of the members of the first board of directors shall hold their offices for one (1) year, and the others shall hold their offices for two (2), three (3) and four (4) years, respectively, from the dates of their appointments, the length of the term of office of each member to be determined by lot at their first meeting. After the expiration of the respective terms of office of the members of the first board of directors, each director shall be appointed and shall serve for a period of four (4) years and until his successor has been appointed and has qualified. Vacancies resulting from any cause other than expiration of a term of office shall be filled only for the unexpired term and until a successor has been appointed and has qualified. The directors shall at all times be residents and real estate owners within the district, and the office of any director who moves his residence outside the district or who ceases to be a real estate owner within the district shall automatically be vacated.
- (2) (a) All appointments by a county judge/executive pursuant to this section shall be with the approval of the fiscal court.
- (b) A member of the board of directors may be removed from office as provided by KRS 65.007.

➔Section 203. KRS 106.010 is amended to read as follows:

Any water district created pursuant to KRS Chapter 74 or any city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class may, by purchase or by condemnation, acquire, establish, erect, maintain and operate waterworks, together with extensions and necessary appurtenances thereto, and including both real or personal property within or without the corporate limits of the said water district or city, for the purpose of supplying the water district or the city and its inhabitants thereof with water.

➔Section 204. KRS 106.200 is amended to read as follows:

No city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class which owns a waterworks system shall sell, convey, rent, or lease the system without the assent of a majority of the legislative body for the city or of those voting at an election held for that purpose after notice of the election has been published pursuant to KRS Chapter 424. This section shall not apply to the issuance of revenue bonds provided for under the provisions of this chapter.

➔Section 205. KRS 107.020 is amended to read as follows:

- (1) The term "governing body," as used in this chapter, means and includes the legislative body of any city, whether the same be designated by applicable statutes as a general council, a common council, a city council, a board of commissioners, or otherwise. The term "governing body," as used in KRS 107.010 to 107.220 shall include the legislative body of any county unless the context requires otherwise. The terms "municipality" and "city" as used in KRS 107.010 to 107.220 shall include county within their meaning unless the context requires otherwise.
- (2) The term "ordinance" means and includes any ordinance enacted in accordance with the general laws applicable to ordinances of the class of city in question, and the form of government thereof, and in accordance with the provisions of this chapter.
- (3) The term "public way" means and includes streets, boulevards, avenues, roads, lanes, alleys, parkways, courts, terraces, and other courses of travel open to the general public by whatsoever name designated.
- (4) The terms "improvement" and "project" mean and include:
 - (a) The construction of public ways or the substantial reconstruction or widening thereof;
 - (b) The construction, installation, or substantial reconstruction of sanitary, storm, or combined sewers and appurtenances;
 - (c) The construction, enlargement or substantial reconstruction of sewage treatment plants for rendering sewage less hazardous to public health, safety, and general welfare;
 - (d) The construction, installation, or substantial replacement of fire hydrants in cities ***with populations of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third through sixth classes]~~, necessary water mains and appurtenances in a city in a county containing a city of the first ***class or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[or second class]~~; or
 - (e) Any combination of the same. Bonds for improvements defined in paragraphs (b), (c) and (d) of this subsection may be caused to mature as to principal in term or serial maturities not to exceed thirty (30) years from date of issue.
- (5) The term "costs" as applied to any project undertaken under this chapter includes the cost of labor, materials, and equipment necessary to complete the project in a satisfactory manner, cost of land acquired, and every expense connected with the project, including preliminary and other surveys, inspections of the work, engineers' fees and costs, attorneys' fees, preparation of plans and specifications, publication of ordinances and notices, interest which will accrue on the bonds until the due date of the first annual improvement assessment levied in connection therewith, a sum equal to any discount in the sale of the bonds (if discount bids are authorized and permitted by the governing body), a reasonable allowance for unforeseen contingencies, the printing of bonds, and other costs of financing which may include the payment of a fee to a fiscal agent for advice and assistance in the preparation and marketing of the bonds. As applied to wastewater collection projects undertaken by metropolitan sewer districts "costs" also include:
 - (a) The cost of inspections of work as construction progresses;
 - (b) Interest which will accrue on the bonds until the due date of the first annual improvement assessment if a lump sum is not paid;
 - (c) Capitalized interest on the bonds for a period not to exceed three (3) years;
 - (d) All or any portion of the debt service reserve requirement, if determination is made to finance same from bond proceeds;
 - (e) Payment of attorneys' fees, underwriting and fiscal agency fees, trustees' fees, rating service fees if approved by the fiscal court; and
 - (f) Other costs of issuance of bonds.
- (6) The term "assessed value basis" means the plan for the levying of annual improvement benefit assessments on the basis of the assessed values of the benefited properties, as authorized by this chapter. As applied to wastewater collection projects undertaken by metropolitan sewer districts, "assessed value basis" means the plan for the levying of annual improvement benefit assessments upon benefited property for the benefits conferred by the construction of projects on the basis of the ad valorem assessed values (land only) of the benefited property, whether the owners pay such levies in full or on an annual basis to amortize bonds. Identical annual improvement benefit assessments upon classified zones of benefited property may also be

included in this plan where determination is made by order of a metropolitan sewer district, as provided in KRS 107.030, that benefits conferred by construction of a project are substantially equal and that the assessed value (land only) of all benefited property or designated zones thereof shall therefore be deemed equal in respect of a given wastewater collection project.

- (7) The term "front-foot basis" refers to the plan for financing improvements by apportioning the cost among benefited properties upon the basis of the number of linear feet thereof abutting upon the improvement project, as otherwise provided by law.
- (8) The terms "property to be benefited," "properties to be benefited," "benefited property" and "benefited properties" all mean and refer to the property or properties defined in KRS 107.140. As applied to wastewater collection projects undertaken by metropolitan sewer districts, "benefited property" and "property to be benefited" mean the property (land only) proposed to be benefited by construction of a wastewater collection project instituted by a metropolitan sewer district and against which lump-sum or annual improvement benefit assessments are to be levied.
- (9) "Construction" means the following services and facilities provided by a metropolitan sewer district:
 - (a) Preliminary planning to determine the economic and engineering feasibility of construction of wastewater collection projects, and any engineering, architectural, legal, fiscal, and economic investigations and studies necessary. Also included are all necessary surveys, designs, plans, working drawings, specifications, procedures, and other required actions incident to the construction of wastewater collection projects;
 - (b) The building, acquisition, installation, erection, alteration, remodeling, improvement, expansion, or extension of wastewater collection projects and any other physical devices reasonably associated with such projects;
 - (c) The provision of sewer collection services and facilities to benefited property although not directly financed by the issuance of bonds; and
 - (d) Inspection and supervision incident to the acquisition, construction, and installation of wastewater collection projects.
- (10) "Debt service reserve requirement" means with respect to any particular issue of bonds for a wastewater collection project of a metropolitan sewer district, the maximum annual requirements for payment of principal of and interest on such bond issue funded either in whole or in part by application of bond proceeds or accrued by the levying of improvement benefit assessments as provided in KRS Chapters 76 and 107.
- (11) "Metropolitan sewer district" means a joint metropolitan sewer district which has been duly created under KRS 76.005 to 76.210.
- (12) "Order" means a formal and binding enactment of the board of a metropolitan sewer district entered in connection with the financing by such district of a wastewater collection project.
- (13) "Wastewater" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants.
- (14) "Wastewater collection project" means treatment plants and all or part of any facilities and systems of a metropolitan sewer district used in the collection, holding, or transmission of wastewater from a benefited property to wastewater treatment plants or other similar facilities for final disposition. These terms shall include, without being limited to, sanitary sewage collection lines, intercepting sewers, outfall sewers, sewer laterals, power stations and pumping stations, and other equipment and their appurtenances necessary to enable the project to fulfill its function, including land acquisition, if required, whether such project facilities are provided by funds derived from issuance of bonds or otherwise provided by a district in any manner.
- (15) "Classified zone" means any portion of any construction phase of a wastewater collection project designated by a metropolitan sewer district after a determination that all property located in such zone is benefited substantially equal by such construction.

➔Section 206. KRS 107.030 is amended to read as follows:

If a municipality desires to authorize, construct, and finance an improvement pursuant to this chapter, its governing body shall initiate the proceedings by adopting an ordinance, herein called the "First Ordinance," in which announcement shall be made of the public way or ways (which need not be contiguous) proposed to be improved and the geographical limits of the proposed improvement in such manner as to identify the benefited properties or the

identity of the property or properties to be benefited by the fire hydrant in cities ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third through sixth classes]~~ or by the sewer installations (which may include a sewage treatment plant) which properties may be identified by naming the public way or ways upon which they abut, if any, or by geographical location, or both. In either case the ordinance shall recite the nature and scope of the improvement, a preliminary estimate of the costs thereof, as submitted in writing by an engineer, or firm of engineers, holding a license from the Commonwealth of Kentucky, and the amount, if any, which the city proposes to appropriate from available city funds toward the estimated cost. Any metropolitan sewer district desiring to initiate a wastewater collection project pursuant to this chapter shall, by order of its board cause a written preliminary engineering and financing report to be prepared by one (1) or more engineers, or one (1) or more firms of engineers, licensed to do business in the Commonwealth of Kentucky, or alternatively, by district personnel, for submission to the district. The preliminary engineering and financing report shall designate a geographical area in which a wastewater collection project is recommended for construction. The report shall contain a reasonable description of the project facilities proposed to be constructed, a statement as to benefits to be conferred by the proposed project, the distribution of the benefits and an estimate of the cost of the proposed project. The board of the district shall receive the preliminary engineering and financing report at a regular meeting. The board shall study and evaluate it, and by duly entered order either approve, disapprove the report as submitted, or amend and approve the report. Following approval of the preliminary engineering and financing report by the board of the metropolitan sewer district, the board shall formally initiate proceedings for the construction and financing of the proposed wastewater collection project. This announcement shall identify all benefited properties by naming the public way upon which such benefited properties abut, if any, or by geographical location, or by other appropriate description. The first ordinance shall describe the nature, scope and preliminary cost estimate of the wastewater collection project being proposed. The ordinance shall determine that each parcel of land identified as benefited property shall be afforded benefits by the projects unless specifically excluded. A public hearing shall be held in respect of the proposed wastewater collection project. In all succeeding proceedings, the city shall be bound and limited by the preliminary report of the engineer, or engineers, with regard to the nature, scope, and extent of the proposed improvement project (unless the first ordinance be amended, as hereinafter provided); but shall not be bound by, or limited to, the preliminary estimate of costs. The costs shall be determined upon the basis of construction bids publicly solicited as hereinafter provided, and shall be binding upon the city, and upon the owners of property to be benefited by the proposed improvement project, whether the same turn out to be equal to, below, or above such preliminary estimate. Architects, attorneys, consultants, engineers, and fiscal agents shall be employed after reasonable advertisement of the need for their services and with such competition as is permitted by law. In a first ordinance for a wastewater collection project, the board of a metropolitan sewer district shall make findings of fact regarding the degree and nature of the benefit which will accrue to benefited properties by the installation of the project. If the board determines as a fact that groups of or all of the benefited properties will be affected and benefited in substantially the same manner and to substantially the same degree, the board may classify such benefited properties into one (1) or more assessment zones based upon the similarity of benefits to be derived. In such case, the board may deem all benefited properties within a particular assessment zone to be equally benefited and therefore equally treated for purposes of levying improvement benefit assessments for amortization of bonds issued to provide funds to pay the costs of the project. It is the intent of KRS Chapters 76 and 107 to vest in the board of any metropolitan sewer district undertaking a project authority to make findings of fact in order to classify properties according to benefits conferred from the construction of projects. The board may, by appropriate order, determine that identified groups of benefited properties will be benefited in substantially the same manner by a project and these properties shall be treated equally for purposes of annual improvement benefit assessment of such benefited properties. The board may rely upon any pertinent data in making such findings of fact, including the size and diameter of sanitary sewer service connections to be made available. If the board of the district determines that all properties situated within a particularly described geographic area will not receive substantially equal benefits from the project, the board shall determine in the first ordinance that such properties shall be annually assessed for benefits conferred based upon the relative assessed land valuation of each benefited property as it relates to the aggregated assessed land valuation of all benefited properties within such particularly described geographic area. Whichever basis of assessment is selected, it shall be used both initially, when land owners may pay improvement benefit assessments in a lump sum, and subsequently during each annual period in which project bonds are outstanding if a lump-sum payment is not paid. The first ordinance shall provide for a public hearing at a time and place specified therein (not less than one (1) week after publication) and shall give notice that at the hearing any owner of property to be benefited may appear and be heard as to:

- (1) Whether the proposed project should be undertaken or abandoned;
- (2) Whether the nature and scope of the project shall be altered;
- (3) Whether the project shall be financed through the issuance of bonds according to the "assessed value basis," authorized by this chapter; or

- (4) Whether the project shall be financed through assessments made and apportioned on a front-foot basis, as may otherwise be authorized by law. The first ordinance shall be published pursuant to KRS Chapter 424. The first ordinance may designate a person, who may be the mayor, a member of the governing body, or any city official, to preside at and conduct such public hearing. In the absence of a designation in the ordinance, the mayor or a person designated by the mayor shall preside. Notwithstanding the foregoing, the public hearing shall not be deemed irregular or improper if it is in fact presided over and conducted at the designated time and place by any elected city officer or member of the governing body.

➔Section 207. KRS 107.140 is amended to read as follows:

- (1) (a) In the case of improvements of public ways, the benefited property shall consist of all real property abutting upon both sides of the improvement project, and the cost of improving intersections shall be included in the total costs to be assessed and apportioned, unless and to the extent the city shall appropriate, within constitutional limitations, from available funds, a definite and specified sum as a contribution thereto, or a portion of the aggregate cost, or the cost of specified portions of the improvement; provided, however, that if provisions shall be made for sidewalk improvements, as an integral part of the improvement of a "public way," as defined in subsection (3) of KRS 107.020, upon only one side of the project, the costs of the sidewalk improvement shall be ascertained and assessed separately against the property abutting upon that side only, but the governing body may provide that such assessment shall include a fair share of the over-all costs as herein defined, other than the amounts of the actual construction contracts.
- (b) In the case of improvements for draining sewage, storm water, or a combination thereof, the benefited properties shall consist of all properties which are thereby afforded a means of drainage, including not only the properties which may be contiguous to the improvements, but also adjacent properties within a reasonable distance therefrom as the governing body may in the proceedings set forth.
- (c) In the case of an improvement project consisting in whole or in part of a sewage treatment plant, or enlargement or substantial reconstruction of an existing sewage treatment plant, the benefited properties shall be all those properties the sewage from which is treated in such plant, including properties already provided with sewer drainage facilities as well as those properties which the improvement project will provide with such drainage facilities, but the governing body may classify properties according to the extent of benefits to be afforded to them, and may establish one (1) rate of assessment applicable to all properties participating in the benefits of the sewage treatment installations, and an additional rate of assessment applicable to properties for which the improvement project will also provide sewer drainage facilities. In relation to wastewater collection projects constructed by metropolitan sewer districts, benefited property shall consist of all property whether improved or unimproved to which the project affords a means of discharging wastewater.
- (d) The governing body may, either in the proceedings initiating an improvement project, or in subsequent proceedings, recognize the necessity or desirability in the interest of the public health, safety and general welfare, that properties other than the properties originally benefited by an improvement under paragraphs (b) or (c) of this subsection, be permitted to connect to such sewer drainage and/or treatment facilities, and may make equitable provisions which may be adjustable from year to year as bonds are retired, whereby the owners of such later-connecting properties, may, by paying charges for the privilege of connecting, and/or by assuming a share of improvement assessments, or otherwise, be placed as nearly as practicable on a basis of financial equity with the owners of properties initially provided to be assessed.
- (e) The governing body may, either in the proceedings initiating an improvement project, or in subsequent proceedings, recognize the necessity or desirability in the interest of the public health, safety and general welfare that residential properties within one thousand feet (1000'), measured along paved roads, of a fire hydrant in cities ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third through sixth classes]~~ may be assessed on the same basis as property abutting upon a street where a fire hydrant is to be installed.
- (2) (a) Benefited property owned by the city or county, or owned by the United States government or any of its agencies, if such property is subject to assessment by Act of Congress, shall be assessed annually the same as private property, and the amount of the annual assessment shall be paid by the city, county, or United States government, as the case may be. The same right of action shall lie against the county as against a private owner.

- (b) Benefited property owned by the state, except property the title to which is vested in the Commonwealth for the benefit of a district board of education pursuant to KRS 162.010, shall be assessed as follows: Before assessing the state, the governing body shall serve written notice on the secretary of the Finance and Administration Cabinet setting forth specific details including the estimated total amount of any improvement assessment proposed to be levied against any state property relative to any proposed improvement project. Said written notice shall be served prior to the next even-numbered-year regular session of the General Assembly so that the amount of any specific improvement assessment may be included in the biennial executive branch budget recommendation to be submitted to the General Assembly. Payment of any assessment shall be made only from funds specifically appropriated for that assessment. If an amount sufficient to pay the total amount of any assessment has been appropriated, then the total amount shall be paid; if an amount sufficient only to pay annual assessments has been appropriated, then only the amount of the annual assessment shall be paid. The amount of the assessment shall be certified by the city treasurer to the Finance and Administration Cabinet, which shall thereupon draw a warrant upon the State Treasurer, payable to the city treasurer, and the State Treasurer shall pay the same.
 - (c) In the case of property the title to which is vested in the Commonwealth for the benefit of a district board of education, the amount of the annual assessment shall be paid by the city or other local governmental agency or authority which undertook the improvement project.
- (3) No benefited property shall be exempt from assessment.

➔Section 208. KRS 107.190 is amended to read as follows:

If the ordinances and proceedings authorized by this chapter shall encompass and include less than all of the undertakings authorized and contemplated by the definitions set forth in KRS 107.020, (i.e., a street improvement project with or without sidewalk, curb, gutter, and/or storm or surface water sewers or drains or sanitary sewers, or sewage treatment facilities or fire hydrant in cities ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third through sixth classes]~~), the city shall not be precluded from ordaining and requiring the omitted matters and structures to be constructed at the expense of the benefited properties at any time in the future, in accordance with the provisions of this chapter, or in accordance with any other applicable laws. If the improvement project shall encompass all of the elements included in the definition of "improvement" or "project" as set forth in this chapter, the city shall not thereafter undertake any project for any part of the improvements as herein defined except (a) at the exclusive cost of the city, or (b) at the cost of the benefited properties from and after fifteen (15) years after completion and acceptance of the project, or (c) from the proceeds of revenue bonds payable from service charges.

➔Section 209. KRS 107.320 is amended to read as follows:

In counties containing a city ***with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first, second, third, or fourth class]~~, a community improvement district may be created as provided in KRS 65.182 for the purpose of erecting buildings and related facilities for any governmental unit, or combination of governmental units, in the county. Any community improvement district so created shall include all of the territory in the county, including the area of incorporated cities, and shall be designated the "County Community Improvement District" (hereinafter called the "district"). The district shall constitute a public body corporate, with perpetual succession and power in its name to contract and be contracted with, sue and be sued, adopt bylaws, have and use a corporate seal, and exercise all of the powers granted to public nonprofit corporations generally by KRS Chapter 273, except such powers as may be inconsistent with specific provisions of KRS 107.310 to 107.500.

➔Section 210. KRS 108.110 is amended to read as follows:

- (1) The affairs of the district shall be controlled and managed by a board of directors appointed by the county judge/executive with the approval of the fiscal court and city legislative bodies in the following manner:
 - (a) If the district consists of one (1) city, three (3) members shall be appointed to the board by the city legislative body;
 - (b) If the district consists of two (2) cities, the legislative body of the city having the greater portion of the population of the district shall appoint two (2) directors and the legislative body of the other city shall appoint the third director;

- (c) If the district consists of more than two (2) cities, the legislative body of the city having the greatest portion of the population of the district shall appoint two (2) directors and the legislative body of the remaining cities comprising the district shall appoint one (1) director;
 - (d) If the district consists of one (1) county, three (3) or five (5) members shall be appointed to the board by the county judge/executive of the county;
 - (e) If the district consists of two (2) counties, the county judge/executive of the county having the greater portion of the population of the district shall appoint two (2) directors and the county judge/executive of the other county shall appoint the third director;
 - (f) If the district consists of more than two (2) counties, the county judge/executive of the county having the greatest portion of the population of the district shall appoint two (2) directors and the county judge/executive of the remaining counties comprising the district shall each appoint one (1) director;
 - (g) The legislative body of each city ***with a population equal to or greater than eight thousand (8,000)***~~of the first three (3) classes~~, or if there is no such ~~class of~~ city, the city ~~with~~~~of~~ the highest ***population***~~class~~ located within each county in the district shall appoint one (1) additional director;
 - (h) If part of an ambulance district within a county consists of an unincorporated area, the county judge/executive, with the approval of the fiscal court, shall appoint no more than two (2) persons residing within the affected unincorporated area to the board of directors for a term of two (2) years.
- (2) Each board member shall reside within the district and within the county or city of which he was appointed to represent.
 - (3) The board of directors shall be appointed within thirty (30) days after the establishment of the district. Directors shall be appointed for terms of two (2) years each, except that initially the appointing authority shall appoint a minority of the board members for one (1) year terms. Subsequent terms shall all be for two (2) years. Any vacancies shall be filled by the appointing authority for the unexpired term.
 - (4) A majority of the membership of the board shall constitute a quorum.
 - (5) A member of the board of directors may be removed from office as provided by KRS 65.007.

➔Section 211. KRS 117.035 is amended to read as follows:

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2)
 - (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections not later than July 1 following the election of persons to statewide office, for a term of four (4) years and until their successors are appointed.
 - (b) The sheriff shall not serve on the board during any year in which he is a candidate, but shall recommend to the board a temporary replacement to serve in his place. If the sheriff cannot serve because he is sick, injured, or otherwise incapacitated, he may recommend a temporary replacement to serve in his place until the sheriff may resume his duties or a vacancy in office is declared.
 - (c) The county clerk may, at his option, continue to serve on the board during a year in which he is a candidate. If the clerk elects not to serve, he shall recommend a temporary replacement to serve in his place. If the county clerk cannot serve because he is sick, injured, or otherwise incapacitated, he may recommend a temporary replacement to serve in his place until the county clerk may resume his duties or a vacancy in office is declared.
 - (d)
 - 1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
 - 2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
 - 3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chairman of the state central committee of the political party shall be the one authorized to submit the lists.

4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 following the election of persons to statewide office or within two (2) months of a vacancy.
 5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September following the election of persons to statewide office or within three (3) months of a vacancy.
 6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for cause.
 7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.
 8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he is able to resume his term.
 9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
 10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his predecessor.
- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chairman of the meetings and may vote. In case of a tie, the chairman may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
 - (4) The board shall meet at least once a month and may meet more frequently if necessary. The board shall stay in session on election days to correct clerical errors and rule on questions regarding voter registration and may make to the election officers such certifications as may be necessary. On election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
 - (5) ~~[In counties containing cities of the first and second class,]~~ The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

➔Section 212. KRS 118.255 is amended to read as follows:

- (1) The Secretary of State shall receive a fee of five hundred dollars (\$500) for a candidate for statewide elected state office or the Congress, two hundred dollars (\$200) for a candidate for Commonwealth's attorney, the General Assembly, or the District Court, Circuit Court, Court of Appeals, or Supreme Court, twenty dollars (\$20) for candidates for *a city* office ~~[in cities of the fifth or sixth class]~~, fifty dollars (\$50) for other candidates who file with the Secretary of State for each notification and declaration and petition filed with him, and fifty dollars (\$50) for a write-in candidate for office ~~[other than municipal office in cities of the fifth or sixth class]~~, to be paid by the candidate, or the candidate's representative, when the notification and declaration and petition or declaration of intent is filed.

- (2) The county clerk shall receive a fee pursuant to KRS 64.012 for each notification and declaration and petition filed with him to be paid by the candidate at the time of the filing.

➔Section 213. KRS 118.315 is amended to read as follows:

- (1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him or her, complying with the provisions of subsection (2) of this section. No person whose registration status is as a registered member of a political party shall be eligible to election as an independent, or political organization, or political group candidate, nor shall any person be eligible to election as an independent, or political organization, or political group candidate whose registration status was as a registered member of a political party on January 1 immediately preceding the regular election for which the person seeks to be a candidate. This restriction shall not apply to candidates to those offices specified in KRS 118.105(7), for supervisor of a soil and water conservation district, for candidates for mayor or legislative body in cities of the *home rule* ~~[second to sixth]~~ class, or to candidates participating in nonpartisan elections.
- (2) The form of the petition shall be prescribed by the State Board of Elections. It shall be signed by the candidate and by registered voters from the district or jurisdiction from which the candidate seeks nomination. The petition shall include a declaration, sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Signatures for a petition of nomination for a candidate seeking any office, excluding President of the United States in accordance with KRS 118.591(1), shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain five thousand (5,000) petitioners; for a representative in Congress from any congressional district, or for any officer from any other district except as herein provided, four hundred (400) petitioners; for a county officer, member of the General Assembly, or Commonwealth's attorney, one hundred (100) petitioners; for a soil and water conservation district supervisor, twenty-five (25) petitioners; for a city officer or board of education member, two (2) petitioners; and for an officer of a division less than a county, except as herein provided, twenty (20) petitioners. It shall not be necessary that the signatures of the petition be appended to one (1) paper. Each petitioner shall include the date he or she affixes the signature, address of residence, and date of birth. Failure of a voter to include the signature affixation date, date of birth, and address of residence shall result in the signature not being counted. If any person joins in nominating, by petition, more than one (1) nominee for any office to be filled, he or she shall be counted as a petitioner for the candidate whose petition is filed first, except a petitioner for the nomination of candidates for soil and water conservation district supervisors may be counted for every petition to which his or her signature is affixed.
- (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be accepted as the candidate's name.
- (4) The Secretary of State and county clerks shall examine the petitions of all candidates who file with them to determine whether each petition is regular on its face. If there is an error, the Secretary of State or the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 214. KRS 118.367 is amended to read as follows:

- (1) An independent, or political organization, or political group candidate required to file nomination papers pursuant to KRS 118.365(5) shall be required to file a statement-of-candidacy form with the same office at which nomination papers are filed. Candidates for federal office and candidates for mayor or legislative body in cities of the *home rule* ~~[second to sixth]~~ class participating in partisan elections shall not be required to file a statement-of-candidacy form. The statement-of-candidacy form shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than April 1 preceding the day fixed by law for holding of regular elections for the offices sought. If the office in which the statement-of-candidacy form is to be filed is closed on April 1, the form may be filed on the next business day. The statement-of-candidacy form shall be filed no later than 4 p.m. local time when filed on the last day on which papers are permitted to be filed. No person shall file a statement-of-candidacy form for more than one (1) public office during an election cycle.

- (2) The statement-of-candidacy form shall be prescribed by the State Board of Elections. The statement-of-candidacy form shall be signed by the candidate upon filing. No charge shall be assessed for the filing of a statement-of-candidacy form. The Secretary of State and county clerks shall examine the statement-of-candidacy form of each candidate who files the form to determine if there is an error. If an error has occurred, the candidate shall be notified by certified mail within twenty-four (24) hours.

➔Section 215. KRS 132.400 is amended to read as follows:

Before entering upon the duties of office, the property valuation administrator shall execute a bond conditioned upon the faithful performance of the duties of the office with a surety to be approved by the Department of Revenue. In counties containing a city of the first class or consolidated local government, the bond shall be in the sum of one hundred thousand dollars (\$100,000); in counties containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~, fifty thousand dollars (\$50,000); in all other counties, twenty thousand dollars (\$20,000).

➔Section 216. KRS 133.020 is amended to read as follows:

- (1) The county board of assessment appeals shall be composed of reputable real property owners residing in the county at least five (5) years. The appointing authorities may appoint qualified property owners residing in adjacent counties when qualified members cannot be secured within the county. The board shall consist of three (3) members, one (1) to be appointed by the county judge/executive, one (1) to be appointed by the fiscal court, and one (1) to be appointed by the mayor of the city with the largest assessment using the county tax roll or appointed as otherwise provided by the comprehensive plan of an urban-county government. Beginning with the 1995 appeals, the mayor's appointment shall serve for four (4) years, the county judge/executive's appointment shall serve for three (3) years, and the fiscal court's appointment shall serve for two (2) years. Each person appointed thereafter shall serve for three (3) years. If no city in the county uses the county assessment, the county judge/executive shall appoint two (2) members.~~[Board members appointed prior to July 14, 1994, shall be eligible for reappointment by the appointing authority if they meet the requirements of subsection (2) of this section.]~~ A board member who has served for a full term shall not be eligible for reappointment. However, he shall be eligible for appointment after a hiatus of three (3) years. If the number of appeals to the board of assessment appeals filed with the county clerk exceeds one hundred (100), temporary panels of the board may be appointed with approval of the Department of Revenue. Each temporary panel shall consist of three (3) members having the same qualifications and appointed in the same manner as the board members. The number of additional panels shall not exceed one (1) for each one hundred (100) appeals in excess of the first one hundred (100). The county judge/executive shall designate one (1) of the members of the board of assessment appeals to serve as chairman of the board. If additional panels are appointed, as provided in this subsection, the chairman of the board of assessment appeals shall designate one (1) member of each additional panel as chairman of the panel. A majority of the board or of any panel may determine the action of the board or panel respectively and make decisions. Each panel of the board shall have the same powers and duties given the board by KRS 133.120, except the action of any panel shall be subject to review and final approval by the board.
- (2) Each member of the board shall have extensive knowledge of real estate values, preferably in real estate appraisal, sales, management, financing, or construction.~~[In counties with cities of the first, second, or third class, the member appointed by the mayor shall be a certified real estate appraiser unless the mayor provides sufficient proof to the department of his inability to secure a certified real estate appraiser.]~~
- (3) The board shall be subject to call by the county judge/executive at any time prescribed by law.
- (4) The members of the county board of assessment appeals, and any panel of the board, before undertaking their duties, shall take the following oath, to be administered by the county judge/executive: "You swear (affirm) that you will, to the best of your ability, discharge the duties required of you as a member of the county board of assessment appeals, and that you will fix at fair cash value all property assessments brought before you for review as prescribed by law."
- (5) The department shall prepare and furnish to each property valuation administrator guidelines and materials for an orientation and training program to be presented to the board by the property valuation administrator or his deputy each year.
- (6) A board member shall produce evidence of his qualifications upon request of the department. A board member shall be replaced by the appointing authority upon proof of the member's failure to meet the qualifications of the position. Any vacancy on the board shall be filled by the appointing authority that appointed the member to be replaced. The appointee shall have the qualifications required by statute for the board member appointed by

the particular appointing authority and shall hold office only to the end of the unexpired term of the member replaced.

- (7) Members of the county board of assessment appeals, and any temporary panel, shall abstain from hearing or ruling on an appeal for any property in which they have any personal or private interests.

➔Section 217. KRS 134.420 is amended to read as follows:

- (1) The state and each county, city, or other taxing district shall have a lien on the property assessed for taxes due them respectively for eleven (11) years following the date when the taxes become delinquent.
- (2) This lien shall not be defeated by gift, devise, sale, alienation, or any means except by sale to a bona fide purchaser, but no purchase of property made before final settlement for taxes for a particular assessment date has been made by the sheriff shall preclude the lien covering the taxes.
- (3) The lien shall include all interest, penalties, fees, commissions, charges, costs, attorney fees, and other expenses as provided by this chapter that have been incurred by reason of delinquency in payment of the tax claim certificate of delinquency, personal property certificate of delinquency, or in the process of collecting any of them, and shall have priority over any other obligation or liability for which the property is liable.
- (4) The lien of any city, county, or other taxing district shall be of equal rank with that of the state.
- (5) When any proceeding is instituted to enforce the lien provided in this subsection, it shall continue in force until the matter is judicially terminated.
- (6) Every city ***with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the third, fourth, fifth, and sixth class]~~ shall file notice of the delinquent tax liens with the county clerk of any county or counties in which the taxpayer's business or residence is located, or in any county in which the taxpayer has an interest in property. The notice shall be recorded in the same manner as notices of lis pendens are filed, and the file shall be designated miscellaneous state and city delinquent and unpaid tax liens.

➔Section 218. KRS 136.190 is amended to read as follows:

- (1) The superintendent of schools in each district in which any individual, group of individuals or corporation, operates public utility or other franchise taxpaying property assessed under KRS 136.120 shall, on or before the first day of January, 1957, furnish to the county clerk of the county in which the district is situated, to each franchise taxpayer within the district, and to the Department of Revenue, the boundary of his school district. The superintendent of schools in each district in which any franchise-paying corporation, individual, or group of individuals operates shall, on or before the first day of January, 1958, and each year thereafter, furnish to the county clerk, to each franchise taxpayer within the district, and to the Department of Revenue, any changes made in the boundary of his school district during the immediately preceding twelve (12) months.
- (2) The engineer of cities of the first class and the city clerk of cities of the ***home rule class***~~[second, third, fourth, fifth, and sixth classes]~~ shall notify the county clerk, each franchise taxpayer within the city, and the Department of Revenue of their boundaries in the same manner as required of the superintendent of schools in subsection (1).
- (3) The responsible governing official or the chairman of the governing body of any taxing district other than the county, school district, or city shall notify the county clerk, each franchise taxpayer within the district, and the Department of Revenue of their boundaries in the same manner as required of the superintendent of schools in subsection (1).

➔Section 219. KRS 136.616 is amended to read as follows:

- (1) A tax is hereby imposed on the gross revenues received by all providers.
- (2) The tax rate shall be:
 - (a) Two and four-tenths percent (2.4%) of the gross revenues received for the provision of multichannel video programming service provided to a person whose place of primary use is in this state, billed on or after January 1, 2006; and
 - (b) One and three-tenths percent (1.3%) of the gross revenues received for the provision of communications services, as sourced under the provisions of KRS 136.605, billed on or after January 1, 2006.
- (3) The provider shall not collect the tax directly from the purchaser or separately state the tax on the bill to the purchaser.

- (4) (a) The tax imposed by this section shall apply to all providers except a municipal utility. "Municipal utility" as used in this section means a utility owned, operated, and controlled directly or indirectly by a city~~[of the first, second, third, fourth, fifth, or sixth class]~~.
- (b) To the extent that the provisions of KRS Chapter 279 are inconsistent with KRS 136.600 to 136.660, KRS 136.600 to 136.660 shall control.

➔Section 220. KRS 147.640 is amended to read as follows:

- (1) In order to provide more effective representation of the various governmental units participating in the creation of the area planning commission, an area council shall be created.
- (2) The area council shall be composed of one (1) representative and one (1) alternate from each municipality and county within the area planning territory. Each such representative and alternate shall be appointed annually in the manner prescribed by law respecting appointments by such city or county.
- (3) Only elected officials of each respective jurisdiction shall be eligible for appointment to the area planning council.
- (4) At its first regular meeting in each year, the council shall elect from its membership a president and vice president. The vice president shall have the authority to act as president of the council during the absence or disability of the president.
- (5) The council may appoint from within or without its own membership a secretary, prescribe his duties and fix his compensation.
- (6) The council shall act in a supervisory and advisory capacity with the area planning commission created hereunder. All actions taken by the council must receive the affirmative vote of the following, if in attendance: two (2) counties or two (2) cities **with a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census**~~[of the second class]~~ or one (1) county and one (1) city **with a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census**~~[of the second class]~~ and a majority of the remaining membership in attendance for passage.
- (7) The area council may budget in each year for the payment of a per diem for each member of the area planning commission not to exceed in any one (1) year the sum of one thousand dollars (\$1,000) for each member.
- (8) A quorum of the area council shall consist of a majority of its membership.

➔Section 221. KRS 151.601 is amended to read as follows:

- (1) 2020 water management planning councils shall be established for each county with the assistance of the appropriate area development district. Two (2) or more counties may form a multicounty 2020 water management planning council. The planning councils shall, as a minimum, be comprised of the following:
 - (a) Each county judge-executive or mayor of an urban-county government, or his or her authorized representative;
 - (b) One (1) representative selected by each community public water system, as defined in 401 KAR 8:010 sec. 1(71)(a), that provides water to persons in the county;
 - (c) One (1) representative selected by a local health department in the county; and
 - (d) One (1) representative selected by each **city with a population equal to or greater than one thousand (1,000) based upon the most recent federal decennial census**~~[first, second, third, or fourth class city]~~ that is not a water supplier or distributor, unless that city chooses to be represented by another member of the planning council.
- (2) If, after the 2020 water management planning council appointments have been made, a county judge/executive or mayor of an urban-county government determines that any areas of the county or urban county government remain unrepresented on the planning council, the county judge/executive or mayor of the urban-county government may appoint an individual to represent that area.
- (3) The county judge/executive or mayor of an urban-county government or the county judge/executive or the mayor's designated representative shall serve as the chair of the 2020 water management planning council of which either the county judge/executive or the mayor is a member.
- (4) Members of the 2020 water management planning councils shall serve without pay but may be reimbursed by counties or appointing agencies for reasonable expenses incurred to carry out the work of the councils.

- (5) The area development districts shall develop a forum for the chairpersons of the 2020 water management planning councils or multicounty planning councils to meet on at least a quarterly basis for the purpose of developing regional service strategies consistent with the findings and purpose set out in KRS 224A.300.

➔Section 222. KRS 154.33-520 is amended to read as follows:

~~[(1) Effective August 1, 1990, any member county and city as specified in subsection (2) of this section shall be provided membership on the board of directors of the corporation pursuant to KRS 154.33-525.~~

- ~~(2)]Any county within the region and any city[of the largest class] within any county within the region shall become a member of the corporation when the local governing body of the county or of the city approves by resolution the county's or city's participation in the corporation.~~

➔Section 223. KRS 160.020 is amended to read as follows:

- (1) All school districts embracing **designated** cities~~[of the first five (5) classes]~~ together with the territory within their limits, including any territory added for school purposes outside of the city limits, and all independent graded common school districts having a school census enumeration of two hundred (200) or more children, constitute independent school districts, except those which have merged with a county school district since June 14, 1934. No independent district other than a **designated** city~~[of the first five (5) classes]~~ shall continue to operate when its school census enumeration of children falls below two hundred (200) pupils unless it appears to the Kentucky Board of Education that the district can maintain a more efficient program of school service by operating as an independent district.

- (2) *As used in this section, "designated city" means a city classified as a city of the first, second, third, fourth, or fifth class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.*

➔Section 224. KRS 160.200 is amended to read as follows:

- (1) All elections for members of boards of education shall be in even numbered years, for a term of four (4) years, except as provided in KRS 160.210(5). Except as provided in subsection (3) of this section, the elections shall be held at the regular November election.
- (2) In each even numbered year, there shall be held an election in every county and independent district to fill the membership of the boards of education for the terms that will expire on the first Monday in January following, and the regularly elected members shall hold office for four (4) years and until their successors are elected and have qualified.
- (3) Any independent school district embracing a **designated** city~~[of the fifth class]~~ may, at the discretion of its board of education, hold its election of board members at its public school building on the first Saturday in May. The election shall be held by three (3) officers appointed by the board of education and the expenses of the election shall be paid from the treasury of the school district. In all other respects the provisions of this chapter relating to holding elections for board members shall apply.
- (4) In counties containing a city of the first class, wherein a merger pursuant to KRS 160.041 shall have been accomplished, the terms of the members shall be as provided in KRS 160.210(5). Elected members of such boards, excepting those boards of education representing ten percent (10%) or less of the student population of the county serving at the effective date of such a merger shall continue to serve until their term expires, but no appointments shall be made to fill vacancies. The terms of office of members of boards of education representing ten percent (10%) or less of the student population of the county shall expire on the effective date of the merger.
- (5) *As used in this section, "designated city" means a city classified as a city of the fifth class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.*

➔Section 225. KRS 160.240 is amended to read as follows:

- (1) The general election laws shall apply to all elections of school board members.
- (2) In school districts embracing **designated** cities~~[of the first five (5) classes]~~, the expense of the election shall be paid by the city from its general funds. In all other districts the expense shall be paid by the fiscal court out of its general funds.

(3) *As used in this section, "designated city" has the same meaning as in Section 223 of this Act.*

➔Section 226. KRS 160.460 is amended to read as follows:

- (1) All school taxes shall be levied by the board of education of each school district. The tax-levying authority shall levy an ad valorem tax within the limits prescribed in KRS 160.470, which will obtain for the school district the amount of money needed as shown in the district's general school budget submitted under the provisions of KRS 160.470.
- (2) The tax-levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received and approved by the Kentucky Board of Education. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.
- (3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax-levying authority. If the school levy is to be made upon the city assessment, which is hereby authorized for independent school districts embraced by *designated* cities ~~of the first four (4) classes~~, the clerk of the city shall furnish to the school district or districts which the city embraces, the assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment the county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in the district or districts, as certified by the Kentucky Department of Revenue. No later than July 1, 1994, all real property located in the state and subject to local taxation shall be assessed at one hundred percent (100%) of fair cash value.
- (4) *As used in this section, "designated city" means a city classified as a city of the first, second, third, or fourth class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.*

➔Section 227. KRS 162.020 is amended to read as follows:

- (1) The title to school property in territory transferred from one (1) school district to another shall not be affected by the transfer. In case of the sale of such property the board of education to which the property belongs may allow a credit on the sale price of the property in proportion to the ratio which the school population of the transferred territory is to the total school population of the district from which the territory was transferred before the transfer was made.
- (2) A board of education owning and operating a school plant in another district on June 14, 1934, may continue to own and operate the plant, and a county board of education may establish and maintain a school in an independent school district. Any independent school district may purchase school sites and establish and maintain schools outside the limits of the independent district, but independent districts containing cities of the first *class or designated cities* ~~or second class~~ shall not purchase school sites or establish or maintain schools outside the county in which the independent district is located.
- (3) *As used in this section, "designated city" means a city classified as a city of the second class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.*

➔Section 228. KRS 162.440 is amended to read as follows:

- (1) The board of education of any *designated* city ~~of the second class~~ or of a county containing a *designated* city ~~of the second class~~ may, by resolution, establish a fund to be known as the "insurance fund" after written approval of the plan to administer the fund has been secured from the chief state school officer. The resolution shall fix the maximum limit of the fund. The fund shall be maintained separate from the other funds and moneys of the board, and shall be used exclusively for replacing or repairing any injury or destruction to any of the buildings owned by the board or to their contents when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot, or flood, but not when caused by wear and tear or the natural processes of decadence or deterioration.
- (2) *As used in this section, "designated city" means a city classified as a city of the second class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.*

➔Section 229. KRS 162.450 is amended to read as follows:

The board of education ***authorized to establish an insurance fund pursuant to Section 228 of this Act***~~[of a city of the second class, or of a county containing a city of the second class,]~~ may raise the maximum limit of the insurance fund from time to time as it deems best. Until the amount in the fund equals the maximum limit, the board of education shall each year, from the revenues under its control, set apart to the fund a sum equal to from one-twentieth (1/20) to one-tenth (1/10) of the maximum limit of the sum. When any portion of the fund is used, payments to restore the fund shall at once be begun and be continued until the restoration is complete. When the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund; otherwise the interest may be transferred to the general funds of the board.

➔Section 230. KRS 164.970 is amended to read as follows:

- (1) Vehicles used for emergency purposes by the police department of a public institution of postsecondary education shall be considered as emergency vehicles and shall be equipped with blue lights and sirens and shall be operated in conformance with the requirements of KRS Chapter 189.
- (2) Police officers directly employed by the governing board of public institutions of postsecondary education pursuant to KRS 164.950 to 164.980 shall have the rights accorded to peace officers~~[in cities of the first four (4) classes]~~ provided under KRS 527.020, provided the governing board of the public institution of postsecondary education so authorizes in writing.
- (3) Police departments of public institutions of postsecondary education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor, KRS 432.570 to the contrary notwithstanding.
- (4) Police departments of public institutions of postsecondary education shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.

➔Section 231. KRS 165.160 is amended to read as follows:

- (1) ***Except for cities of the first class, cities with populations equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the second, third, and fourth classes]~~ may establish or acquire by lawful conveyance municipal colleges for the purpose of promoting public education. A college in a city ***meeting the requirements set out in this subsection***~~[of the second, third, or fourth class]~~ shall not constitute a municipal college or receive support as provided in KRS 165.170 to 165.190 unless it is controlled by a board of trustees appointed by the mayor and legislative body of the city, and unless its principal work is the maintenance of courses affording instruction in such arts, sciences, and professions and conferring such certificates of attainment as are authorized by other similar institutions of learning above the high school grade. No advisory board shall be appointed for any college established pursuant to the provisions of this section, and the board of trustees of the college shall perform the functions of an advisory board in addition to its other functions.
- (2) If the college is supported by a municipal college support district, three (3) members of the board of trustees mentioned in subsection (1) shall be appointed by the governing body of the district.

➔Section 232. KRS 165.165 is amended to read as follows:

The legislative body of a city~~[of the second, third, or fourth class in]~~ which ***has established or acquired*** a municipal college ***pursuant to Section 231 of this Act or where a junior college exists under the provisions of KRS 165.160 to 165.260*** may, for educational purposes, use and employ all the authority contained in KRS 165.080 to 165.140 and 162.340 to 162.380 to issue bonds for the benefit of such college.

➔Section 233. KRS 165.170 is amended to read as follows:

The legislative body of any city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~ that has a municipal college may, after an election as required by Section 184 of the Constitution, annually levy and collect, for the support of the municipal college, a tax of not less than five cents (\$0.05) nor more than fourteen cents (\$0.14) on each one hundred dollars' (\$100) worth of property subject to taxation for city purposes. The levy of such taxes shall be made at the same time and in the same manner as other levies for city purposes. The amount levied shall be placed to the credit of the municipal college fund upon the completion of the assessment of property for taxation, and paid as collected, subject to the discount allowed on other city taxes, by the treasurer of the city to the treasurer or other financial officer of the college, for the purpose

of establishing, acquiring and operating the college. The taxes authorized by this section shall be construed to be school taxes and shall be in addition to all other taxes authorized by law to be used for municipal or school purposes.

➔Section 234. KRS 165.175 is amended to read as follows:

- (1) The fiscal court of a county containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census that has*** ~~of the second class in which is located~~ a municipal college, having obtained the authorization of the legislative body of such city for the college to accept tax support from a municipal college support district and for appointment of three (3) members of the college board of trustees by the governing body of the district, may establish a municipal college support district consisting of the territory in the county outside the limits of the city in which is located the college. The members of the fiscal court shall constitute the governing body of the district. Subject to the provisions of subsection (2), the district may levy a tax of not less than five (\$0.05) or more than fourteen cents (\$0.14) on each one hundred dollars (\$100) of the assessed valuation of all property in the district. The funds raised by this tax shall be used solely to support the college.
- (2) A certified copy of the order of the fiscal court creating the district shall be filed by the governing body of the district with the county clerk not later than the second Tuesday in August before a regular election, and the clerk shall cause the question whether the tax is to be imposed to be prepared for presentation to voters residing in the district. The question shall be so phrased as to ask the voter whether he favors the imposition of a tax of not less than five (\$0.05) or more than fourteen cents (\$0.14) on each one hundred dollars (\$100) of the assessed valuation of all property in the district for the purpose of supporting the municipal college ~~in the second class city~~ in the county. If a majority of those voting on the question favor the imposition of the tax, the governing body of the district shall levy the tax.
- (3) The sheriff shall collect the taxes due the district at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall be allowed a fee not to exceed four percent (4%) for collection of this tax. The money collected shall be paid to the college board of trustees.

➔Section 235. KRS 165.180 is amended to read as follows:

Any city ~~of the second, third, or fourth class~~ having a municipal college ***pursuant to Section 231 of this Act*** may devote to college purposes any funds or properties derived from sources other than taxes levied for special purposes.

➔Section 236. KRS 165.190 is amended to read as follows:

The legislative body of any city ***having a municipal college pursuant to Section 231 of this Act*** ~~of the second, third, or fourth class~~ may appropriate as a site for the buildings and grounds for ~~that a~~ municipal college any public grounds of the city not especially appropriated or dedicated to any other use.

➔Section 237. KRS 165.195 is amended to read as follows:

The board of trustees of a municipal college ***established pursuant to Section 231 of this Act*** ~~in a city of the second, third, or fourth class~~ may acquire, by purchase or gift, lands and improvements for the purpose of expanding the plant and extending the usefulness of the college, and when unable to agree with the owner of land and improvements necessary for the purposes of the college may proceed to condemn the land and improvements. The condemnation proceedings shall be conducted in the manner provided in the Eminent Domain Act of Kentucky.

➔Section 238. KRS 165.210 is amended to read as follows:

- (1) Boards of education of ***designated*** cities ~~of the second class~~ may establish or acquire by lawful conveyance municipal junior colleges for the purpose of promoting public education. A college in a ***designated*** city ~~of the second class~~ shall not constitute a municipal junior college or receive support as provided in KRS 165.220 to 165.240 unless it is controlled by the board of education of the city as a part of the public school system, and unless its principal work is the maintenance of courses affording instruction in such arts, sciences and professions and conferring such certificates of attainment as are authorized by other similar institutions of learning above high school grade.
- (2) ***As used in this section, "designated city" means a city classified as a city of the second class as of January 1, 2014, under the city classification system in effect prior to January 1, 2015. The Department of Education shall, on or before January 1, 2015, create an official registry listing the cities that qualify as a "designated city" under this section and shall publish that registry on its Web site.***

➔Section 239. KRS 165.220 is amended to read as follows:

The board of education of any city ***having a municipal junior college pursuant to Section 238 of this Act*** ~~of the second class~~ may request and the legislative body of the city shall then, after an election as required by Section 184 of the Constitution, annually cause to be levied and collected, for the support of a municipal junior college, a tax of not less than five cents (\$0.05) nor more than seven cents (\$0.07) on each one hundred dollars (\$100) worth of property subject to taxation for city purposes. Any election for the levy of taxes under this section shall be held at the next regular election if the question is filed with the county clerk not later than the second Tuesday in August preceding the regular election. The levy of such taxes shall be made at the same time and in the same manner as other levies for public school purposes. The amount levied shall be placed to the credit of the board of education fund upon completion of the assessment of property for taxation, and paid as collected, subject to the discounts or penalties allowed on other city taxes, by the treasurer of the city to the treasurer of the board of education for the purpose of establishing, acquiring and operating the college. The taxes authorized by this section shall be construed to be school taxes and shall be in addition to all other taxes authorized by law to be used for municipal or school purposes.

➔Section 240. KRS 165.230 is amended to read as follows:

The board of education of any city ~~of the second class~~ that establishes or acquires a municipal junior college pursuant to KRS 165.210 may, for the purpose of supplementing the tax provided in KRS 165.220, charge each pupil attending the college an annual tuition fee of not more than two hundred dollars (\$200). The tuition fee shall be collected by the treasurer of the board of education and placed to the credit of the board of education college fund, and shall be used for maintaining and operating the college.

➔Section 241. KRS 165.240 is amended to read as follows:

The board of education of any city ***that has established or acquired a municipal junior college pursuant to Section 238 of this Act*** ~~of the second class~~ may set apart or appropriate any site or school building, or part of a school building and grounds, not needed for general school purposes, for the use of a municipal junior college.

➔Section 242. KRS 172.170 is amended to read as follows:

- (1) The provisions of KRS 172.100 to 172.160 shall not apply to any county ~~that contains a city of the second class which county~~ has a law library ~~that was~~ acquired under the provisions of Chapter 2 of the Acts of 1916. The fiscal court of such county may make such rules and regulations regarding the maintenance and operation of the library as the court deems proper and as are approved by the judge or judges of the Circuit Court of the county, and may employ a librarian at a salary not to exceed one hundred dollars (\$100) per month, and pay said salary out of the general funds of the county. The library shall be for the use of the court officers and county officers of the county, and the fiscal court may provide for the use of the library by others than the court and county officers, on such terms as the fiscal court deems advisable and proper.
- (2) All books belonging to the state heretofore or hereafter sent to the county officials directed by law to receive such books, all books sent to the library by the state, and all books now owned or hereafter acquired by the county for the library, shall constitute part of the library. The county may acquire books, maps or other articles for the library by purchase, gift or devise.

➔Section 243. KRS 172.180 is amended to read as follows:

Any county may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or 172.170:

- (1) Upon petition of three-fourths (3/4) of the duly licensed and practicing attorneys resident in the county addressed to the Circuit Judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county indorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the Circuit Judge shall enter an order noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.
- (2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the order book and page number containing the resolution of the fiscal court.
- (3) The order shall direct the following:
 - (a) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all criminal actions, except examining trials and felony trials, thereafter instituted in said court the following fee, which shall be designated as county law library fee, in District Court, a sum not to exceed fifty cents (\$0.50); in Circuit and District Courts, on all civil actions a sum not to exceed one dollar (\$1) excepting,

however, in counties containing cities of the first class and counties containing *an urban-county government or cities with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*~~[of the second class]~~, where the county law library fee, in District Court, shall be a sum not to exceed one dollar and fifty cents (\$1.50); in Circuit and District Courts, on all civil actions, a sum not to exceed three dollars (\$3); and

- (b) That the circuit clerk shall at the end of each month pay all sums collected as county law library fees during the preceding month, to the trustees of the county law library, and the clerk shall make a full report with said payment, and receive a receipt for all payments.

➔Section 244. KRS 173.340 is amended to read as follows:

- (1) The management and control of a library shall be vested in a board of trustees. In cities and counties, the board shall consist of five (5) members except that in cities *with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*~~[of the second class]~~, it shall consist of seven (7) members. In the event a contract for library service is made pursuant to subsection (4) of KRS 173.310, the board may consist of equal representation from the contracting parties with the total membership not to exceed twelve (12). In a library region, there shall be five (5) members, except if the number of counties exceeds five (5), there shall be one (1) trustee from each county in the region.
- (2) Within thirty (30) days after the establishment of a library has been authorized by any of the methods authorized by KRS 173.310, a library board shall be appointed. In cities the trustees shall be appointed by the mayor and in counties they shall be appointed by the county judge/executive. There shall be established a board of trustees in each regional library district for purposes of coordinating library programs and effecting economies and efficiencies of the member county library systems. In each regional library district, the trustees shall be appointed by the joint action of the judges/executive of the respective counties or as may be agreed upon by contract. In any region in which there are four (4) or less counties, provision shall be made in the contract for rotation of members and an equitable adjustment of terms. If a region consists of an even number of counties, the trustees appointed by the judges/executive of the respective counties shall appoint an additional trustee whose term of office shall be four (4) years and whose successor shall be appointed by the trustees in office at the time of expiration of such term. Trustees shall be appointed from the governmental unit at large with special reference to their fitness for such office. Upon initial establishment of the board, members of the board shall be appointed to terms as follows: two (2) members for two (2) years, one (1) member for three (3) years, and two (2) members for four (4) years respectively, and thereafter trustees shall be appointed to serve terms of four (4) years. Trustees may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments. In the event that vacancies have existed for a period of at least six (6) months, the Governor of the Commonwealth of Kentucky, upon the recommendation of the state librarian, may make such necessary appointments. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in bylaws of the public library board of trustees.
- (3) Library trustees shall not receive a salary or other compensation for their services, but may be reimbursed for actual expenses necessarily incurred in the performance of their duties, upon approval by the board. Before entering upon the duties of his office, a trustee shall take oath that he will faithfully discharge his duties. No board shall employ as a member of its library staff any member of the board or any person related closer than a second cousin to any member of the board. No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, insurance or services for which library funds are expended.
- (4) A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he was appointed.

➔Section 245. KRS 173.850 is amended to read as follows:

Unless the context otherwise requires:

- (1) "State librarian" means the state librarian as defined in KRS 171.130;
- (2) "Governmental unit" means any county or city or urban-county government or other agency or instrumentality which is authorized by Kentucky Revised Statutes to levy and collect taxes for public purposes; and

- (3) "Qualifying library" means any free public library supported in whole or in part with money derived from taxation, and governed by a board as provided for in KRS 173.040, 173.340, 173.500 or 173.725, which is located in any county containing a city of the first *class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*~~[or second class]~~, an urban-county government, or any county in which there are no incorporated areas.

➔Section 246. KRS 173.860 is amended to read as follows:

There is hereby created the urban libraries fund for distribution to *qualifying libraries as defined by Section 245 of this Act. The fund shall be administered*~~[free public libraries in counties containing cities of the first or second class, urban county governments, consolidated local governments, or any county in which there are no incorporated areas]~~ pursuant to the provisions of KRS 173.870. The fund shall consist of such sums as are appropriated by the General Assembly, and any grants, gifts, legacies, devises, or other funds or property from any available source, public or private. The receipt, control, and expenditure of funds shall be subject to the general provisions of KRS Chapters 41 to 47, governing financial administration of state agencies.

➔Section 247. KRS 173.870 is amended to read as follows:

The state librarian shall annually on September 1 cause the State Treasurer to pay to each qualifying library out of the urban libraries fund, to the extent that funds are available, the sums computed as follows:

- (1) The sum of twenty-five cents (\$0.25) for each resident of the county containing a qualifying library based on the then current census of such county supplied by the Bureau of Census, United States Department of Commerce; and
- (2) The remainder of available funds shall be divided equally between *each qualifying library as defined by Section 245 of this Act*~~[the free public libraries in counties containing cities of the first or second class, an urban county government, and any county in which there are no incorporated areas]~~.

➔Section 248. KRS 177.037 is amended to read as follows:

- (1) The Department of Highways may install and maintain signs recognizing the boundary of a city, town, or community whether incorporated or unincorporated. These signs shall be installed regardless of whether the community has a post office, if the Department of Highways had previously erected signs recognizing the city, town, or community. The signs shall be placed at the official community boundaries. If the community does not have official boundaries, the signs shall be installed at the community boundaries as determined by the built-up area.
- (2) The department shall install and maintain signs at the boundaries of any city~~[of the first through sixth class]~~ or an unincorporated urban place as defined in KRS 177.366, regardless of whether the city or unincorporated urban place has a post office or zip code, if the city or unincorporated urban place:
 - (a) Submits a written request for not more than two (2) signs:
 1. To honor the birthplace of a person important to the city or unincorporated urban place; or
 2. To honor an event or accomplishment important to the city or unincorporated urban place; and
 - (b) Agrees to pay for the actual cost to make and install the signs.
- (3) The department shall work with the city or unincorporated urban place to determine the appropriate place to install the signs required under subsection (2) of this section. If an agreement cannot be reached on the appropriate place to install the signs, the site selected by the city or unincorporated urban place shall take precedence and the department shall not prohibit and shall not delay the installation of the signs.
- (4) Each city or unincorporated urban place requesting a sign under subsection (2) of this section shall be limited to two (2) signs. Requests for additional signs authorized under subsection (2) of this section in excess of two (2) by the same city or unincorporated urban place shall be consolidated into a single sign.
- (5) All statutes to the contrary notwithstanding, the Transportation Cabinet shall amend its policies and administrative regulations in effect on July 15, 2002, to comply with the provisions of this section, and shall not subsequently adopt new policies or promulgate new administrative regulations to the contrary.

➔Section 249. KRS 177.330 is amended to read as follows:

- (1) At least once in each calendar year, the Department of Rural and Municipal Aid, through a duly authorized representative, shall consult with the fiscal courts of the various counties for the purpose of receiving recommendations from the fiscal courts for the selection of rural and secondary roads lying within the counties

for construction, reconstruction, or maintenance under the Rural and Secondary Road Program as set forth in KRS 177.320(1). The Department of Rural and Municipal Aid may receive recommendations from any citizen on the selection of rural and secondary roads for construction, reconstruction, or maintenance under the Rural and Secondary Road Program. The Department of Highways shall notify each county fiscal court of the county roads that the department intends to construct, reconstruct, or maintain in accordance with the provisions of KRS Chapters 177 and 179.

- (2) Where the construction of a secondary or rural road through an incorporated *city with a population of less than three thousand (3,000) based upon the most recent federal decennial census* ~~town of the fifth or sixth class~~ is necessary, as determined by the Department of Rural and Municipal Aid, the road may be constructed, reconstructed, or maintained at the discretion of the Department of Rural and Municipal Aid.

➔Section 250. KRS 177.9771 is amended to read as follows:

- (1) The "extended weight coal or coal by-products haul road system" shall consist of all state-maintained toll roads or state-maintained roads which were previously toll roads and the public highways over which quantities of coal or coal by-products in excess of fifty thousand (50,000) tons were transported by motor vehicles during the period from January 1, 1985, through December 31, 1985, and shall be updated annually thereafter.
- (2) The secretary of the Transportation Cabinet shall by official order on or before November 1, of each year, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section, as the extended weight coal or coal by-products haul road system.
- (3) The total tons of coal or coal by-products transported by motor vehicles over any public highway shall be determined from the official coal or coal by-products road system transportation report required pursuant to KRS 177.977.
- (4) Any vehicle, when registered with a declared gross weight of eighty thousand (80,000) pounds and when transporting coal or coal by-products over public highways which are part of the extended weight coal or coal by-products haul road system or portions thereof, may be operated at the weights as set forth below in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state or county maintained systems by paying the corresponding decal fee as set forth below:
 - (a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%), and pay a decal fee of one hundred sixty dollars (\$160) annually;
 - (b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%), and pay a decal fee of two hundred sixty dollars (\$260) annually;
 - (c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%), and pay a decal fee of three hundred sixty dollars (\$360) annually;
 - (d) Any motor carrier involved in the transportation of coal or coal by-products which meets gross axle weights of twenty thousand (20,000) pounds per axle and twelve thousand (12,000) pounds for the steering axle may register in excess of eighty thousand (80,000) pounds by payment of eight hundred forty dollars (\$840) plus an additional decal fee of ten dollars (\$10) per one thousand (1,000) pounds of registered weight above eighty thousand (80,000) pounds;
 - (e) For purposes of this section, KRS 177.979, and 189.230, and for purposes of the extended weight coal or coal by-products haul system, the dimensional requirements of motor vehicles shall conform to all appropriate federal laws and regulations;
 - (f) The payment of the decal fee shall be in addition to any state registration fee, user fee, or other decal fee, including the registration fee as specified in KRS 186.050(3);
 - (g) Motor vehicles used in the transportation of coal or coal by-products under cooperative agreements pursuant to KRS 177.979 shall be exempt from the payment of the decal fee as set forth in this section and the registration fee as set forth in KRS 186.050(3) as long as the truck is driven over cooperative roads only while full. The Transportation Cabinet shall issue identifying license plates for those motor vehicles under cooperative agreements;

- (h) All fees under this section shall be scheduled for payment and prorated pursuant to the provisions of KRS 186.051; and
 - (i) All revenues generated pursuant to this section shall be credited to a special account within the road fund called the "energy recovery road fund."
- (5) Sixty percent (60%) of all energy recovery road funds shall be used by the Department of Highways for construction, maintenance, and repair of the state-maintained portion of the extended weight coal or coal by-products haul road system.
 - (6) Forty percent (40%) of all energy recovery road funds shall be distributed to the fiscal court of those counties in which coal or coal by-products are transported for the sole purpose of construction, maintenance, and repair of the county-maintained portion of the extended weight coal or coal by-products haul system. The distribution of funds to the counties shall be proportioned based on the miles of county roads on the extended weight coal or coal by-products haul system in each county compared to the total mileage of county roads in the total extended weight coal or coal by-products haul road system and the tons of coal or coal by-products transported over county roads on the extended weight coal or coal by-products haul system in each county compared to the total tons of coal or coal by-products transported over county roads in the total extended weight coal or coal by-products haul road system.
 - (7) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. This section shall not be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. This section shall not be construed to prohibit the Department of Highways from providing for the public safety and convenience of the traveling public on the highway.
 - (8) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal or coal by-products haul road system public highways or portions thereof based upon the criteria set out in this section. Deletion of a public road or portion of it from the extended weight coal or coal by-products haul road system shall not affect the eligibility of the roads for highway funds or programs applicable to the extended weight coal or coal by-products haul road system.
 - (9) A fiscal court, a governing body of a city~~[of the first through fourth class]~~, consolidated local government, or urban-county government may by resolution, make recommendation to the secretary of the Transportation Cabinet that certain roads or road segments in the county or corporate city limits pose inherent and definite hazards, special conditions, or greatly impact the economy of the county or city and that the secretary shall meet with said fiscal court or local governing body and take into consideration their concerns before adding to or deleting from the extended weight coal or coal by-products haul system.
 - (10) The secretary of the Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer the provisions of this section, KRS 177.9772, 177.979, and 189.230.

➔Section 251. KRS 178.337 is amended to read as follows:

- (1) After an engineering and traffic investigation and the receipt of recommendations by the county road engineer, a county through road or a portion thereof established or maintained as provided in KRS 178.330 may be detached from the county through road system. The fiscal court or the consolidated local government shall cause the proposed deletion to be marked on a map to be deposited with county road engineer and to be open to public inspection. The same procedure set forth in KRS 178.330 for the establishment or maintenance of a county through road system shall be followed in the case of roads or portions of roads detached therefrom. Notice of the proposed deletion from the system shall conform to KRS 424.130(1)(b). The fiscal court or the consolidated local government may in its discretion detach or retain the road as a part of the county through road system. The decisions of the fiscal court or the consolidated local government made in accordance with this section shall be final. Whenever any county through road has been added or detached from the county through road system in accordance with KRS 178.330 to 178.337, the county road engineer shall accordingly amend the map of the county through road system, which map shall at all times be available for public inspection in the office of the county road engineer. Nothing herein shall be construed as automatically deleting from the county through road system any portion of the system in territory which becomes incorporated as a city or which becomes annexed to a city.
- (2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city or consolidated local government, any road, bridge, landing, or wharf, or any other thing

exclusively under the jurisdiction or control of such city or a consolidated local government. Provided, however, that roads within a city ~~of the first through sixth classes~~ in a county containing a city of the first class or a consolidated local government may be made a part of the county through road system, in accordance with KRS 178.330 or 178.333, or both, with the agreement of the legislative body of said city.

- (3) Nothing in this chapter shall prevent any fiscal court or a consolidated local government from acquiring land by gift for public purposes.

➔Section 252. KRS 179.070 is amended to read as follows:

- (1) The county engineer shall:

- (a) Have general charge of all county roads and bridges within the county;
- (b) See that county roads and bridges are improved and maintained as provided by law;
- (c) Supervise the construction and maintenance of county roads and bridges and other work of like nature undertaken by the fiscal court or a consolidated local government;
- (d) Make reports as the county, consolidated local government, or fiscal court directs;
- (e) Advise and direct employees of contractors how best to repair, maintain, and improve county roads and bridges;
- (f) Examine the various formations and deposits of gravel and stone in the county to ascertain the materials most available and best suited for the improvement of roads therein, and, when requested by the Department of Highways, submit samples of materials and deposits and make a written report concerning the materials;
- (g) Establish or cause to be established necessary grades and recommend means of drainage, repair, and improvement;
- (h) Together with the fiscal court or consolidated local government, consider and either reject or approve plans, specifications, and estimates submitted for the erection or repair of bridges and the construction or maintenance of county roads;
- (i) Inspect or cause to be inspected each county road or bridge during its construction or improvement, and certify to the fiscal court or the consolidated local government the progress of the work and whether or not the work is being done according to the contract, plans, and specifications prepared therefor. If the work is not being done in accordance with the contract, plans, and specifications, the county engineer may stop any further work thereunder until the fiscal court or consolidated local government has inspected and passed upon it;
- (j) Remove trees or other obstacles from the right-of-way of any publicly dedicated road when the tree or other obstacles become a hazard to traffic;
- (k) Make recommendation to municipal authorities in a county containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~of the first or second class~~, the mayor in a consolidated local government, or the county judge/executive of a county containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~of the first or second class~~ for the establishment of speed limits in accordance with the powers granted to municipal authorities, consolidated local governments, and the county judge/executive by KRS 189.390(5)(a), and make recommendations to the county judge/executive or consolidated local government for the establishment of parking restrictions by the county judge/executive or consolidated local government in accordance with KRS 189.390(5)(c); and
- (l) Make engineering and traffic investigations and make recommendations based thereupon to the fiscal court of counties containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~of the first or second class~~ or a consolidated local government for the adoption of traffic regulations for any publicly dedicated road in unincorporated portions of the county or for any road made a portion of a county through road system, established in accordance with KRS 178.330 or 178.333, or both, in any manner reasonably calculated to promote the safety and convenience of the traveling public and to protect and preserve the roads and streets. The fiscal court or consolidated local government may adopt regulations which may include but not be limited to the establishment on roads designated in the first sentence of this subsection, of traffic

lanes, the installation or removal of electric signals and other signs and markers, the removal of traffic bumps, the limitation or prohibition of parking, and the regulation or prohibition of a size or weight deemed likely to impede traffic or injure the streets; provided, however, that if such regulation of size and weight of vehicles conflicts with state regulations, the latter shall prevail. Nothing herein shall be construed to prevent the fiscal court or consolidated local government from contracting with city authorities for the joint installation of signs, markers, and electric signals and for their maintenance.

- (2) In counties containing a city of the first class or consolidated local government, or when authorized by ordinance of the fiscal court of a county containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~, having the services of a county engineer, every person, subdivider, builder, contractor, or developer of any construction project shall submit to the county engineer for his written approval a site development plan providing for the proper drainage of surface water from the development or construction site so as to prevent flooding of property in the area. If the proposed site plan does not adequately provide for such drainage, the county engineer shall order such changes as necessary before approving the site plan.

➔Section 253. KRS 179.470 is amended to read as follows:

- (1) In counties containing a city ***with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000)***~~[of the third class]~~, and not ***containing*** a city of the first class or a consolidated local government, any street or road located outside of the corporate limits of an incorporated city which is a street or road of a subdivision established by a recorded plat that dedicates the street or road to public use, shall be maintained by the fiscal court of the county in the same manner that roads established under KRS 178.115 are maintained, if the street or road is at least one thousand (1,000) feet in length and at least fifty percent (50%) of the lots abutting the street or road contain houses which are occupied, and the street or road has been or shall be so constructed as to meet the approval of the county road engineer or, if there is no county road engineer, the approval of the fiscal court, such approval being based upon the established standards for county road construction within the county.
- (2) Notwithstanding the provisions of KRS 178.010(2), in counties containing a city of the first class or a consolidated local government, any street or road located in the area of the county not within a city ***with a population that equals or exceeds three thousand (3,000)***~~[of the second, third, or fourth class]~~ or within the area formerly comprising a city of the first class, which is a street or road of a subdivision that dedicated the street or road to public use, may be maintained by the fiscal court of the county or consolidated local government as the case may be, in the same manner as provided in subsection (1) and subject to the same conditions. In addition, street lights and other improvements already established may be maintained by the fiscal court or consolidated local government. The county or consolidated local government shall be reimbursed for the cost of such maintenance by the abutting property owner whose proportionate share of the cost of maintenance shall be added to the owner's county tax bill and collected in the same manner as other taxes.
- (3) Notwithstanding the provisions of KRS 178.010(2), in counties containing a population between eighty thousand (80,000) and one hundred fifteen thousand (115,000) and a city ***with a population equal to or greater than twenty thousand (20,000)***~~[of the second class]~~ or in counties containing a city ***with a population that is less than eight thousand (8,000)***~~[of the fourth, fifth, or sixth class]~~ and not a city ***with a population that equals or exceeds eight thousand (8,000)***~~[of the first, second, or third class]~~, any street or road in an unincorporated area or a city ***with a population of less than one thousand (1,000)***~~[of the sixth class]~~ of the county, which is at least two hundred (200) feet in length and dedicated to public use, may be maintained by the fiscal court of the county in the same manner as provided in subsection (1) of this section. In addition, street lights, garbage collection, water, and sewer services may be provided by the fiscal court. The county shall be reimbursed for the cost of such maintenance and services by the abutting property owner whose proportionate share of the cost of maintenance and services shall be added to the owner's county tax bill and collected in the same manner as county taxes. Further, upon the petition of fifty percent (50%) or more of the abutting property owners of the street or road, the fiscal court may by proper resolution provide for the improvements.
- (4) No street or road shall be accepted by a fiscal court or consolidated local government under the provisions of subsection (2) or (3) of this section for county maintenance unless twenty-five percent (25%) of the abutting property owners petition the fiscal court or consolidated local government for county maintenance. The fiscal court or consolidated local government within thirty (30) days thereafter shall hold a public hearing on the petition. If fifty percent (50%) of the abutting property owners agree in writing to accept county maintenance,

the fiscal court of the county or the consolidated local government may maintain the road or street in the same manner as provided in subsection (2) or (3) of this section as applicable and subject to the same conditions.

- (5) ***For the purposes of this section, the population of a city shall be determined by using the most recent federal decennial census data.***

➔Section 254. KRS 181.020 is amended to read as follows:

All counties~~[having a city of the second class]~~ may purchase, construct or reconstruct bridges over or tunnels under any boundary line stream of this state, and may purchase or obtain by gift or otherwise necessary approaches and other property from the adjoining state or subdivision thereof and from any person in the adjoining state.

➔Section 255. KRS 181.030 is amended to read as follows:

Any county~~[having a city of the second class]~~ may issue and sell bonds for the purchase price or the cost of construction or reconstruction of such bridge or tunnel, including the necessary approach thereto and the necessary property for the construction or support of the bridge or tunnel, as now provided by law for the issuance and sale of bonds for the construction of roads, bridges and tunnels in this state.

➔SECTION 256. A NEW SECTION OF KRS 181.510 TO 181.550 IS CREATED TO READ AS FOLLOWS:

Having the powers of the city of the highest class at the time of the creation of an urban-county government, the provisions of KRS 181.510 to 181.550 are hereby affirmed to be possessed by urban-county governments. Any reference to a city, mayor, city legislative body, or agency of a city in KRS 181.510 to 181.550 shall also mean an urban-county government, mayor of an urban-county government, legislative body of an urban-county government, or agency of an urban-county government, respectively.

➔Section 257. KRS 181.510 is amended to read as follows:

- (1) Any city~~[of the second class]~~ may enter into contracts for the purpose of doing away with tolls on bridges wholly or partly within the city.
- (2) The person contracting with the city shall agree to:
 - (a) Acquire ownership of the bridge or portion thereof, unless it has already acquired such ownership;
 - (b) Operate and maintain the bridge;
 - (c) Collect tolls for traffic over the bridge or portion of bridge;
 - (d) Subject to the provisions of KRS 181.520, apply the revenues of the bridge to the amortization of the cost of the bridge or portion of bridge; and
 - (e) Turn over the bridge or portion of bridge to the city upon completion of the amortization.

➔SECTION 258. A NEW SECTION OF KRS 181.560 TO 181.840 IS CREATED TO READ AS FOLLOWS:

Having the powers of the city of the highest class at the time of the creation of an urban-county government, the provisions of KRS 181.560 to 181.840 are hereby affirmed to be possessed by urban-county governments. Any reference to a city, mayor, city legislative body, or agency of a city in KRS 181.560 to 181.840 shall also mean an urban-county government, mayor of an urban-county government, legislative body of an urban-county government, or agency of an urban-county government, respectively.

➔Section 259. KRS 181.560 is amended to read as follows:

In addition to the powers granted in KRS 181.510 to 181.550, cities~~[of the second class]~~ may purchase or construct and improve, operate and maintain bridges over navigable streams so as to connect such cities with an adjoining state. In order to pay the cost of such acquisition or construction and improvements, the cities may issue bridge revenue bonds as provided in KRS 181.660.

➔Section 260. KRS 181.570 is amended to read as follows:

- (1) Any city ~~[of the second class]~~ may, by ordinance, create a bridge commission consisting of the chief executive of the city and four (4) persons appointed by such chief executive with the approval of the city legislative body. Each appointee shall be at least twenty-five (25) years of age.
- (2) The original appointments shall be made for terms of four (4) years, and their successors shall be appointed for one (1), two (2), three (3), and four (4) years respectively. Thereafter the appointments shall be for four-year

terms. Not more than two (2) appointees shall be members of the same political party, and all members shall be eligible for reappointment. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

- (3) No officer or employee of the city, whether he receives compensation or not, shall be appointed to the commission.
- (4) Each appointee shall take, subscribe and file the constitutional oath of office, and shall execute a bond, approved by the city legislative body, in the sum of five thousand dollars (\$5000). The bond shall be filed with the other official bonds of the city.

➔Section 261. KRS 183.132 is amended to read as follows:

- (1) Any urban-county government, city, or county, or city and county acting jointly, or any combination of two (2) or more cities, counties, or both, may establish a nonpartisan air board composed of six (6) members. Any city other than the first class and county jointly or an urban-county government established pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten (10) members. Any existing six (6) member board, including a board established in an urban-county government, may be expanded to ten (10) members by action of the government entity or entities that established the six (6) member board.
- (2) Any city of the first class, jointly with the county containing the city or a consolidated local government, may establish or maintain a nonpartisan air board. Membership of the board shall be appointed in accordance with subsection (6) or (11) of this section. Any air board established or maintained in a county containing a city of the first class or consolidated local government shall be composed of eleven (11) members.
- (3) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the duties prescribed by statute. The board shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.
- (4) The members of an air board composed of six (6) members shall be appointed as follows:
 - (a) If the air board is established by a city, the members shall be appointed by the mayor of the city;
 - (b) If the air board is established by a county, the members shall be appointed by the county judge/executive except that in the event that an airport is located outside the boundary of the county establishing the airport board, the county judge/executive shall appoint an additional member to the air board from the jurisdiction where the airport is physically located. The additional member shall serve a four (4) year term in accordance with the provisions of subsection (7) of this section and receive full voting privileges on matters brought before the airport board;
 - (c) If the air board is established as a joint city-county air board, the members shall be appointed jointly by the mayor of the city and the county judge/executive;
 - (d) If a combination of cities, counties, or both, establishes a joint air board, the mayors and county judges/executive involved shall jointly choose six (6) members and shall jointly choose successors;
 - (e) If the air board is established by an urban-county government, the mayor of the urban-county government or an officer of the urban-county government designated by the mayor shall serve as one (1) member of the board. The remaining five (5) members shall be appointed by the mayor. One (1) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (5) The members of an air board composed of ten (10) members in a city other than a city of the first class and county jointly other than an urban-county government established pursuant to KRS Chapter 67A shall be appointed as follows:
 - (a) Five (5) members shall be appointed by the mayor of the city, without approval of the legislative body;
 - (b) Five (5) members shall be appointed by the county judge/executive without approval of the other members of the fiscal court.
- (6) An air board consisting of eleven (11) members and established jointly by a city of the first class and the county containing the first class city shall be composed of members as follows:
 - (a) The mayor of the city of the first class;
 - (b) The county judge/executive of the county containing the city of the first class;

- (c) Three (3) members appointed by the mayor of the city of the first class;
 - (d) Three (3) members appointed by the county judge/executive of the county, with the approval of the fiscal court;
 - (e) Two (2) members, who shall be residents of the county containing a city of the first class or of counties contiguous thereto, appointed by the Governor; and
 - (f) One (1) member, who shall be a member of the executive board of an incorporated alliance of incorporated neighborhood associations and ***cities with a population of less than three thousand (3,000) based upon the most recent federal decennial census***~~[fifth or sixth class cities]~~ which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of any of the incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.
- (7) An air board consisting of eleven (11) members and established or maintained by a consolidated local government upon its establishment shall be composed of members as follows:
- (a) The mayor of the consolidated local government;
 - (b) Seven (7) members appointed by the mayor of the consolidated local government;
 - (c) Two (2) members who shall be residents of the county containing the consolidated local government or residents of counties contiguous to the county containing the consolidated local government, appointed by the Governor; and
 - (d) One (1) member who shall be a member of the executive board of an incorporated alliance of incorporated neighborhood associations and ***cities with a population of less than three thousand (3,000) based upon the most recent federal decennial census***~~[fifth or sixth class cities]~~ which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of any of the incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.
- (8) The members of an air board composed of ten (10) members established by an urban-county government shall be composed of the mayor of the urban-county government or an officer of the urban-county government designated by the mayor. The remaining nine (9) members shall be appointed by the mayor. Two (2) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (9) Members of the board composed of six (6) members shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. Upon expiration of the staggered terms, successors shall be appointed for a term of four (4) years.
- (10) Members of the board composed of ten (10) members in a city other than a city of the first class and county jointly shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments made by the mayor and the county judge/executive shall be made so that one (1) member is appointed for two (2) years, two (2) members are appointed for three (3) years, and two (2) members are appointed for four (4) years. If an existing six (6) member board is being increased to a ten (10) member board, initial appointments of the four (4) new members shall be made so that the mayor and the county judge/executive, or the mayor if the board is established by an urban-county government, each appoint one (1) member for two (2) years and one (1) member for four (4) years. Upon expiration of the initial terms, successors shall be appointed for a term of four (4) years. In the case of a board established by an urban-county government, the term of the mayor for the urban-county government, or the officer of the urban-county government designated by the mayor, shall be coextensive with the term of the mayor.
- (11) Members of an air board composed of eleven (11) members and established or maintained jointly by a city of the first class and the county containing a city of the first class shall serve for a term of three (3) years each and until their successors are appointed and qualified. The terms of the mayor and the county judge/executive shall be coextensive with their terms of office. The mayor and the county judge/executive shall each make their initial appointments to a board established jointly by a city of the first class and the county containing a city of the first class so that one (1) member is appointed for one (1) year, one (1) member is appointed for two (2) years, and one (1) member is appointed for three (3) years. The Governor shall make the initial

appointments so that one (1) member is appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the expiration of the initial terms, successors shall be appointed for a term of four (4) years.

- (12) Members of an air board composed of eleven (11) members in a county that has established a consolidated local government in a county containing a former city of the first class shall serve until their successors are appointed and qualified. The terms of office on the air board of the mayor of the previously existing city of the first class and the county judge/executive of this county shall expire upon the establishment of a consolidated local government. Upon the establishment of a consolidated local government, if the consolidated local government maintains the previously existing air board, the incumbent members, except the mayor of the previously existing city of the first class and the county judge/executive of that county, shall continue to serve as members of the board for the time remaining of their current terms of appointment. The Governor shall appoint members pursuant to subsection (7)(c) and (d) of this section. The mayor of the consolidated local government shall serve on the board for a term which shall be coextensive with his or her term of office. Incumbent members shall be eligible for reappointment upon the expiration of their terms. The terms of all other board members shall be for four (4) years. Upon the establishment of a consolidated local government and maintenance of a previously existing air board, any incumbent member whose term had expired but who had continued to serve because the member's successor had not been appointed, shall continue to serve until a successor is appointed. Successors shall be appointed by the mayor or the Governor as provided by law within sixty (60) days after the establishment of the consolidated local government. As the terms of the previously serving members of an air board being maintained by a consolidated local government expire, the mayor of the consolidated local government and the Governor shall respectively make their new appointments.
- (13) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board, except for a board composed of eleven (11) members, shall choose a chairman and vice chairman who shall serve for terms of one (1) year. Where the board is composed of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, the mayor of the city of the first class and the county judge/executive shall jointly appoint the chairman from among the membership of the board. Where the board is composed of eleven (11) members and is in a county containing a consolidated local government, the mayor shall appoint the chairman from among the membership of the board. The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board, and the cost of the bond shall be paid by the board.
- (14) The board may employ necessary counsel, agents, and employees to carry out its work and functions and prescribe rules and regulations as it deems necessary.
- (15) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. The secretary-treasurer shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. The books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. The secretary-treasurer shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.
- (16) In the event that a joint air board is created by cities, counties, or both, and thereafter a city or county desires to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the board. A local government wanting to withdraw from participation in the board shall not be entitled to return of any moneys or property advanced to the board.
- (17) A quorum for the transacting of the business of a six (6) member board shall consist of four (4) members, a ten (10) member board shall consist of six (6) members, and an eleven (11) member board shall consist of six (6) members. Meetings of the board may be called by the chairman or by four (4) members. In case of tie voting by the board, the issue shall be deemed to have failed passage.
- (18) A board member may be replaced by the appointing authority upon a showing to the authority of misconduct as a board member or upon conviction of a felony. A board member shall not hold any official office with the appointing authority, except for the mayor of a city of the first class and the county judge/executive on a board made up of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, or the mayor of an urban-county government or a consolidated local government, or an officer of the urban-county government designated by the mayor on a board established by an urban-county government.

➔Section 262. KRS 183.134 is amended to read as follows:

- (1) In order to provide money for the purchase of property necessary for the establishment or expansion of airports and to construct, equip, and maintain buildings necessary, desirable, or appropriate for airport purposes, or to acquire rights or interests or contracts for services, the legislative body of any governmental unit owning in whole or part any airport or operating an airport, or having any rights or interests in an airport or contracts for services from an airport, may make an annual appropriation from its general fund; or the governmental unit may make an annual levy to collect a tax on taxable property situated in the governmental unit for airport development. Any appropriation shall be made by the legislative body in amounts, in proportion and upon terms as the legislative body may determine. All funds derived from an appropriation or tax shall be turned over to the airport board, if any, for the purpose of carrying out the duties and powers of the board.
- (2) Whenever a governmental unit deems it necessary to acquire, construct, maintain, expand, finance, or improve any airport facilities or air navigation facilities or rights or interests in any facilities, or to contract for services from the facilities, or for any or all of these purposes, and the annual funds raised from other sources are not sufficient to accomplish the purpose, the governmental unit shall make a careful estimate of the amount of money required for the purpose and shall certify to the proper tax levying authority the fact that an election for an issue of bonds for aviation purposes shall be held, together with the amount of money for which bonds shall be issued and the purpose to which the proceeds shall be applied. The taxing authority shall then adopt an ordinance or resolution submitting to the qualified voters of the district the question as to whether bonds shall be issued for the purpose. The question shall be so framed that the voter may by his vote answer "For" or "Against."
- (3) The ordinance or resolution shall fix the time the bonds shall run and, if a serial issue, the amount to mature at each time. It shall limit the rate of interest to be permitted on the bonds and the total amount of bonds to be issued, and shall provide for the levy of a tax to pay the interest and to create a sinking fund to retire them at their maturity.
- (4) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen (15) nor more than thirty (30) days from the time the certificate of the governmental unit is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the governmental unit district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be paid by the fiscal court except where the election is held in a district embracing a city ***with a population equal to or greater than one thousand (1,000) based upon the most recent federal decennial census*** ~~of the first five (5) classes~~, in which case the cost of the election shall be paid by the governing body of the city.
- (5) Notwithstanding the limitations contained in KRS 132.023, any governmental unit which after March 21, 1968, levies a tax for aviation purposes under this chapter may exclude the tax from consideration in calculating the compensating tax rate as now or subsequently defined in KRS 132.010 or any amendments or other act substituted relating to that section.

➔Section 263. KRS 183.880 is amended to read as follows:

The airport board created by a county containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*** ~~of the second class~~, an urban-county government, or created jointly by a city of the first class and county is authorized to establish a safety and security department and appoint safety and security officers and other employees for the public airport for which it is responsible, to prescribe distinctive uniforms for the safety and security officers of the airport board, and to designate and operate emergency vehicles. Safety and security officers so appointed shall take an appropriate oath of office, in form and manner consistent with the Constitution of Kentucky, and shall serve at the pleasure of the airport board.

➔Section 264. KRS 184.010 is amended to read as follows:

Public road districts may be established in counties ~~containing cities of the first, second, third or fourth classes~~ for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads, appropriate drainage of said roads and sidewalks on either or both sides of said roads with reasonable maintenance during the existence of the road district.

➔Section 265. KRS 184.020 is amended to read as follows:

- (1) A public road district may be established in accordance with the procedures of KRS 65.810 to improve any public road (which is neither a county road nor a state road) in ***the following areas***:

- (a) *Within cities containing a population equal to or greater than three thousand (3,000) but less than twenty thousand (20,000);*
 - (b) *Within cities containing a population of less than one thousand (1,000) that are located within counties that contain a consolidated local government or a city with a population equal to or greater than twenty thousand (20,000); or*
 - (c) *Within an area that abuts a public road, which is neither a county road nor a state road, that is in an unincorporated area in a county that contains a city with a population equal to or greater than three thousand (3,000) [~~cities of the third or fourth class or in cities of the sixth class in counties containing cities of the first or second classes or abutting upon any public road (which is neither a county road nor a state road) in an unincorporated area in counties containing cities of the first, second, third or fourth classes, may sponsor the creation of such a road district].~~*
- (2) In addition to the information required to be submitted to the fiscal court pursuant to KRS 65.810, the sponsors shall prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines and terminal points of the road desired to be improved and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road, the location and size of drainage ditches and sidewalks. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to KRS Chapter 322, the approximate cost of constructing the improvements desired and reasonable maintenance for the duration of the road district, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder.
- (3) *For the purposes of this section, the population of a city shall be determined by using data from the most recent federal decennial census.*

➔Section 266. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee for motor vehicles, including taxicabs, airport limousines, and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator, and pickup trucks and passenger vans which are not being used on a for-hire basis shall be eleven dollars fifty cents (\$11.50).
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3)
 - (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ten thousand (10,000) pounds or less, except those mentioned in subsections (1) and (2) of this section and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) of this section, shall be eleven dollars and fifty cents (\$11.50).
 - (b) All motor vehicles except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00

55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.
2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation and the products grown on his farm.
- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating his farm and the products grown on his farm.
- (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high, and of a conspicuous color, and the truck or bus will be used during the next twelve (12) months only for the purpose stated.
- (6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.
- (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk,

in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.

- (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city ***with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first, second, third, or fourth class]~~, or within five (5) miles of its limits if it is a city ***with a population of less than three thousand (3,000) based upon the most recent federal decennial census***~~[of the fifth or sixth class]~~, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.
- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which such concrete blocks or ready-mixed concrete is produced to a construction site where such concrete blocks or ready-mixed concrete is to be used, where such construction site is located at a point not more than thirty (30) air miles from the point at which such concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.
- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the

provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

- (b) Any owner of a commercial vehicle who is required to title his motor vehicle under this section shall first title such vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle.
 - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to him pursuant to an occupation shall meet both of the following requirements:
- (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.
- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.

➔Section 267. KRS 189.280 is amended to read as follows:

- (1) KRS 189.221 to 189.230 and 189.280 shall not apply to motor trucks, semitrailer trucks, or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.
- (2) If any motor truck, semitrailer truck, or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221 and subsection (1) of 189.222 shall not apply thereto, within the limits of the city issuing the license, or within fifteen (15) miles of the limits of the city, if it is a city **with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census**~~[of the first, second, third, or fourth class]~~, or within five (5) miles of its limits if it is a city **with a population of less than three thousand (3,000) based upon the most recent federal decennial census**~~[of the fifth or sixth class]~~, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the commissioner of highways, and on such county highways as may be designated by the county judge/executive; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the aforementioned sections of the statutes. For the purposes of this subsection vehicles exempt from the imposition of a city license tax by reason of subsection (2) of KRS 281.830 shall be entitled to the same exemptions as those so licensed.
- (3) Cities may, by ordinance, provide maximum limits with respect to the weight, height, width and length of motor trucks, semitrailer trucks, and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and subsection (1) of 189.222, and may authorize the operation of trailers.

➔Section 268. KRS 199.410 is amended to read as follows:

- (1) The provisions of KRS 199.380 to 199.400 shall not affect or apply to boarding homes in which children under the care, custody or control of the cabinet, or receiving aid from the cabinet, are being boarded, and which have been approved by the cabinet as meeting the standards of the cabinet for placement, nor shall the provisions of KRS 199.380 to 199.400 affect persons caring for and providing for children related to them by blood or marriage.
- (2) KRS 199.380 to 199.400 shall apply only to counties containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~.

➔SECTION 269. A NEW SECTION OF KRS 212.640 TO 212.710 IS CREATED TO READ AS FOLLOWS:

As used in KRS 212.640 to 212.710, "city" means an incorporated city in the Commonwealth of Kentucky containing a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census.

➔Section 270. KRS 212.640 is amended to read as follows:

In any county containing a city, ***as defined in Section 269 of this Act***~~[of the second class]~~, the fiscal court of the county and the legislative body of the city~~[of the second class]~~ may, by joint action, establish a city-county health department. The department when established shall be governed by a city-county board of health composed of twelve (12) members, one (1) of whom shall be either the mayor, city manager, or the designee of the city manager of the city, whichever is appointed by the city legislative body, one (1) of whom shall be the county judge/executive, one (1) of whom shall be a dentist, one (1) of whom shall be a registered nurse, and three (3) of whom shall be physicians, one (1) of whom shall be a veterinarian, one (1) of whom shall be an engineer engaged in the practice of civil or sanitary engineering, one (1) of whom shall be an optometrist, one (1) licensed pharmacist, and one (1) lay person knowledgeable in consumer affairs residing in each county and appointed in the same manner as county board of health members and to hold office as provided in KRS 212.020.

➔Section 271. KRS 212.650 is amended to read as follows:

The expense of creating and establishing the city-county department of health shall be paid by the city~~[of the second class]~~ and by the county in such proportion as may be agreed upon between the city legislative body and fiscal court at the time of establishing the department. After the department has been established the annual expense of maintenance shall be borne in the same proportion, or as may be agreed upon between the city legislative body and fiscal court, and the city legislative body and fiscal court shall each make an annual levy sufficient to produce the necessary amount.

➔Section 272. KRS 212.690 is amended to read as follows:

Upon the establishment of a city-county department of health under KRS 212.640, the property of the city board of health of the city~~[of the second class]~~ and the property of the county board or department of health shall be transferred to the city-county department, and the city-county board of health shall assume control of any institutions formerly under the control of the city or county board or department of health.

➔Section 273. KRS 212.786 is amended to read as follows:

- (1) The independent district board of health shall be comprised of the following members: the judge/executive or his designee as an ex officio member from each participating county, the chairman from each participating local board of health as an ex officio member, additional members appointed by the judge/executive with the approval of the local board of health including, at least to the extent practicable, twenty-five percent (25%) who shall be licensed physicians, ten percent (10%) who shall be licensed dentists, twenty-five percent (25%) who shall be licensed registered nurses, ten percent (10%) who shall be licensed veterinarians, ten percent (10%) who shall be pharmacists, and twenty percent (20%) who shall be consumer members. Each member shall serve a term of two (2) years with a maximum of three (3) consecutive terms, except ex officio members who shall continue to serve.
- (2) The judge/executive, or his designee and the chairman of the local board of health shall serve as ex officio members of the district board of health. Additional appointments shall be based on population. Each county shall have an appointment of one (1) member for fifteen thousand (15,000) population or portion thereof. Additional members shall be at a rate of one (1) member per whole increment of fifteen thousand (15,000) population. The mayor of each city ***containing a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census***~~[of the second class]~~, or his ***or her*** designee,

shall serve as an ex officio member of the district board of health and shall count against the population-based appointees.

- (3) The original appointments by the judge/executive to the board shall be made within thirty (30) days of July 13, 1990. One-half (1/2), or the nearest portion thereof, shall be appointed for a term to expire June 30, 1991 and one-half (1/2), or the nearest portion thereof, shall be appointed for a term to expire June 30, 1992. All subsequent appointments and successors shall be appointed in accordance with the provisions of this section.
- (4) The judge/executive shall fill all vacancies occurring by reason of death, resignation, or disqualification and do so for the unexpired term.

➔Section 274. KRS 212.855 is amended to read as follows:

- (1) Except for district health departments which serve a county containing a city of the first class, an urban-county government, or which are part of an interstate metropolitan statistical area where the Kentucky population of the metropolitan statistical area exceeded two hundred fifty thousand (250,000) people on July 1, 1989, a district board of health shall consist of the following members:
 - (a) The county judge/executive or his designee from each county in the district as an ex officio voting member; and
 - (b) One (1) additional resident member per county per fifteen thousand (15,000) population or fraction thereof, which shall include the mayor, city manager, or the designee of the city manager of each city ***with a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census***~~[of the second class]~~ as an ex officio voting member, except that the total number of members from any county in a district shall not exceed seven (7) members.
- (2) All members, except for the county judges/executive and the mayors of ~~[second class]~~ cities ***serving pursuant to subsection (1) of this section***, shall be appointed by the county or city-county boards of health from the membership of each county or city-county board of health.
 - (a) The secretary of the Cabinet for Health and Family Services shall notify the chairman of each county or city-county board of health in the district of the name of each member from that county whose term is expiring.
 - (b) Upon receipt of the notification, under paragraph (a) of this subsection, each county or city-county board of health shall appoint one (1) of its members to fill each vacant position from that county. At least twenty-five percent (25%) or the nearest whole number to twenty-five percent (25%) of the appointed members of the district board shall be doctors of medicine or osteopathy qualified, licensed, and practicing in the Commonwealth, and there shall be at least one (1) qualified, licensed, and practicing registered nurse, one (1) qualified, licensed, and practicing dentist, one (1) licensed pharmacist, one (1) qualified licensed engineer engaged in the practice of civil or sanitary engineering, one (1) qualified, licensed, and practicing optometrist, and one (1) qualified, licensed, and practicing veterinarian, when available, among the membership of the board. The remaining members of the district board shall be concerned community leaders residing within the county from which they are to be representatives.
 - (c) The chairman of the county or city-county board of health shall inform the secretary within forty-five (45) days of receipt of this notification of the names of the county or city-county board of health members appointed to serve on the district board. Appointed members of district boards of health shall not begin to serve on a district board of health until the time the secretary has certified their eligibility to serve on the board.
- (3) If a vacancy exists upon the district board, the vacancy shall be filled in a manner consistent with subsection (2) of this section, with the appointed member to fill the vacant seat coming from the county in which the vacancy occurs and the appointed member resides. If the term of a member on the county board of health expires or the member cannot complete the term on the county board, the seat on the district board of health shall be declared vacant and the county or city-county board of health shall appoint another of its members to fill any unexpired portion of the term on the district board.
- (4) The appointed members of the district board of health shall hold office for a term of two (2) years ending on December 31 or until their successors are appointed. The terms of the first appointments shall be staggered so that members whose terms expire on June 30, 1992, shall be replaced with appointed members whose terms expire on December 31, 1994. Members whose terms expire on June 30, 1993, shall be replaced with appointed members whose terms expire on December 31, 1995.

- (5) The secretary shall remove any appointed member who fails to attend three (3) consecutive scheduled meetings.

➔Section 275. KRS 212.910 is amended to read as follows:

- (1) In any county containing a city of the first ~~or second~~ class **or a city with a population equal to or greater than fifteen thousand (15,000) based upon the most recent federal decennial census**, the fiscal court of the county and the legislative body of the city, by joint action, may unite with a district health department in accordance with the provisions of KRS 212.810 to 212.930.
- (2) The appropriation to a district health department shall be paid by the city ~~of the first or second class~~ and by the county in such proportion as may be agreed upon between the city legislative body and fiscal court at the time of joining the district health department. After the district health department has been established the annual expenses of its proportionate share of maintenance and operation shall be borne in the same proportion, or as may be agreed upon between the city legislative body and the fiscal court. The city legislative body and fiscal court shall each make an annual levy sufficient to produce the necessary amount.

➔Section 276. KRS 216.100 is amended to read as follows:

Any city of the **home rule** ~~second, third, fourth or fifth~~ class may, by ordinance, borrow money and issue negotiable bonds for the purpose of defraying the cost of purchasing, establishing, erecting and acquiring a municipal hospital and necessary appurtenances thereto. The ordinance shall specify the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed hospital, with necessary appurtenances thereto, is to be purchased, established, erected or acquired pursuant to the provisions of KRS 216.100 to 216.220.

➔Section 277. KRS 220.080 is amended to read as follows:

- (1) When the petition is filed with the commissioner, he shall investigate at once the boundary of the district proposed to be organized, and may, at the cost of the petitioners, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by the creation of the district in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the petitioners, but if the boundary established by the commissioner results in a material change from that proposed in the original petition the petitioners shall secure, in case of a larger or smaller area, the signatures of sixty percent (60%) of the freeholders or owners in the area as established by the commissioner.
- (2) None of the provisions of KRS 220.010 to 220.520 shall be applicable within the corporate boundary of any city of the first class, nor shall they be binding upon such city or any part thereof, or any land or property within the boundary of such city. The governing body of any city of the first class shall determine by ordinance whether city property lying outside the corporate boundary shall be included in any sanitation district, and whether the city shall bind itself to pay the charges for the services of the district furnished to such land or property.
- (3) Should it be found desirable to include in a sanitation district all or a portion of a city **with a population equal to or greater than eight thousand (8,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census** ~~of the second or third class~~, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.

➔Section 278. KRS 220.135 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 220.080, the jurisdictional boundaries of a sanitation district organized or operating under KRS Chapter 220 shall be coextensive with the jurisdictional boundaries of the counties it was organized to serve if the district was organized to serve two (2) or more counties, and no other district has been organized to serve the counties. All cities of the **home rule** ~~second through sixth~~ class located in a county which is part of a sanitation district as described in this section shall be included in the jurisdictional boundaries of the sanitation district.
- (2) (a) Effective July 1, 1995, the operational sewer and drainage system of each city located within the jurisdictional boundaries of the district, together with all assets, other than cash accounts, and liabilities of the system, as of January 1, 1994, including but not limited to, sewers, easements, manholes, pumping stations, force mains, and real property, shall become the property, personal and real, of the sanitation district.

- (b) If funds in a cash account are in escrow or otherwise contractually connected to a certificate of indebtedness related to the sewer and drainage system, the funds shall become the property of the district. If funds in a cash account are derived from a sewer user fee or sanitation bill surcharge, the city may use them to reduce its obligation to the district created by subsection (5)(a) of this section, or the city may return the funds to the citizens. If the funds in a cash account were generated from a general fund source and are not in escrow or otherwise obligated, the city may retain the funds for its own purposes.
- (3) Any city within the jurisdictional boundaries of the district may, before September 1, 1994, state by ordinance its intention not to become a part of the district. In this case, the provisions of subsection (2) of this section shall not apply, and the city shall retain ownership and control of and responsibility for its sewer and drainage system. The city shall be solely responsible for compliance with applicable regulations promulgated by the Energy and Environment Cabinet.
- (4) Any municipal subdistrict established prior to July 15, 1994, shall be dissolved effective July 1, 1995, and the assets and liabilities of the subdistrict, as of January 1, 1994, shall become the property, personal and real, of the sanitation district, unless the city, no later than September 1, 1994, provides by ordinance that the municipal subdistrict shall revert to the city. If the city provides for the reversion of the subdistrict to the city, the assets and liabilities of the subdistrict shall become the property, personal and real, of the city. The city shall be solely responsible thereafter for compliance with applicable regulations promulgated by the Energy and Environment Cabinet.
- (5)
 - (a) When a municipal subdistrict is dissolved pursuant to subsection (4) of this section, or a city sewer and drainage system is transferred pursuant to subsection (2) of this section, and its assets are transferred to the district, the city, or municipal subdistrict, shall pay the district fifty percent (50%) of the cost of necessary repairs to its facilities as identified through the district's sanitary sewer inspection program. These costs shall be payable upon completion of the repairs identified by the district, and may be paid by lump sum or in installments over a period of time agreeable to the city or the municipal subdistrict and the district.
 - (b) A city may continue its sewer maintenance surcharge until the accumulated principal plus interest thereon is sufficient to pay the charges levied by the district pursuant to paragraph (a) of this subsection.
 - (c) Any county that joins the district after July 15, 1994, may levy sewer surcharges or other fees, which shall be added to the customers' district bill for the purpose of enabling the county to pay pre-existing obligations to the district.
 - (d) For a period of ten (10) years, the district may grant to each city or county a credit for each new residential customer added which shall not exceed three hundred dollars (\$300) against the debt created by subsection (5)(a) of this section, or any other contractual liability pre-existing on June 30, 1994. The district may adopt a general policy establishing a credit of a different amount for each new nonresidential customer added.
- (6)
 - (a) After July 15, 1994, no new package sewage treatment plant shall be constructed or begin operation within the jurisdictional boundaries of the district unless the district, after review of the plans for construction and operation of the plant, approves the plans.
 - (b) After January 1, 1995, no privately owned package sewage treatment plant shall operate within the jurisdictional boundaries of the district unless it has been issued a permit by the district or by the Energy and Environment Cabinet.
 - (c) On or before January 1, 2000, the district shall assume ownership of all publicly owned package sewage treatment plants within its jurisdictional boundaries, including all assets and liabilities as of January 1, 1994, and all property, real and personal.
 - (d) The district shall plan for, and when economically feasible, transfer the function of sewage treatment from package plants to central treatment facilities.
- (7)
 - (a) Effective July 1, 1995, the district shall be responsible for the planning, construction, improvement, operation, and maintenance of all sewer and drainage facilities under its ownership, including combined sewer overflows, and for compliance with all applicable regulations promulgated by the Energy and Environment Cabinet.
 - (b) The district shall establish uniform rates for its services throughout its jurisdiction, and district rates shall vary only on the basis of consumption.

➔Section 279. KRS 220.536 is amended to read as follows:

- (1) When a petition for annexation of territory to a district is filed with the commissioner, he shall investigate at once the boundary of the territory proposed to be annexed, and may, at the cost of the district, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by annexation of the territory in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the district.
- (2) Should it be found desirable to include in the territory to be annexed by a district all or a portion of a city of the **home rule**~~[second, third, fourth, fifth or sixth]~~ class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.
- (3) When the boundaries of the territory proposed to be annexed have been fixed by the commissioner as prescribed in subsection (1) of this section, he shall give notice of the application for annexation of the territory by publication pursuant to KRS Chapter 424.
- (4) If a multicounty district proposes to annex the unincorporated territory of another contiguous county, and the fiscal court of the contiguous county expresses by resolution its approval of the annexation, then the commissioner shall accept the boundaries of the proposed annexation.

➔Section 280. KRS 224.43-315 is amended to read as follows:

- (1) Each county shall provide a universal collection program by October 1, 2003, for all municipal solid waste generated within the county. Collection programs may include one (1) or more of the following options:
 - (a) Door-to-door household collection: Collection service may be provided by the county, by contract, or franchise;
 - (b) Direct haul to staffed convenience centers or staffed transfer facilities within the county: The county may allow residents to haul their waste directly to cabinet-approved staffed convenience centers or staffed transfer facilities within the county. The number of convenience centers and transfer facilities shall be adequate to assure reasonable convenience; and
 - (c) Other alternatives proposed by counties: Counties may propose other alternatives including subscription service and unstaffed convenience centers, and the cabinet shall approve same as long as the county can demonstrate that all of its citizens are being given access to the solid waste collection system which is proposed.
- (2) Beginning October 1, 2003, all persons providing collection service, including collection for the purpose of recycling, shall register annually with the counties in which they provide the service.
- (3) Beginning March 1, 2004, all persons providing collection service, including collection for the purpose of recycling, shall report annually to the counties in which they provide the service. The reports shall include:
 - (a) The number of households, businesses, and industries from which municipal solid waste was being collected on October 1 of the previous year;
 - (b) The amount of municipal solid waste collected for disposal during the previous calendar year;
 - (c) The amount of municipal solid waste collected for recycling, by volume, weight, or number of items during the previous calendar year; and
 - (d) The types of items collected for recycling.
- (4) The county shall submit an annual report to the cabinet and to any waste management district of which it is a member detailing its solid waste collection activities in accordance with this section and any requirements established by the cabinet by administrative regulation.
- (5) The county may enter into agreements with any person for the performance of the responsibilities described in this section, including cities within its geographic boundaries, but the county shall be responsible for providing the universal collection program described in this section, except;
 - (a) Any **designated** city~~[of the first or second class]~~ having sole responsibility for developing its portion of the solid waste plan shall be responsible for providing the universal collection within its jurisdiction; **or**

- (b) ~~[-, and except -]~~Any city contracting for the collection of its solid waste on February 26, 1991, may continue to contract for the collection of its solid waste if the contract provides for disposal in accordance with the area solid waste management plan.
- (6) If a county or city fails to comply with the provisions of this section, the Commonwealth shall not endorse projects that generate solid waste under the Kentucky intergovernmental review process for the county or city.
- (7) A commercial or industrial entity which transports or contracts for the transport of the municipal solid waste it generates or which operates an industrial solid waste management facility for its exclusive use may be excluded from participation in the universal collection program, if the commercial or industrial entity demonstrates to the county that the solid waste generated is disposed of in accordance with applicable statutes and administrative regulations.
- (8) (a) *As used in this section, "designated city" means a city of the first class or a city on the registry maintained by the Department for Local Government under paragraph (b) of this subsection.*
- (b) *On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.*

➔Section 281. KRS 224.43-340 is amended to read as follows:

- (1) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 224 for the reduction and management of solid waste, consistent with the statewide solid waste reduction and management plan, the goals established by KRS 224.43-010, and the provisions of KRS Chapter 109.
- (2) Waste management districts, counties, or any combination thereof, shall confer and determine which shall submit to the cabinet a solid waste management plan. The plan shall address municipal solid waste management needs for the area. Each county shall be responsible for implementing the plan, except that any city ~~that develops~~~~[- of the first or second class having sole responsibility for developing -]~~ the portion of the area plan applicable to its jurisdiction ***under Section 280 of this Act*** shall be responsible for implementing the portion of the plan prepared by the city. However, if a county participates in a regional solid waste management area, then the governing body of the solid waste management area shall be responsible for implementing those components of the plan it is assuming on behalf of the county. However, the cabinet shall not disapprove a solid waste management plan for a single county if the plan complies with the requirements of KRS Chapter 224 and administrative regulations adopted by the cabinet. Plans shall be updated once every five (5) years. Plans may be amended and such amendments shall be submitted to the cabinet for review and approval. The review and approval of the cabinet shall be limited to a determination of whether the proposed amendments are in conformity with KRS 224.43-345 and the statewide solid waste reduction and management plan and KRS Chapter 224 and administrative regulations adopted by the cabinet.
- (3) A county may delegate responsibility for preparing all or portions of the plan to one (1) or more cities within the county. Such delegation of responsibility shall be made only with the mutual agreement of the city and county. Each city and county shall be included in a solid waste management plan.
- (4) ***Cities authorized under Section 280 of this Act***~~Any city of the first or second class~~ shall have the sole responsibility for developing and preparing the portion of the solid waste management plan applicable to the jurisdiction of the city, unless the city elects to have the county prepare the plan. If the city prepares the solid waste management plan for its jurisdiction, the city plan shall be incorporated within the area plan prior to its submission to the cabinet. The plan developed by the city, to the extent practicable, shall be reasonably consistent with the plan developed by the county. The cabinet, as a part of the area plan approval process, shall determine whether the city portion of the area plan is reasonably consistent with the overall area plan so as to effectuate the purposes of this chapter.
- (5) Cities, other than ***those authorized under Section 280 of this Act***~~[- of the first or second class -]~~, operating solid waste management facilities or services, or who contracted with a person to provide such services on or before July 13, 1984, and pay a pro rata share of the cost of plan development may assume joint responsibility with a county for plan development. Where joint responsibility for plan development is assumed, both the county fiscal court and city legislative body must adopt the plan before it is submitted to the cabinet for approval.
- (6) Counties, waste management districts, or any combination thereof preparing the solid waste management plan shall apply for and be designated as a solid waste management area. The application shall be submitted by June 1, 1991. The application shall include but not be limited to:

- (a) A brief description of existing disposal capacity and of the capability of the proposed area to effectively manage solid waste;
 - (b) Resolution of the fiscal courts of all counties in the proposed area approving the application for designation;
 - (c) Resolution of those city legislative bodies in the proposed area that are currently operating solid waste management facilities or services and will participate in and provide financial assistance in plan development;
 - (d) Any agreement or contract necessary to establish the proposed area; and
 - (e) Resolution of the boards of any existing waste management districts located within the proposed area approving the application for designation.
- (7) The jurisdiction of the solid waste management area shall be limited to the geographical area established or designated by the cabinet in accordance with the provisions of this chapter unless the preparer submits justification for any deviation therefrom acceptable to the cabinet.
 - (8) Upon receipt of such application, the cabinet shall, within thirty (30) days either approve the creation of a proposed solid waste management area or shall disapprove such application, and in the event of disapproval shall state in writing the reasons for such disapproval. Any changes in the application contents shall be submitted to the cabinet.
 - (9) Solid waste management areas shall be designated for five (5) year periods. At the end of five (5) years, the plan shall be updated and reapproved by the cabinet.
 - (10) If the cabinet does not receive on behalf of a county a solid waste management plan and the application for a solid waste management area in which the county will participate required by this section and KRS 224.43-345, the cabinet may develop a solid waste management plan for that county or may place that county in a designated solid waste management area.
 - (11) If the solid waste management plan for a county is not implemented, the Commonwealth shall not endorse projects that generate solid waste under the Kentucky intergovernmental review process for that county.
 - (12) The governing body of a solid waste management area may employ an enforcement representative to ensure compliance with applicable regulations of the cabinet relating to construction and operation of municipal solid waste management facilities. The enforcement representative shall possess at least minimum qualifications required of representatives of the cabinet performing similar functions.

➔Section 282. KRS 227.410 is amended to read as follows:

- (1) As used in this section:
 - (a) "Gas-fired heating device" means a gas burning appliance of either a gravity or mechanical circulation type, designed for the heating of air or of water in an enclosed structure;
 - (b) "Gas-fired room heating device of the unventable type" means a self-contained, free standing, air heating, gas-fired appliance, designed as a space heater for an enclosed structure; and
 - (c) "Enclosed structure" includes a room used for public assembly, educational, instructional, mercantile, office, or residential purposes (including manufactured homes, mobile homes, travel trailers, and houseboats).
- (2) No person, firm, or corporation shall sell at retail or wholesale, or offer or expose for sale at retail or wholesale any gas-fired room heating device of the unventable type, or other type which has not been approved as provided in KRS 234.175, except unvented heaters that are built and sold solely for the curing of tobacco, which if sold or used by any person for any other purpose shall subject him or her to the penalty set forth in KRS 227.991.
- (3) No person, firm, or corporation shall install in any room or enclosed structure any gas-fired room heating device of the unventable type or other type which has not been approved as provided in KRS 234.175.
- (4) No person, firm, or corporation may install any gas-fired heating device of the ventable type for use in any room or enclosed structure unless said device is vented in accordance with the provisions of the standards of safety of the Department of Housing, Buildings and Construction.

- (5) No person, firm, or corporation who may own a gas-fired heating device of the unventable type or a gas-fired heating device of the ventable type, which has not been approved as provided in KRS 234.175, or which does not conform to the provisions of the standards of safety of the department (all of which heating devices are referred to as "proscribed heaters" in this subsection and subsection (6) of this section), or who may occupy an enclosed structure in which such a proscribed heater is installed, shall continue to use or operate said proscribed heater after receipt of a written order described in subsection (6) of this section, and before the conditions contained in said order are met.
- (6) Cities ***with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census or urban-county governments***~~[of the first or second class]~~ may under ordinance duly enacted appoint inspectors or officers who have power to issue written orders directing owners of heaters or occupants of structures in which heaters are installed, to discontinue the use or operation of a proscribed heater and to specify conditions which must be met before said proscribed heater may again be used or operated. Said order may be issued if said authorized person has actual knowledge of the existence of a proscribed heater, and, in the opinion of said authorized person, the continued use or operation of said proscribed heater would constitute a danger to life or health; provided however, no person, agency, firm, or corporation (other than the owner, user, seller, or installer of a proscribed heater) shall be liable for civil damages for his or her or its failure to recognize a proscribed heater, for failure to issue the order described in this subsection, for complying with said order, for assisting with the compliance therewith, or for allowing the continued use or operation of a proscribed heater prior to receipt of said order.
- (7) This section shall not apply to liquefied petroleum gas heaters subject to the jurisdiction of the department under KRS Chapter 234, except those liquefied petroleum gas heaters sold or installed for residential usage.

➔Section 283. KRS 238.555 is amended to read as follows:

- (1) No person shall operate a charitable gaming facility unless the person is licensed under the provisions of this chapter. The department shall charge a license fee not to exceed two thousand five hundred dollars (\$2,500). Specific license fees to be charged shall be prescribed in a graduated scale promulgated by administrative regulation and based on the number of sessions which the facility holds per week or other applicable factors or combination of factors. Charitable gaming may be conducted in a charitable gaming facility only by a licensed charitable organization in accordance with the provisions of this chapter.
- (2) In the application process, an applicant for a charitable gaming facility license shall submit the following information:
 - (a) The address of the facility;
 - (b) A description of the facility to include square footage of the gaming area, capacity levels, and available parking;
 - (c) The names, addresses, dates of birth, and Social Security numbers of all individuals employed by or contracted with the applicant to manage the facility or provide other authorized services;
 - (d) The name, address, date of birth, and Social Security number of any individual who has a ten percent (10%) or greater financial interest in the facility;
 - (e) A copy of the lease agreement used by the applicant; and
 - (f) Any other information the department deems appropriate.
- (3) No owner, officer, employee, or contractee of a licensed charitable gaming facility or an affiliate, or any member of the immediate family of any officer, employee, or contractee of a licensed charitable gaming facility or an affiliate shall, concerning a lessee:
 - (a) Manage or otherwise be involved in the conduct of charitable gaming;
 - (b) Provide bookkeeping or other accounting services related to the conduct of charitable gaming;
 - (c) Handle any moneys generated in the conduct of charitable gaming;
 - (d) Advise a licensed charitable organization on the expenditure of net receipts;
 - (e) Provide transportation services in any manner to patrons of a charitable gaming activity;
 - (f) Provide advertisement or marketing services in any manner to a licensed charitable organization;
 - (g) Provide, coordinate, or solicit the services of personnel or volunteers in any manner;

- (h) Influence or require a licensed charitable organization to use a certain distributor or any particular gaming supplies; or
 - (i) Donate or give any prize to be awarded in the conduct of charitable gaming.
- (4) A licensed charitable gaming facility shall execute a lease agreement with each licensed charitable organization that desires to conduct charitable gaming at the facility. The licensed charitable gaming facility shall agree in the lease to provide gaming space, utilities, insurance for the premises, parking, tables and chairs, and other nongaming equipment necessary for the conduct of charitable gaming, adequate storage space, security, and janitorial services. The costs of the goods and services provided shall be itemized in the lease. A licensed charitable organization may elect to provide for itself any of the goods and services that a charitable gaming facility is required to provide under this subsection, provided these arrangements are clearly noted in the lease agreement, and provided the total compensation to be paid the charitable gaming facility is reduced commensurate with the cost of the goods and services as itemized in the lease. The amount of rent, goods, and services charged shall be reasonable and shall be based on prevailing market values in the general locality for the goods and services to be provided. Rent shall not be based in whole or in part, on a percentage of gross receipts or net proceeds derived from the conduct of charitable gaming or by reference to the number of people in attendance. The department by administrative regulation may establish standards for the determination of prevailing market values. A copy of each signed lease agreement shall be filed with the department. The provisions of this subsection shall apply to any lease agreement for a facility where charitable gaming is to be conducted, whether or not it is with a licensed charitable gaming facility.
- (5) The number of bingo sessions conducted at a charitable gaming facility shall be limited to the following:
- (a) No more than eighteen (18) sessions per week if the charitable gaming facility is located in ***one (1) of the following:***
 - 1. ***A city containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census;***
 - 2. ***An urban-county government;***
 - 3. ***A consolidated local government;***
 - 4. ***A charter county government; or***
 - 5. ***A county containing a city of the first class or a city containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***

~~[a city of the first class, in a city of the second class, in an urban-county, in a consolidated local government, or charter county government, or in a county containing a city of the first class or second class];~~
 - (b) No more than eight (8) sessions per week if the charitable gaming facility is located in a city ***other than those listed in paragraph (a) of this subsection***~~[of the third class, fourth class, fifth class, or sixth class]~~, or in a county that does not contain a city ***that is listed in paragraph (a) of this subsection***~~[of the first class or second class]~~.
- (6) A licensed charitable gaming facility shall report at least quarterly to the department and shall provide any information concerning its operation that the department may require.
- (7) A charity fundraising event at which special limited charitable games are played may be conducted at a licensed charitable gaming facility, but no licensed charitable gaming facility shall be permitted to hold more than one (1) such event per week or more than seven (7) per year.
- (8) A licensed charitable gaming facility shall conspicuously display a sign bearing the name and the license number of the charitable organization that is conducting charitable gaming activities in the facility.
- (9) The license to operate the charitable gaming facility shall be prominently displayed on or in the premises where charitable gaming activity is being conducted, in a conspicuous location that is readily accessible to gaming patrons as well as employees of the department, law enforcement officials, and other interested officials.

➔Section 284. KRS 281.014 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) (a) ***I.*** The term "city taxicab certificate" or "city limousine certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for

hire, the principal operation of which is confined to the corporate limits of a city of the first *class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census,~~[or second class or]~~ an urban-county *government*~~[area]~~ and the city's suburban area, or the corporate limits of any city and its suburban area located in a county which contains a city of the first *class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census,~~[or second class]~~ or an urban-county *government*~~[area]~~, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation.**

2. *A city not meeting the population requirements of subsection (1)(a)1. of this section that was classified as a city of the second class on January 1, 2014, under the city classification system in effect prior to January 1, 2015, shall be treated as if it meets the population criteria of subsection 1(a)1. of this section;*
 - (b) The term "county taxicab certificate" or "county limousine certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to a specific county which does not contain a city *meeting the qualifications of paragraph (a) of this subsection*~~[of the first or second class and is not an urban-county area]~~, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of the transportation;
 - (c) A "taxicab" means a motor vehicle operated under one (1) or more taxicab certificates, and is a vehicle designed or constructed to transport not more than fifteen (15) passengers exclusive of the driver;
 - (d) A "limousine" means a luxury motor vehicle passenger car which has either a standard or an extended wheelbase. The vehicle may have additional rear seating capacity, area, and comforts, but shall be designed or constructed to transport not more than fifteen (15) passengers plus the driver;
 - (e) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate;
 - (f) The term "limousine license" means a license plate issued to a limousine authorized to operate under a limousine certificate;
- (2) (a) An "airport shuttle certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport;
- (b) An "airport shuttle vehicle" means a motor vehicle operated under one (1) or more airport shuttle certificates and which is designed or constructed to transport not more than fifteen (15) passengers plus the driver;
- (c) The term "airport shuttle vehicle license" means a license plate issued for a motor vehicle authorizing its operation under one (1) or more airport shuttle certificates;
- (3) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee;
- (4) The term "driveaway" means the transporting and delivering of motor vehicles, except semitrailers, and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method, or any combination of them over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semitrailers shall not be included in the term;
- (5) (a) "Disabled persons vehicle" means a motor vehicle especially equipped and used for the transportation of persons with disabilities and which is in compliance with the accessibility specifications of 49 C.F.R. Part 38, but it shall be designed and constructed to transport not more than fifteen (15) passengers plus the driver. It shall not mean an ambulance as defined in KRS 311A.010. It shall not mean a motor vehicle equipped with a stretcher;
- (b) "Disabled persons carrier" means an irregular route common carrier for hire, transporting the general public who require transportation in disabled persons vehicles;

- (c) "Disabled persons certificate" means a certificate that grants authority only for the operation of a given number of disabled persons vehicles for hire, the principal operation of which is confined to a specific county;
- (6) "Human service transportation delivery" means the provision of transportation services to any person that is an eligible recipient in one (1) of the following state programs:
 - (a) Nonemergency medical transportation under KRS Chapter 205;
 - (b) Mental health, intellectual disabilities, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;
 - (c) Kentucky Works Program under KRS Chapter 194 or 205;
 - (d) Aging services under KRS Chapter 205, 209, 216, or 273;
 - (e) Vocational rehabilitation under KRS 151B or 157; or
 - (f) Blind industries or rehabilitation under KRS Chapter 151B or 163;
- (7) "Delivery area" means one (1) or more regions established by the cabinet in administrative regulations promulgated under KRS Chapter 13A for the purpose of providing human service transportation delivery in that region;
- (8) "Broker" means a person selected by the cabinet through a request for proposal process to coordinate human service transportation delivery within a specific delivery area. A broker may also provide transportation services within the specific delivery area for which the broker is under contract with the cabinet;
- (9) "Subcontractor" means a person who has signed a contract with a broker to provide human service transportation delivery within a specific delivery area and who meets human service transportation delivery requirements, including proper operating authority; and
- (10) "CTAC" means the Coordinated Transportation Advisory Committee created under KRS 281.870.

➔Section 285. KRS 281.635 is amended to read as follows:

Notwithstanding anything contained in this chapter:

- (1) All cities of the Commonwealth are vested with the power to sell franchises or, where no franchise is sold, grant authorizations for the operation of city buses over their streets and highways; provided, however, no person shall apply for or obtain any such franchise or authorization from any city without a prior finding by the Department of Vehicle Regulation, after a hearing, conducted pursuant to KRS 281.625, that there is a demand and necessity for the service sought to be rendered, which finding shall be valid and effective for a period of one (1) year from and after the date thereof, exclusive of any delay due to the order of any court. Upon certification by the department to a city that there is a demand and necessity for the service sought to be rendered, any city may award any duly qualified person a franchise or authorization covering the proposed operation. Upon acquiring a franchise or authorization, the holder thereof shall apply to the Department of Vehicle Regulation for a city bus certificate which shall be issued to the holder of the franchise or authorization without a hearing. The governing body of any city~~[of the first five (5) classes]~~ which does not have a city bus service may determine that there is a demand and necessity for a city bus service, and may thereafter apply to the Department of Vehicle Regulation for a city bus certificate to be operated by the city which may be issued without a hearing, if the department determines that it will be in the public interest. Unless a certificate is exercised within one (1) year from the grant thereof, exclusive of any delay due to the order of any court, the authority conferred by the issuance of the certificate of convenience and necessity shall be void.
- (2) The applicant for a certificate or renewal of a certificate to operate a city bus shall at the time of application file with the department a map or maps showing the route or routes and territory proposed to be served, together with a time schedule, and shall thereafter, during the license year, file only those additional maps or time schedules that the commissioner may require.
- (3) The governing body of any city~~[of the first four (4) classes]~~ in the Commonwealth in which city buses operate shall have supervisory and regulatory power over city buses, while operating in the city, and shall have authority to enforce all ordinances or regulations pertaining to routes, services, time schedules, and operation of the city buses and the drivers thereof, but any interested party may appeal to the department from any action, finding, or order of any city within thirty (30) days after the entry of the action, finding, or order, and a hearing shall be held before the department in the same manner as other hearings are held as provided for in

this chapter; however, any action, finding, or order of any city shall be sustained if there is substantial evidence or reason to support it; otherwise the department shall make the orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings, or orders of the city. Provided further, that where any city bus is subject to the regulatory powers of more than one (1) city and the regulations are in conflict or such as to impede the transportation facilities serving the cities, or the carrier is failing to furnish safe, adequate and convenient service to the public, the department may, upon complaint or on its own initiative, call a hearing and enter orders as are necessary and proper.

- (4) The governing body of any city~~[of the first five (5) classes]~~ in the Commonwealth in which taxicabs operate shall have supervisory and regulatory power over taxicabs certificated to operate in the city, and while operating in the city, and shall have authority to enforce all ordinances or regulations pertaining to the number and operation of taxicabs, but any interested party may appeal to the department from any action, finding, or order of any city within thirty (30) days after the entry of the action, finding, or order, and a hearing shall be held before the department in the same manner as other hearings are held as provided for in this chapter; however, any action, finding, or order of any city shall be sustained if there is substantial evidence or reason to support it; otherwise, the department shall make any orders that it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings, or orders of the city.
- (5) The governing body of any city~~[of the first five (5) classes]~~ in the Commonwealth is hereby vested with the exclusive power to prescribe the qualifications with respect to the health, vision, sobriety, intelligence, ability, moral character, and experience of the drivers of taxicabs certificated to operate in the city, and while operating in the city, and may issue permits for qualified drivers. However, any taxicab driver must also possess a Kentucky operator's license.
- (6) Until any city of the Commonwealth enacts ordinances or prescribes rules and regulations as may be reasonably necessary to exercise the prior powers delegated in this section to the cities respecting the supervision and regulation of city buses, taxicabs, and taxicab drivers, the department shall possess the powers and may promulgate administrative regulations reasonably necessary to supervise and control city buses, taxicabs, and taxicab drivers, having regard for the public safety and the public need for service.
- (7) If any city fails to exercise any of the authority granted it in this section, the authority shall be vested in the department.
- (8) The department may, under the provisions of this chapter, originate, establish, change, promulgate, and enforce any rate that has or may be fixed by any contract, franchise, or agreement between the holder of any city bus certificate and any city, and all rights and obligations arising out of any contract regulating any rate shall be subject to the jurisdiction and supervision of the department, but no rate shall be changed nor any contract, franchise, or agreement affecting it be abrogated or changed until a hearing has been conducted.
- (9) The governing body of a city shall not have authority over a motor vehicle that is being operated as a human service transportation delivery vehicle under a contract with the Transportation Cabinet in accordance with KRS 96A.095(4).

➔Section 286. KRS 281.6602 is amended to read as follows:

- (1) Any person or his predecessor in interest engaged as of July 1, 1996, in the transportation of persons pursuant to a valid taxicab or limousine certificate issued by the department, authorizing this activity in an area ***not meeting the requirements of subsection (1)(a) of Section 284 of this Act***~~[which is not located in a county containing a city of the first or second class or an urban county]~~, shall be issued a county taxicab certificate or county limousine certificate to authorize a continuation of the same operation, except the origin of the taxi or limousine trip may be anywhere in the authorized county rather than restricted to the city and its suburban area.
- (2) A certificate as of July 1, 1996, authorizing the transportation of persons pursuant to a valid taxicab or limousine certificate within or from an area which is located in a county ***meeting the requirements of subsection (1)(a) of Section 284 of this Act***~~[containing a city of the first or second class or an urban county]~~, shall not be changed as a result of KRS 281.6185 and this section.

➔Section 287. KRS 286.7-430 is amended to read as follows:

- (1) The capital stock of any such industrial loan corporation shall not be less than one hundred thousand dollars (\$100,000) if located in counties containing a city of the first ***class or a city with a population equal to or***

greater than twenty thousand (20,000) based upon the most recent federal decennial census~~[or second class]~~, or not less than fifty thousand dollars (\$50,000) if located in any other county. The amount of the capital stock shall be paid in full, and in money, before the corporation may transact any business other than that relating to its formation and organization.

- (2) At the time an industrial loan corporation applies for a certificate it shall file with the commissioner a statement verified by its president and secretary showing its assets and liabilities, and the address at which it proposes to operate its business. A separate certificate shall be required for each place of business.
- (3) Each industrial loan corporation at the time of making application shall pay sixty dollars (\$60) to the commissioner as a fee for investigating the application, and the additional sum of three hundred dollars (\$300) as an annual fee for the privilege of doing business for the period terminating on the succeeding January 15. If the application is filed after June 30 in any year, the payments shall be one hundred and fifty dollars (\$150) as a fee for the privilege of doing business in addition to the fee for investigation. The annual fee shall be paid for each place of business. In addition to the annual fee for the privilege of doing business, every corporation organized under the provisions of KRS 286.7-410 to 286.7-600 shall pay a fee for examinations by the Department of Financial Institutions, which fee shall be computed by the Department of Financial Institutions on the basis of fair compensation for time and actual expenses.

➔Section 288. KRS 241.160 is amended to read as follows:

- (1) The legislative body of any ***wet or moist city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first, second, third, or fourth class]~~ or a consolidated local government~~[in which traffic in alcoholic beverages is not forbidden by KRS Chapter 242]~~ shall by ordinance create the office of city alcoholic beverage control administrator, or shall assign the duties of this office to a presently established city office.
- (2) ***Except as provided in subsection (1)(b) of Section 289 of this Act, the legislative body of any wet or moist city with a population of less than three thousand (3,000) based on the most recent federal decennial census may, by ordinance, create the office of city alcoholic beverage control administrator or shall assign the duties of the office to a presently established office.***

➔Section 289. KRS 241.170 is amended to read as follows:

- (1) (a) The city administrator in each city of the first class or the administrator in a consolidated local government, and such investigators and clerks as are deemed necessary for the proper conduct of his office, shall be appointed by the mayor. The city administrator in each city of the first class or the administrator in a county containing a consolidated local government, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be coextensive with boundaries of the city of the first class or the boundaries of the county in a county containing a consolidated local government. They may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked in, without first obtaining a search warrant.
- (b) ***Only those cities with a population equal to or greater than three thousand (3,000) or more based upon the most recent federal decennial census, or those cities with a population of less than three thousand (3,000) based upon the most recent federal decennial census that had appointed an administrator prior to August 1, 2014, that are located***~~[If any city of the second, third, or fourth class]~~ in a county containing a consolidated local government ***are authorized to appoint an administrator. If a city authorized under this paragraph*** appoints its own administrator under ***this paragraph*** and KRS 241.160, the administrator of a consolidated local government in that county shall have jurisdiction over only that portion of the county which lies outside the corporate limits of such a city, unless the department determines that the city does not have an adequate police force of its own or pursuant to KRS 70.150, 70.160, 70.170, and 70.540.
- (2) The city administrator in each city, ***other than a consolidated local government***~~[of the second, third, or fourth class]~~ shall be appointed by the city manager if there is one. If there is no city manager, the city administrator shall be appointed by the mayor.
- (3) No person shall be an administrator, an investigator, or an employee of the city or a consolidated local government under the supervision of the administrator, who would be disqualified to be a member of the board under KRS 241.100.

➔Section 290. KRS 242.1238 is amended to read as follows:

- (1) Other provisions of the Kentucky Revised Statutes notwithstanding, ~~in a county containing a city of the third or fourth class,~~ a limited sale precinct election may be held in any precinct containing a horse racetrack. The election shall be conducted in the same manner as provided for in KRS 242.1292. Upon approval of the proposition, a Nonquota type 1 retail drink license may be issued in accordance with KRS 243.265. Nothing in this section shall be construed as authorizing the issuance of any alcoholic beverage licenses other than for the premises of a horse racetrack pursuant to KRS 243.260.
- (2) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (official name of the horse racetrack located in the designated precinct)?'".

➔Section 291. KRS 242.125 is amended to read as follows:

- (1) As used in this section, "city" or "cities" means a city or cities ***containing a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census***~~[of the first four (4) classes]~~.
- (2) A city shall not be deemed to be the "same territory" as that of a county within the meaning of KRS 242.030(5). A city shall have the right to determine its wet or dry status separate from a county's wet or dry status.
- (3) A dry or moist city may hold a local option election to take the sense of the city residents for establishing the city as a wet territory. If the majority of the votes are in favor of establishing the city as a wet territory, the whole city shall become wet territory by application of KRS 242.200.
- (4) Once a city votes under this section to become wet territory separate from the county, a countywide local option election establishing the county as dry or moist territory shall not cause the city to become dry or moist territory.
- (5) A wet city may hold a local option election to take the sense of the city residents for establishing the city as a dry or moist territory. If the majority of the votes are in favor of establishing the city as a dry or moist territory, the whole city shall become dry or moist territory by application of KRS 242.190.
- (6) If a city votes to become wet territory, a precinct of the city may hold a later election in conformity with this chapter to take the sense of the city precinct residents for establishing the city precinct as a dry or moist territory. If the majority of the votes are in favor of establishing the city precinct as a dry or moist territory, the city precinct shall become dry or moist territory by application of KRS 242.190.
- (7) If a city precinct becomes dry or moist territory separate from a wet city, the city precinct may hold a later election in conformity with this chapter, to take the sense of the city precinct residents for reestablishing the city precinct as a wet territory. If the majority of the votes are in favor of reestablishing the city precinct as a wet territory, the city precinct shall become wet territory by application of KRS 242.200.
- (8) A dry or moist county containing a wet city may hold a local option election to take the sense of the county residents for establishing the county as a wet territory. If the majority of the votes are in favor of establishing the county as a wet territory, the whole county shall become wet territory by application of KRS 242.200.
- (9) A wet county containing a wet city by separate city election under this section may hold a local option election to take the sense of the county residents for establishing the county as a dry or moist territory. If the majority of the votes are in favor of establishing the county as a dry or moist territory, the county territory outside the wet city limits shall become dry or moist territory by application of KRS 242.190.
- (10) Residents of any city, including a separately wet city, are residents of the county, and shall therefore be permitted to sign any petitions for, and vote in, county local option elections under this section.
- (11) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of county, city, or precinct)?'".
- (12) In any local option election under this section, the proposition to be voted upon shall state "Are you in favor of the sale of alcoholic beverages in (name of county, city, or city precinct)?".
- (13) The status of any moist territory approving limited alcoholic beverage sales through a previous election held under KRS 242.123, 242.124, 242.1242, and 242.1244, or any other limited local option election, shall not be affected by any outcome of any election held under this section. A territory's moist status may only be changed by a local option election on the original same moist election proposition.

- (14) ***Any city that does not meet the population requirements of subsection (1) of this section that held a separate city-wide election pursuant to subsections (1) to (4) of this section prior to January 1, 2015, shall maintain its wet status and shall be treated as a city as defined in this section for the purposes of subsections (5) to (13) of this section.***

➔Section 292. KRS 242.126 is amended to read as follows:

- (1) The adoption of urban-county government by a county~~[containing a city or cities of the first four (4) classes]~~ when the local option status of the county is different from any of the cities contained therein shall not affect the local option status of the county or any of the cities~~[of the first four (4) classes]~~ contained therein. The territorial boundaries in ~~the~~***any*** county~~[containing a city of the first four (4) classes]~~ shall survive the adoption of urban-county government for purposes of an election pursuant to KRS 242.125. The adoption of urban-county government shall not impede or affect the right of a county or city~~[of the first four (4) classes]~~ contained therein to determine its own local option status.
- (2) No part of this section shall apply to any urban-county government established prior to July 13, 1990.

➔Section 293. KRS 242.127 is amended to read as follows:

- (1) In any wet city ***with a population equal to or greater than three thousand (3,000) but less than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the fourth class]~~, an election may be held in the manner prescribed in this chapter to take the sense of the people of the city as to the sale of distilled spirits or wine by the drink for consumption on the premises in the city.
- (2) An election held pursuant to this section shall be city-wide.
- (3) ***The sale of distilled spirits or wine by the drink shall continue as authorized in this section in any city that does not meet the population requirements contained in this section that held an election pursuant to this section and KRS 242.129 prior to January 1, 2015.***

➔Section 294. KRS 242.1292 is amended to read as follows:

- (1) The provisions of this section shall be applicable ***only*** in any city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~ notwithstanding any other provisions of this chapter relating to the wet or moist status in any county, city, or territory which may be to the contrary.
- (2) In any city ***meeting the population requirements of subsection (1) of this section***~~[of the second class]~~ that is dry or moist in all or part of the city, and upon a determination that an economic hardship exists in one (1) or more of the voting precincts of the city in the manner prescribed in subsection (11) of this section, the governing body of the city shall by ordinance designate the precinct or precincts as a limited sale precinct or precincts and shall provide for an election to be held in the precinct or precincts to take the sense of the people of each precinct as to making that precinct wet territory. A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (official name of precinct)?'".
- (3) The election shall be held in the precinct or precincts in the manner prescribed in this chapter. The election shall not be deemed to be an election in the "same territory" within the meaning of subsection (5) of KRS 242.030.
- (4) The question shall be presented to the voters in conformance with the requirements of KRS 242.050 except that the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in (official name and designation of precinct)?".
- (5) If a majority of the votes cast in any limited sale precinct in which an election is held under this section are in favor of the sale of alcoholic beverages in that precinct, the governing body of the city shall by ordinance create or provide for the office of city alcoholic beverage control administrator.
- (6) The governing body of the city shall adopt the comprehensive regulatory ordinance covering the licensing and operation of establishments for the sale of alcoholic beverages, including, but not limited to, distilled spirits and malt beverages, within a limited sale precinct as set forth in this section. In relation to the ordinances established by a city ***meeting the population requirements of subsection (1) of this section***~~[of the second class]~~ under this subsection and subsection (7) of this section, review by the board, if any, shall be limited to a determination that the ordinances do not exceed the limits established for sale by statute, or administrative regulations promulgated by the board under those statutes. In its discretion the governing body shall provide without review by the board that:

- (a) Only three (3) licenses permitting the package sale at retail of alcoholic beverages shall be granted within the territorial limits of any limited sale precinct.
 - (b) Only four (4) licenses to sell alcoholic beverages by the drink for consumption on the premises by the general public shall be granted in any one (1) limited sale precinct. One (1) license in each limited sale precinct may be reserved for any newly established hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons. The remaining three (3) licenses may be granted to a hotel, motel, or inn meeting the aforesaid requirements or to bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons. Additional licenses to sell alcoholic beverages by the drink for consumption on the premises may be granted to social membership clubs established and maintained for the benefit of members of bona fide fraternal or veterans organizations.
- (7) The governing body of the city may also incorporate in the regulatory ordinance any other reasonable rules and regulations as it deems, necessary or desirable for the proper administration and enforcement of this section, for the maintenance of public order in a limited sale precinct, and for the issuance of any licenses permitted by KRS 243.070.
- (8) Notwithstanding any limitations imposed on the city's taxing or licensing power by KRS 243.070, once any limited sale precinct has been established as wet territory, the governing body of the city may impose a regulatory license fee upon the gross receipts of each establishment located therein and licensed to sell alcoholic beverages. The regulatory license fee may be levied at the beginning of each city budget period at the percentage rate as shall be reasonably estimated to fully reimburse the city for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city pursuant to KRS 243.070.
- (9) Subject to the limitation imposed by subsection (3) of this section, no provision contained in this section providing for the establishment of a limited sale precinct shall preclude or abridge the right of the constitutionally qualified voters of the precinct to petition for a subsequent election on the same question.
- (10) If an election is held pursuant to other provisions of KRS Chapter 242 in the city or the county in which a limited sale precinct is located for the purpose of taking the sense of the voters upon the question of the entire city or the entire county becoming dry, wet, or moist, the status of that question in a limited sale precinct shall be determined in the following manner:
- (a) The status of a limited sale precinct shall not be affected by any election for the entire city or the entire county if the limited sale precinct was established less than five (5) years prior to the date of the proposed election for the entire city or the entire county and if so the voters of any limited sale precinct shall not vote in the election.
 - (b) If the limited sale precinct was established more than five (5) years prior to the date of the proposed election for the entire city or the entire county, the voters within each limited sale precinct shall be presented with the question, "Are you in favor of continuing the sale of alcoholic beverages in (official name and designation of precinct) as a limited sale precinct?". No other question shall be presented to the voters of any limited sale precinct.
 - (c) The votes of each limited sale precinct shall be counted separately, and, if a majority of the votes cast in the limited sale precinct are in favor of continuing the sale of alcoholic beverages therein as a limited sale precinct, then the status shall continue within the precinct, except that if the city or the county in which the limited sale precinct is located votes wet in the remainder of the city or the county, the limited sale precinct status of any precinct may be terminated by the governing body of the city or the county and thereafter the status of the precinct shall be the same as that in effect for the remainder of the city or the county.
- (11) Any precinct located entirely within any city **meeting the population requirements of subsection (1) of this section**~~[of the second class]~~ that is dry in all or part of the city shall be designated as a limited sale precinct by the governing body of the city if:
- (a) The governing body determines to its satisfaction that the general trade, business, and economy of one (1) or more of the precincts within the city is substantially, adversely affected by the legal sale of alcoholic beverages in any neighboring or adjoining state, county, city, town, district, or precinct. For

the purpose of making this determination, the governing body may hold hearings, examine witnesses, or receive evidence as it believes necessary or desirable for the purpose; or

- (b) The governing body receives a petition signed by a number of constitutionally qualified voters of a precinct equal to thirty-three percent (33%) of the votes cast in the precinct at the last preceding general election requesting the governing body of the city to designate the precinct as a limited sale precinct. The petition may consist of one (1) or more separate units and shall be filed with the mayor of the city. In addition to the name of the voter, the petition shall also state his or her post office address and the correct date upon which his or her name is signed. Upon receipt of the petition, the mayor shall present it to the governing body of the city at its next regularly scheduled meeting and, after verifying that the petition is in compliance with the requirements of this section, the governing body shall forthwith by ordinance designate the precinct to be a limited sale precinct.

➔Section 295. KRS 243.033 is amended to read as follows:

- (1) A caterer's license may be issued as a supplementary license to a caterer that holds a quota retail package license, a quota retail drink license, an NQ1 license, an NQ2 license, or a limited restaurant license.
- (2) The caterer's license may be issued as a primary license to a caterer in any wet territory or in any moist territory established under KRS 242.125 for the premises that serves as the caterer's commissary and designated banquet hall. No primary caterer's license shall be issued to a premises that operates as a restaurant. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.
- (3) The caterer's license shall authorize the caterer to:
 - (a) Purchase and store alcoholic beverages in the manner prescribed in KRS 243.250, 243.280, and 244.310;
 - (b) Transport, sell, serve, and deliver malt beverages by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and malt beverages for a customer and his or her guests, in:
 - 1. Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least seventy percent (70%) of the gross receipts from the catering of both food and malt beverages; or
 - 2. All other wet territory if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and malt beverages;
 - (c) Transport, sell, serve, and deliver distilled spirits and wine by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and alcoholic beverages for a customer and his or her guests, in:
 - 1. Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least seventy percent (70%) of the gross receipts from the catering of both food and alcoholic beverages;
 - 2. Cities~~[of the fourth class]~~ and counties~~[containing cities of the fourth class]~~ established as wet or moist territory permitting distilled spirits and wine drink sales by ordinance under KRS 243.072 if the receipts from the catering of food at any catered event are at least fifty percent (50%) of the gross receipts from the catering of both food and alcoholic beverages; or
 - 3. All other wet territory in which the sale of distilled spirits and wine by the drink is authorized if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and alcoholic beverages;
 - (d) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a catered event; and
 - (e) Receive payment for alcoholic beverages served at a catered event on a by-the-drink or by-the-event basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.
- (4) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverage licenses or special temporary licenses have been issued. A caterer licensee may cater a fundraising event for which a special temporary distilled spirits and wine auction license has been issued under KRS 243.036.

- (5) A caterer licensee shall not cater distilled spirits and wine on Sunday except in territory in which the Sunday sale of distilled spirits and wine is permitted under the provisions of KRS 244.290 and 244.295. A caterer licensee shall not cater malt beverages on Sunday except in territory in which the Sunday sale of malt beverages is permitted under the provisions of KRS 244.480.
- (6) The location at which alcoholic beverages are sold, served, and delivered by a caterer, pursuant to this section, shall not constitute a public place for the purpose of KRS Chapter 222. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from the public place provisions of KRS Chapter 222.
- (7) The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.
- (8) The name and license numbers of the caterer shall be painted or securely attached, in a contrasting color, in a form prescribed by the board by promulgation of an administrative regulation, upon all vehicles used by the caterer to transport alcoholic beverages.
- (9) All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee not inconsistent with this section shall apply to the caterer licensee.
- (10) The caterer licensee shall maintain records as set forth in KRS 244.150 and in administrative regulations promulgated by the board.

➔Section 296. KRS 243.072 is amended to read as follows:

- (1) This section shall apply to any wet city ***with a population equal to or greater than three thousand (3,000) but less than eight thousand (8,000) based upon the most recent federal decennial census***~~[of the fourth class]~~ or county containing a wet city ***meeting the population requirements of this subsection***~~[of the fourth class]~~, notwithstanding any other provisions of this chapter relating to the sales of alcoholic beverages by the drink for consumption on the premises.
- (2) Upon a determination by the legislative body that an economic hardship exists within the wet city or county and that the sale of alcoholic beverages by the drink could aid economic growth, the legislative body may enact a comprehensive, regulatory ordinance covering the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink for consumption on the premises.
- (3) Nonquota type 2 (NQ2) retail drink licenses authorizing all types of alcoholic beverage sales shall only be issued to hotels and restaurants having dining facilities for not less than one hundred (100) persons.
- (4) The city or county legislative body may provide for the issuance of any licenses permitted by KRS 243.070, or the issuance of any other reasonable administrative regulations as may be necessary for the enforcement or administration of this section, except that any administrative regulation adopted shall conform to the requirements of KRS 241.190.
- (5) ***Any city or county enacting a comprehensive regulatory ordinance pursuant to this section prior to January 1, 2014, covering the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink for consumption on the premises is exempt from the application of the population requirements of subsection (1) of this section.***

➔Section 297. KRS 243.075 is amended to read as follows:

- (1) Notwithstanding the provisions of ***KRS 243.060 and***~~[KRS]~~ 243.070, in any ***qualified city in which the discontinuance of prohibition is effective by virtue of a local option***~~[of the third or fourth class that is wet or moist through an]~~ election held under KRS ***Chapter 242***~~[242.125]~~, the governing body of the city and the governing body of the county containing a ***qualified city***~~[of the third or fourth class]~~ is authorized to impose a regulatory license fee upon the gross receipts of each establishment therein licensed to sell alcoholic beverages. The regulatory license fee may be levied at the beginning of each budget period at a percentage rate as shall be reasonably estimated to fully reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city and county. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, except:
 - (a) A credit against a regulatory license fee in a city shall be allowed in an amount equal to any licenses or fees imposed by the city ***or county*** pursuant to ***KRS 243.060 or*** 243.070; and

- (b) In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.
- (2) Notwithstanding any limitations imposed on the city's or county's taxing or licensing power by KRS ~~243.060~~ or 243.070, a city or county that ***is moist through a local option election held under KRS 242.1244, or that issues licenses*** ~~qualifies~~ under KRS 243.072 may by ordinance impose a regulatory license fee upon the gross receipts of each establishment located therein and licensed to sell distilled spirits, wine, or malt beverages by the drink for consumption on the premises. The regulatory license fee may be levied annually at a rate as shall be reasonably estimated to fully reimburse the city or county for the estimated costs for any additional policing, regulatory, or administrative related expenses. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to KRS ~~243.060~~ or 243.070.
- (3) (a) ***As used in this section, "qualified city" means a city on the registry maintained by the Department for Local Government under paragraph (b) of this subsection.***
- (b) ***On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the third or fourth class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.***

➔Section 298. KRS 243.230 is amended to read as follows:

- (1) (a) Quota retail drink licenses and NQ2 retail drink licenses may be issued only for premises located within ***urban-county governments***, cities ***containing a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census*** ~~of the first, second, or third class~~, or elsewhere in counties containing ***an urban-county government or such a city*** ~~of the first, second, or third class~~ if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.
- (b) ***If one (1) or more quota retail drink licenses or NQ2 retail drink licenses have been issued to establishments in a city that does not meet the population requirements of paragraph (a) of this subsection or in a county that does not contain a city meeting the population requirements of paragraph (a) of this subsection prior to January 1, 2015, then that county or city shall continue to be treated in a manner as if the city or county meets the requirements of paragraph (a) of this subsection.***
- (2) Notwithstanding subsection (1) of this section, an NQ2 retail drink license may be issued to a restaurant with seating for fifty (50) patrons at tables in any wet territory, but a license issued under this subsection shall only have the privileges of a license issued under KRS 243.084(3).
- (3) Notwithstanding subsection (1) of this section, quota retail drink licenses and NQ2 retail drink licenses may be issued for premises located within a city ~~of the fourth class~~ in which the majority of votes cast in the most recent election held under KRS 242.127 and 242.129 were in favor of the proposition voted upon if the city has an adequate police force under ***Section 140 of this Act*** ~~KRS 95.710 and 95.760~~ to ***95.784***~~95.787~~.
- (4) Notwithstanding subsection (1) of this section, NQ2 retail drink licenses may be issued to qualifying premises located within a city ~~of the fourth class~~, or in a county ~~containing a city of the fourth class~~, if the city or county has enacted an economic hardship ordinance under KRS 243.072.
- (5) (a) Quota retail package licenses may be issued only for premises located within incorporated cities, or elsewhere in counties containing ***an urban-county government or a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census*** ~~of the first, second, or third class~~ if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.
- (b) ***If one (1) or more quota retail package licenses have been issued to establishments in a county that does not contain a city meeting the population requirements of paragraph (a) of this subsection prior to January 1, 2015, then that county shall continue to be treated in a manner as if the county meets the qualifications of paragraph (a) of this subsection.***
- (6) Notwithstanding subsection (5) of this section, the department may, after a field investigation, issue a quota retail package license to premises not located within any city if ***the county maintains an adequate police force under KRS 70.540 and 70.150 to 70.170, and if:***

- (a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor;
 - (b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and wine by the package and malt beverages, where applicable, and shall not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store, or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed.
- (7) No quota retail package license or quota retail drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

➔Section 299. KRS 243.260 is amended to read as follows:

- (1) A special temporary license may be issued in wet territory to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the board a necessity therefor exists. This license shall authorize the licensee to exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.
- (2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, reception, reunions, or similar occasions.
- (3) The holder of a special temporary license may sell, serve, and deliver distilled spirits, wine, or malt beverages by the drink, for consumption at the event only in:
 - (a) *Those cities and counties where quota retail drink licenses are authorized to be issued under Section 298 of this Act;*
 - (b) A city ~~[of the first, second, or third class, or a county containing a city of the first, second, or third class, or a city of the fourth class]~~ approving retail distilled spirits and wine sales under KRS 242.127 and 242.129; *or*
 - (c) *A city or county that has enacted an economic hardship ordinance under Section 296 of this Act.*
- (4) The holder of a special temporary license may only sell, serve, and deliver wine or malt beverages by the drink, for consumption at an event located in all other cities and counties not identified in subsection (3) of this section.
- (5) A special temporary license shall not be issued for an event held in moist territory where only limited alcoholic beverages drink sales have been approved through a moist local option election.

➔Section 300. KRS 244.290 is amended to read as follows:

- (1) (a) A premises that is licensed to sell distilled spirits or wine at retail shall be permitted to remain open during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city ***with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census,*** ~~[of the first, second, third, or fourth class or an]~~ urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city ***with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census,*** ~~[of the first, second, third, or fourth class]~~ adopts an ordinance that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open.
- (b) This subsection shall only apply in a ***wet or moist*** territory ~~[where prohibition is no longer in effect in whole or in part].~~
- (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county ~~[containing a city of the first, second, third, or fourth class]~~ shall not by ordinance or any other means:

1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city~~[of the first, second, third, or fourth class]~~ within that county; or
 2. Impose an action upon a city~~[of the first, second, third, or fourth class]~~ within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first *class, or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census*~~[or second class]~~ in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as provided in KRS 243.050, a premise for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:
- (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city *with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census*,~~[of the first, second, third, or fourth class or an]~~ urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city *with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census*~~[of the first, second, third, or fourth class]~~, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any *city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, or in any* county containing *such* a city~~[of the first, second, or third class or any city located therein]~~ in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:
- (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage income from the dining facilities from the sale of alcohol.
- (5) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a quota retail drink license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (6) Any city~~[of the fourth class]~~ or county~~[containing a city of the fourth class]~~ which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 243.072, may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
- (a) The special Sunday retail drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 243.072; and
 - (b) The licensed retailers selling distilled spirits and wine by the drink have applied to the state director and meet all other legal requirements for obtaining a special Sunday retail drink license.
- (7) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government, consolidated local government, charter county government, or unified local government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government, consolidated local government, charter county government, or unified local government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government, consolidated local government, charter county government, or unified local government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

- (8) *Any city or county that has lawfully enacted a regulatory ordinance pursuant to this section prior to August 1, 2014, shall be deemed to meet the requirements for doing so set out in this section and may continue to enforce the ordinance pursuant to the provisions of this section.*

➔Section 301. KRS 244.480 is amended to read as follows:

- (1) Except as provided in subsection (4) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
- (2) Except as provided in subsection (4) of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday.
- (3)
 - (a) A retailer may sell malt beverages during the hours the polls are open on a primary, or regular, local option, or special election day unless the retailer is located where the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, ~~or a~~ city ***containing a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census*** ~~of the first, second, third, or fourth class~~, or the fiscal court of a county containing ***such a city*** ~~an urban-county government or a city of the first, second, third, or fourth class~~, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance that prohibits the sale of alcoholic beverages or limits the hours and times in which alcoholic beverages may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day.
 - (b) This subsection shall only apply in a ***wet or moist*** territory ~~where prohibition is no longer in effect in whole or in part~~.
 - (c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the contrary, the fiscal court of a county ~~containing a city of the first, second, third, or fourth class~~ shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city ~~of the first, second, third, or fourth class~~ within that county; or
 2. Impose an action upon a city ~~of the first, second, third, or fourth class~~ within that county when that city has taken no formal action pursuant to this subsection.
- (4) The legislative body of an urban-county government, consolidated local government, charter county government, unified local government, ~~or a~~ city ***with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census*** ~~of the first, second, third, or fourth class~~ or ~~of a~~ county containing ***such a city*** ~~an urban-county government, consolidated local government, charter county government, unified local government, or a city of the first, second, third, or fourth class~~ in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday and any primary, or regular, local option, or special election day sales if the hours so fixed shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday.
- (5) *Any city or county that has lawfully enacted a regulatory ordinance pursuant to this section prior to August 1, 2014, shall be deemed to meet the requirements for doing so set out in this section and may continue to enforce the ordinance pursuant to the provisions of this section.*

➔Section 302. KRS 244.540 is amended to read as follows:

- (1) No licensee shall advertise any malt beverage by trade name, trade-mark or in any other manner within one hundred (100) feet of the property line of any school or church. The distance shall be by straight line.
- (2) Subsection (1) shall not apply to advertisements placed on the establishment of brewers or distributors in operation prior to March 7, 1938, nor to signs in position on March 7, 1938, nor to signs located in ***urban-county governments***, cities of the first ~~or second~~ class ***or cities containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census.***

➔Section 303. KRS 363.510 is amended to read as follows:

When used in KRS 363.510 to 363.850:

- (1) "Department" means the Kentucky Department of Agriculture.
- (2) "Commissioner" means the Commissioner of Agriculture.

- (3) "Division" means the Division of Regulation and Inspection.
- (4) (a) "Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any of the instruments and devices.
- (b) The term shall include instruments and devices used to measure internal moisture or density levels in unprocessed bulk tobacco if that moisture or density determination is used as a condition of sale or as part of a contractual sales agreement.
- (c) The term shall not include meters for the measurement of electricity, gas (natural or manufactured), or water when they are operated in a public utility system. Electricity, gas, and water meters are specifically excluded from the purview of KRS 363.510 to 363.850, and none of the provisions of KRS 363.510 to 363.850 shall apply to those meters or to any appliances or accessories associated with those meters.
- (5) "Sell" and "sale" mean barter and exchange.
- (6) "Director" means the state director of the Division of Regulation and Inspection.
- (7) "Inspector" means a state inspector of weights and measures.
- (8) ~~["Sealer" and "deputy sealer" mean, respectively, a sealer of weights and measures and a deputy sealer of weights and measures of a city of the first, second, or third class.~~
- ~~(9)]~~"Intrastate commerce" means all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Kentucky, and the phrase "introduced into intrastate commerce" defines the time and place at which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.
- ~~(9)(10)~~ "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive of any auxiliary shipping container enclosing packages that individually conform to the requirements of KRS 363.510 to 363.850. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be considered a commodity in package form.
- ~~(10)(11)~~ "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.
- ~~(11)(12)~~ "Nonconsumer package" or "package of nonconsumer commodity" means any commodity in package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.
- ~~(12)(13)~~ (a) "Barrel," when used in connection with fermented liquor, means a unit of thirty-one (31) gallons.
- (b) "Ton" means a unit of two thousand (2,000) pounds avoirdupois weight.
- (c) "Cord," when used in connection with wood intended for fuel purposes, means the amount of wood that is contained in a space of one hundred twenty-eight (128) cubic feet when the wood is ranked and well stowed.
- ~~(13)(14)~~ "Weight," as used in connection with any commodity, means net weight. If any commodity is sold on the basis of weight, the net weight of the commodity shall be used, and all contracts concerning commodities shall use net weight as their basis of weight.

➔Section 304. KRS 363.600 is amended to read as follows:

The director~~[, at least once every five (5) years, shall test the standards of weight and measure procured by any city or county for which the appointment of a sealer of weights and measures is provided by KRS 363.680, and shall approve the same when found to be correct, and he shall inspect such standards at least once every two (2) years. He]~~ shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, reporting his findings, in writing, to the supervisory board and the executive officer of the institution concerned.

➔Section 305. KRS 381.720 is amended to read as follows:

Whenever in the opinion of the legislative body of a city~~[of the first, second, third, fourth or fifth class]~~ a cemetery located within the boundaries of such city has been abandoned and the land comprising the said cemetery is needed for a public purpose, an ordinance may be enacted declaring such cemetery, as described by metes and bounds, to be abandoned and authorizing the city attorney to institute suit for the city or other governmental agency created by the city in the circuit court of the county in which the city is located against the property comprising the cemetery to declare the said cemetery abandoned and to vest title thereto in the said city, or any governmental agency created by it pursuant to or by authority of the Kentucky Revised Statutes.

➔Section 306. KRS 381.780 is amended to read as follows:

- (1) The maintenance of an outdoor toilet not connected to a septic tank or sewer system, hereinafter called an open toilet, within the boundaries of ***an urban-county government, a city of the first class, or a city of the home rule***~~[a city of the first or second]~~ class is hereby declared to be a public nuisance.
- (2) ~~[Any open toilet which presently exists shall be removed by the owner of the property upon which such toilet is located within two (2) years from June 18, 1970. Thereafter,]~~ When an open toilet is discovered, the director of sanitation or other responsible officer designated by the city legislative body shall give written notice to the property owner to remove the open toilet and fill the toilet pit within ten (10) days after the date of the notice. The notice shall be mailed to the last known address of the property owner, as it appears on the current tax assessment roll. Upon failure of the owner of the property to comply with the terms of the notice, the director of sanitation or other responsible officer designated by the ***urban-county government or*** city legislative body is authorized to send employees upon the property to remove the open toilet and fill the toilet pit.
- (3) The ***urban-county government or*** city shall have a lien against the property for the reasonable cost of labor and materials used in removing the open toilet and filling the toilet pit. The affidavit of the director of sanitation or other responsible officer designated by the ***urban-county government or*** city shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section, and shall be recorded in the office of the county clerk in the county where the ***urban-county government or*** city is located. The lien shall be notice to all persons from the time of its recording and shall bear interest at six percent (6%) per annum thereafter until paid.

➔Section 307. KRS 382.220 is amended to read as follows:

- (1) Except in counties having a courthouse district as provided in KRS 382.210, the fiscal court in each county containing ***an urban-county government or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~ may in its discretion direct the county clerk to have made in books prepared for that purpose general indexes of the records of all the real property in the county according to a system approved by the fiscal court ***or the legislative body of the urban-county government***. The county clerk shall advertise for bids for all the work necessary to install the system under specifications approved by the county judge/executive ***or mayor of the urban-county government*** and shall, with the approval of the fiscal court ***or the legislative body of the urban-county government***, enter into a contract with the lowest and best bidder for the work, after requiring him to give bond for the faithful performance of the contract in a sum to be fixed by the fiscal court ***or the legislative body of the urban-county government*** and approved by the county judge/executive ***or mayor of the urban-county government***, and when the work has been completed to its satisfaction, the fiscal court ***or the legislative body of the urban-county government*** shall direct the payment agreed upon out of the general fund of the county.
- (2) When general indexes are completed they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all real property within one (1) month from the time they are lodged for record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the clerk shall transcribe the defaced or injured records into new books, which shall be as valid in law as the original record.
- (3) In order that such additional indexes may be kept correctly and accurately, the fiscal court ***or the legislative body of the urban-county government*** may employ a competent person to keep the system of indexing and shall pay such person a sum not less than two thousand four hundred dollars (\$2,400) nor more than four thousand dollars (\$4,000) per annum, out of the general funds of the county.

➔Section 308. KRS 382.225 is amended to read as follows:

The fiscal court in counties having a population of less than seventy-five thousand (75,000) and an assessed valuation of more than one hundred million (100,000,000) and containing a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~[of the second class]~~ may in its

discretion direct the county clerk to have made in books proper for that purpose general indexes of all records in the office of the county clerk according to a system approved by the fiscal court. When the general indexes are thus completed they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all property within one (1) month from the date they are lodged for record, and when they are so indexed, the alphabetical cross-index of such instruments need no longer be preserved and when such records or any part of them become defaced or injured, the clerk shall transcribe the defaced or injured records into new books, and they shall be as valid in law as the original record. The fiscal court may in its discretion require the county clerk and his deputies to make such indexes as provided by this section without additional compensation or may allow the said clerk for his services rendered by him and his deputies reasonable compensation.

➔Section 309. KRS 424.220 is amended to read as follows:

- (1) Excepting officers of a city of the first class or a consolidated local government, a county containing such a city or consolidated local government, a public agency of such a city, consolidated local government, or county, or a joint agency of such a city, consolidated local government, and county, or of a school district of such a city, consolidated local government, or county, and excepting officers of a city ***with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census***~~of the second class~~ or an urban-county government, every public officer of any school district, city, consolidated local government, county, or subdivision, or district less than a county, whose duty it is to collect, receive, have the custody, control, or disbursement of public funds, and every officer of any board or commission of a city, consolidated local government, county, or district whose duty it is to collect, receive, have the custody, control, or disbursement of funds collected from the public in the form of rates, charges, or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held, or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. Pursuant to subsections (2) and (3) of KRS 91A.040, each city ***with a population of less than one thousand (1,000) based upon the most recent federal decennial census***~~of the sixth class~~ shall prepare an itemized, sworn statement of the funds collected, received, held, or disbursed by the city which complies with the provisions of this section.
- (2) The statement shall show:
 - (a) The total amount of funds collected and received during the fiscal year from each individual source; and
 - (b) The total amount of funds disbursed during the fiscal year to each individual payee. The list shall include only aggregate amounts to vendors exceeding one thousand dollars (\$1,000).
- (3) Only the totals of amounts paid to each individual as salary or commission and public utility bills shall be shown. The amount of salaries paid to all nonelected county employees shall be shown as lump-sum expenditures by category, including but not limited to road department, jails, solid waste, public safety, and administrative personnel.
- (4) The amount of salaries paid to all teachers shall be shown as a lump-sum instructional expenditure for the school district and not by amount paid to individual teachers. The amount of salaries paid to all other employees of the board shall be shown as lump-sum expenditures by category, including but not limited to administrative, maintenance, transportation, and food service. The local board of education and the fiscal court shall have accessible a factual list of individual salaries for public scrutiny and the local board and the fiscal court shall furnish by mail a factual list of individual salaries of its employees to a newspaper qualified under KRS 424.120 to publish advertisements for the district, which newspaper may then publish as a news item the individual salaries of school or county employees.
- (5) The officer shall procure and include in or attach to the financial statement, as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement.
- (6)
 - (a) The officer shall, except in a city publishing its audit in accordance with KRS 91A.040(6), within sixty (60) days after the close of the fiscal year cause the financial statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county, or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county clerk of the county and with the Auditor of Public Accounts.
 - (b) The appropriate officer of a ~~sixth class~~ city that has not conducted an annual audit under the provisions of KRS 91A.040(2) or (3) may publish a legal display advertisement meeting the

requirements of subsection (7)(b) of this section which shall satisfy the publication requirements set out in paragraph (a) of this subsection.

- (7) In lieu of the publication requirements of subsection (6) of this section, the appropriate officer of a city, including the appropriate officer of any municipally owned electric, gas, or water system, shall elect to satisfy the requirements of subsection (6) of this section by:
 - (a) Publishing an audit report in accordance with KRS 91A.040(6); and
 - (b) Publishing a legal display advertisement of not less than six (6) column inches in a newspaper qualified under KRS 424.120 that the statement required by subsection (1) of this section has been prepared and that copies have been provided to each local newspaper of general circulation, each news service, and each local radio and television station which has on file with the city a written request to be provided a statement. The advertisement shall be published within ninety (90) days after the close of the fiscal year.
- (8) The appropriate officer of a county shall satisfy the requirements of subsection (6) of this section by publishing the county's audit, prepared in accordance with KRS 43.070 or 64.810, in the same manner that city audits are published in accordance with KRS 91A.040(6).

➔Section 310. KRS 605.050 is amended to read as follows:

- (1) In counties containing a city of the first *class or a city with a population equal to or greater than twenty thousand (20,000) as of the most recent federal decennial census*~~[or second class]~~, the county judge/executive may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge/executive but shall be subject to the direction and control of the judges of the District Court in the performance of their duties. The officers shall be peace officers who shall possess all the powers of peace officers in carrying out the purposes of KRS Chapters 600 to 645. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his probation.
- (2) In counties containing an urban-county government, the mayor shall appoint a chief probation officer of the juvenile session of the District Court and such number of assistant probation officers, professional and clerical personnel as are reasonably necessary for the operation of the juvenile session of the District Court. Such officers shall receive reasonable salaries to be fixed by the urban-county council, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the urban-county treasury. The officers shall serve at the pleasure of the mayor but shall be subject to the direction and control of the judges of the District Court in the performance of their duties. The officers shall be peace officers who shall possess all the powers of peace officers in carrying out the purposes of KRS Chapters 600 to 645. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his probation.
- (3) In any county, the Chief District Judge may appoint or designate one (1) or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile session. Such volunteer probation officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court or the urban-county council, as appropriate, may authorize the payment of compensation and reasonable expenses out of the county or urban-county treasury of any such officers.

➔Section 311. KRS 78.531 is amended to read as follows:

- (1) Any member of a retirement system created pursuant to KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.310 to ~~90.410~~~~90.420~~, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.852 to 95.884, and KRS Chapter 96, notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban-county government has adopted the provisions of the County Employees Retirement System pursuant to KRS 78.520 to 78.852.
- (2) (a) If the city or urban-county government elects the alternate participation plan, as set forth in KRS 78.530(3), employee contributions made to the fund under authority of KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.400(1), 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.785, 95.852 to 95.884, or KRS Chapter 96 shall be paid to the County Employees Retirement System and credited to the individual member's account in the system for any employee electing to

terminate coverage under the provisions of this section. Any person who is an active member of the County Employees Retirement System on July 15, 1990, who withdrew from service prior to August 1, 1988, under any of the plans enumerated in this section and who was not granted a refund of his employee contributions, shall be refunded employee contributions with any interest specified in the applicable statute or plan, unless the employee has a vested account in the former plan, in which case he may elect to leave his contributions in the fund in order to receive a pension from the plan when he becomes eligible.

- (b) Proper credit for these employee contributions shall be given to the city or urban-county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3). The cost of participation for employees who withdrew from service and who were not granted a refund for employee contributions shall be based only upon the time period for which the contributions were made. The cost shall be computed by the County Employees Retirement System in a manner consistent with the calculation of other delayed contribution payments, and shall be paid by the employee.
- (3) If the city or urban-county government does not elect the alternate participation plan as set forth in KRS 78.530(3), the employee contributions paid into the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.785, 95.852 to 95.884, or KRS Chapter 96 by each employee electing to terminate coverage under the provisions of this section shall be refunded to the employee with interest as specified in the applicable statute or plan, unless the employee has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible.

➔Section 312. KRS 363.670 is amended to read as follows:

The powers and duties given to and imposed upon the director by KRS 363.600 to 363.660 and KRS~~[363.690 and]~~ 363.810 are hereby given to and imposed upon the deputy director and inspectors also when acting under the instructions and at the direction of the director.

➔Section 313. KRS 427.150 is amended to read as follows:

- (1) To the extent reasonably necessary for the support of an individual and his dependents in addition to property totally exempt under subsection (2) of this section, that individual shall be entitled to exemption of money or property received and rights to receive money or property for alimony, support, or separate maintenance.
- (2) An individual shall be entitled to exemption of the following property:
 - (a) An award under a crime victim's reparation law;
 - (b) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
 - (c) A payment, not to exceed seven thousand five hundred dollars (\$7,500), on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent;
 - (d) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
 - (e) Assets held, payments made and amounts payable under pensions exempt pursuant to KRS 61.690, 161.700,~~[427.120]~~ and 427.125; or
 - (f) The right or interest of a person in an individual retirement account or annuity, deferred compensation account, tax sheltered annuity, simplified employee pension, pension, profit-sharing, stock bonus, or other retirement plan described in the Internal Revenue Code of 1986, or Section 408 or 408A of the Internal Revenue Code, as amended which qualifies for the deferral of income tax until the date benefits are distributed. This exemption shall also apply to the operation of the Federal Bankruptcy Code, for the purpose of applying the provisions of 11 U.S.C. sec. 522(b)(3) in a federal bankruptcy proceeding and only to the extent otherwise allowed by applicable federal law. This exemption shall not apply to any amounts contributed to an individual retirement account or annuity, deferred compensation account, a pension, profit-sharing, stock bonus, or other qualified retirement plan or annuity if the contribution occurs within one hundred twenty (120) days:
 - 1. Before the debtor files for bankruptcy if this exemption is being applied in a federal bankruptcy proceeding; or

2. Before the earlier of the entry of the judgment or other ruling against the debtor or the issuance of the levy, attachment, garnishment, or other execution or order against which this exemption is being applied, if this exemption is being applied in other than a federal bankruptcy proceeding. This exemption shall not apply to the right or interest of a person in an individual retirement account or annuity, deferred compensation account, pension, profit-sharing, stock bonus, or other retirement plan to the extent that that right or interest is subject to any of the following:
 - a. An order of a court for payment of maintenance;
 - b. An order of a court for payment of child support.

➔Section 314. The following KRS sections are repealed:

- 70.330 Vacancy in constable's office in district containing city of sixth class -- Marshal may act as.
- 81.010 Classification of cities.
- 81.025 Laws applicable to city established by order applicable until reassignment by General Assembly.
- 81.026 Effect of reclassification of city on existing ordinances and officers.
- 81.032 Requirements for reclassification of an incorporated area.
- 81.034 Recording of data by General Assembly.
- 81.036 Recording of reclassification with Secretary of State.
- 81.045 City identity documents to be filed with the Secretary of State -- Effect of noncompliance.
- 81A.520 Annexation of impoundments of water by cities of the fifth class.
- 83A.110 Staggered terms for legislative body members.
- 90.420 Rights under former acts preserved.
- 92.240 Board of equalization in cities of second class.
- 92.250 Board of supervisors in cities of third class.
- 92.260 Supervisors of taxes in cities of the fourth class.
- 92.270 Board of equalization in cities in fifth and sixth classes.
- 92.310 Licenses, how granted in cities of fifth and sixth classes.
- 92.320 Licenses for horse-drawn vehicles, business authorized by.
- 92.410 Definitions for purposes of assessment and taxation.
- 92.420 Assessment date for city taxation.
- 92.430 Assessment lists and assessment procedure in cities of second class.
- 92.440 Equalization of assessments in cities of second class.
- 92.450 Omitted property, action to assess in cities of second class.
- 92.460 Assessment list and assessment procedure in cities of third class.
- 92.470 Omitted property or irregular or improper assessment in cities of third class.
- 92.480 Equalization of assessments in cities of third class.
- 92.490 Assessment list and assessment procedure in cities of fourth class -- Census.
- 92.500 Assessment in wrong name in cities of fourth class -- Failure to give true list of taxable property -- Omitted property.
- 92.510 Equalization of assessments in cities of fourth class.
- 92.520 Assessment list and assessment procedure in cities of fifth and sixth classes.
- 92.530 Equalization of assessments in cities of fifth and sixth classes.

- 92.540 Manner of assessment, levy and collection, how regulated by ordinance in cities of second, fifth and sixth classes.
- 92.550 City tax records in cities of second class constitute notice -- Irregular tax proceedings.
- 92.560 Tax bills, how made out and delivered in cities of second class.
- 92.570 Tax bills, how made out and delivered in cities of third class.
- 92.580 Tax bills, how made out and delivered in cities of fourth class.
- 92.590 Time and manner of paying taxes in cities of second, third and fourth classes -- Discounts, interest and penalties.
- 95.497 Hours of work and annual leave for members of police department -- Cities of third class.
- 95.710 Qualifications of members of police and fire departments.
- 95.715 Firefighters, hours off duty -- Cities of fourth class.
- 95.760 Oath of policemen.
- 95.787 Arrested persons, where kept in cities of fourth or fifth class.
- 95.850 Disability, medical, and hospital benefits for members of police and fire departments.
- 96.165 City classified from third class to second class to continue operation of combined electric and water system under provisions of KRS 96.171 to 96.188 -- When.
- 96.210 Power of fifth-class city to furnish water and light.
- 96.220 Power of sixth-class city to furnish water and light.
- 198B.110 Effective dates for Uniform State Building Code -- Exemptions.
- 242.1297 Election in a precinct in a city of the third class where the entire city is wet territory.
- 363.680 City sealer of weights and measures in cities of first three classes.
- 363.690 Powers of city sealer and deputies -- Concurrent powers of director.
- 427.120 Police and firefighters' pension fund in cities of the first, second, and third classes -- Exempt from process in some cases.

➔Section 315. (1) In order for the Department for Local Government to fulfill its responsibilities for creating the registries as set out in Sections 10, 40, 41, 44, 91, 92, 112, 117, 118, 150, 280, and 297 of this Act, the Department shall take all necessary steps and actions to have those registries in place no later than January 1, 2015.

(2) In order for the Department of Education to fulfill its responsibilities for creating the registries as set out in Sections 223, 224, 226, 227, 228, and 238 of this Act, the Department shall take all necessary steps and actions to have those registries in place no later than January 1, 2015.

➔Section 316. Sections 1 to 314 of this Act take effect on January 1, 2015.

Signed by Governor April 10, 2014.

CHAPTER 93

(HB 337)

AN ACT relating to the application of military service and other experience toward the licensing of heating, ventilation, and air conditioning professionals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS 198B.650 TO 198B.689 IS CREATED TO READ AS FOLLOWS:

If an applicant for a master heating, ventilation, and air conditioning contractor's license or journeyman heating, ventilation, and air conditioning mechanic's license presents the board with proof of training and experience equivalent to the training and experience requirements of subsection (1) or (2) of Section 3 of this Act, whichever is applicable, acquired while serving as a member of the United States Armed Forces, Reserves, or National Guard, and actively engaged in that occupation as part of his or her military duties for not less than two (2) years as annotated on the Department of Defense Form DD 214, the board shall accept that training and experience. The applicant shall meet the remaining applicable qualification requirements set forth in subsection (1) or (2) of Section 3 of this Act.

➔Section 2. KRS 198B.664 is amended to read as follows:

- (1) Every~~[master heating, ventilation, and air conditioning contractor's license and journeyman heating, ventilation, and air conditioning mechanic's]~~ license issued by the board may be renewed annually, *on or before the last day of the licensee's birth month*, upon payment of a renewal fee *as established in administrative regulations promulgated by the board*. Failure to renew shall cause the license to expire.
- (2) *A sixty (60) day grace period shall be allowed after the expiration of the license during which time the licensee may continue to practice and may apply to restore his or her license upon payment of the renewal fee plus a restoration fee as established in administrative regulations promulgated by the board, and upon the provision of*~~Applications for restoration may be made within ninety (90) days of expiration of a license upon payment of the renewal fee, payment of a restoration fee, and if]~~ applicable proof of insurance as required by KRS 198B.668.
- (3) *A license that is not restored before the end of the sixty (60) day grace period shall immediately terminate. Upon termination of the license, the former licensee shall be ineligible to practice in the Commonwealth until he or she thereafter satisfies all applicable licensing requirements in accordance with this chapter.*
- (4) *After the sixty (60) day grace period, a former licensee with a terminated license may apply to have the license reinstated upon payment of the renewal fee plus a reinstatement fee as established in administrative regulations promulgated by the board. An applicant for reinstatement shall not be required to submit to any examination as a condition of reinstatement if the reinstatement application is made within three (3) years from the date of termination.*
- (5) *Notwithstanding the requirements of this section, an applicant for renewal, restoration, or reinstatement shall satisfy all other applicable qualifications for licensure as required by this chapter and the administrative regulations promulgated hereunder.*
- (6) Those persons ~~[previously]~~licensed by the board ~~[as a master heating, ventilation, and air conditioning contractor]~~and not engaged in the practice of heating, ventilating, and air conditioning ~~[contracting]~~in the Commonwealth may apply *for* and be granted inactive status by the board in accordance with administrative regulations promulgated by the board. *A licensee*~~[Licensees]~~ granted inactive status shall not retain the right to statewide practice of heating, ventilation, and air conditioning~~[contracting]~~. An inactive license shall not be a valid license. A licensee on inactive status may petition the board for restoration of a license to practice actively. The petitioner shall pay a reactivation fee, ~~satisfy~~*provide proof of the satisfaction of* all other requirements as *established in administrative regulations promulgated*~~[determined]~~ by the board, and, *if applicable*, obtain the insurance as required by KRS 198B.668.

➔Section 3. KRS 198B.658 is amended to read as follows:

- (1) *An applicant for a master heating, ventilation, and air conditioning contractor's license shall:*
 - (a) *Be at least eighteen (18) years of age;*
 - (b) *Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;*
 - (c)
 1. *Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades as a journeyman heating, ventilation, and air conditioning mechanic for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor; or*
 2. *Have been regularly and principally employed or engaged in the practice of heating, ventilation, and air conditioning contracting as a master heating, ventilation, and air conditioning contractor, or equivalent thereof, for not less than five (5) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;*

- (d) *Have passed an examination prescribed by the board to determine the applicant's competency to practice heating, ventilation, and air conditioning contracting; and*
- (e) *Have paid a fee as established in administrative regulations promulgated by the board.*

~~[The board shall issue a master heating, ventilation, and air conditioning contractor's license to any person who:~~

- ~~(a) — Is at least eighteen (18) years of age;~~
- ~~(b) — Has been regularly and principally employed or engaged in the heating, ventilation, and air conditioning trades as a journeyman heating, ventilation, and air conditioning mechanic for not less than two (2) years, under the direction and supervision of a master heating, ventilation, and air conditioning contractor; and~~
- ~~(c) — Has passed an examination prescribed by the board to determine competency to practice heating, ventilation, and air conditioning contracting.]~~

(2) *An applicant for a journeyman heating, ventilation, and air conditioning mechanic's license shall:*

- (a) *Be at least eighteen (18) years of age;*
- (b) *Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;*
- (c) *1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor; or*
2. Have been regularly and principally employed or engaged in the performance of heating, ventilation, and air conditioning work for not less than four (4) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
- (d) *Have passed an examination prescribed by the board to determine the applicant's competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems; and*
- (e) *Have paid a fee as established in administrative regulations promulgated by the board.*

~~[The board shall issue a journeyman heating, ventilation, and air conditioning mechanic's license to any person who:~~

- ~~(a) — Is at least eighteen (18) years of age;~~
- ~~(b) — Has been regularly and principally employed or engaged in the heating, ventilation, and air conditioning trades for not less than two (2) years, under the direction and supervision of a master heating, ventilation, and air conditioning contractor, or who prior to July 1, 1995, under the direction and supervision of a person who qualifies under KRS 198B.662; and~~
- ~~(c) — Has passed an examination prescribed by the board to determine competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems.]~~

(3) *If an applicant has obtained, while exempt from licensure under 198B.674(2), (7), (8), (10), (13), or (14), work experience that the board determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, such experience may be considered as equivalent to one (1) year of employment toward the licensure requirements for a master heating, ventilation, and air conditioning contractor or journeyman heating, ventilation, and air conditioning mechanic, as applicable, not to exceed one (1) year.*

(4) *The board shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who is registered with the board.*

- (a) *The board shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Kentucky Labor Cabinet, Department of Workplace Standards, in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall*

be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.

- (b) The apprentice register shall include the name, address, Social Security number, employer, and dates of employment of the apprentice.
- (c) The apprentice shall notify the board in writing of any change in address or employer.
- (d) Apprentices and pre-apprentices shall not be required to pay fees for a certificate of registration or a registration renewal fee.

~~(5)(4)~~ The satisfactory completion of one (1) academic year of a board-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment ***toward the licensure requirements for a journeyman heating, ventilation, and air conditioning mechanic***~~[required by subsection (2)(b) of this section]~~, not to exceed one (1) year.

~~(6)(5)~~ The satisfactory completion of one (1) academic year of teaching experience in a board-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection ~~(1)(c) or (2)(c)(1)(b) or (2)(b)~~ of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection ~~(1)(c) or (2)(c)(1)(b) or (2)(b)~~ of this section.

➔Section 4. The following KRS section is repealed:

198B.662 Qualifications for journeyman heating, ventilation, and air conditioning mechanic's license.

Signed by Governor April 10, 2014.

CHAPTER 94

(HB 343)

AN ACT relating to the criminal justice system.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 431.215 is amended to read as follows:

- (1) If the judgment imposes a sentence of death or confinement in the penitentiary, county jail or other institution, two (2) certified copies thereof shall be furnished forthwith to the sheriff who shall execute the same by delivering the defendant and a certified copy of the judgment to the person in charge of the penitentiary, jail or institution of confinement and making a written return thereof in the office of the circuit clerk within ten (10) days after the execution.
- (2) When the judgment imposes a sentence of death or confinement in the penitentiary, the county in which the prisoner is incarcerated shall receive from the State Treasury a fee per day beginning on the ~~the fifth day following the~~ day on which judgment was rendered and ending the day that the defendant is delivered to the penitentiary. The fee shall be paid to the county treasurer for use for the incarceration of prisoners as provided in KRS 441.025.

➔Section 2. KRS 441.045 is amended to read as follows:

- (1) The county governing body shall prescribe rules for the government, security, safety, and cleanliness of the jail and the comfort and treatment of prisoners, provided such rules are consistent with state law. The county judge/executive may inspect the jail at any reasonable time.
- (2) Willful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.
- (3) Except as provided in subsections (4) and (5) of this section, the cost of providing necessary medical, dental, and psychological care for indigent prisoners in the jail shall be paid from the jail budget.

- (4) The cost of providing necessary medical, dental, or psychological care for prisoners of the United States government shall be paid as provided by contract between the United States government and the county or as may otherwise be provided by federal law.
- (5)
 - (a) The cost of providing necessary medical, dental, or psychological care, beyond routine care and diagnostic services, for prisoners held pursuant to a contractual agreement with the state shall be paid as provided by contract between the state and county. The costs of necessary medical, dental, or psychological care, beyond routine care and diagnostic services, of prisoners held in the jail for which the county receives a per diem payment shall be paid by the state.
 - (b) To the extent that federal law allows and federal financial participation is available, for the limited purpose of implementing this section, the jail, the department, or the department's designee is authorized to act on behalf of an inmate for purposes of applying for Medicaid eligibility.
- (6) The cost of providing necessary medical, dental, or psychological care for prisoners held pursuant to a contractual agreement with another county or a city shall be paid as provided by contract between the county or city and county.
- (7)
 - (a) When the cost of necessary medical, dental, or psychological care for a prisoner exceeds one thousand dollars (\$1,000), as calculated by using the maximum allowable costs to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, the state shall reimburse the county for that portion of the costs that exceeds one thousand dollars (\$1,000). The reimbursement shall be subject to the following terms and conditions:
 - 1. The care is necessary as defined in subsection (10) of this section;
 - 2. The prisoner is indigent as defined in subsection (8) of this section, or is uninsured; and
 - 3. No state reimbursement to the county for care provided by physicians, hospitals, laboratories, or other health care providers shall exceed the maximum payments allowed to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, except as provided in subsection (11) of this section.
 - (b) A county may assign its ability to receive payment from the state under this subsection to the person providing the medical, dental, or psychological care to the prisoner, which assignment shall be accepted by the provider for the purposes of submitting billing directly to the state. The state shall pay or deny a claim submitted to it within ninety (90) days of receiving the claim. The county shall include with the assignment the information required by subsection (8) of this section necessary to qualify the prisoner as indigent. The provider shall bill for any other public or private health benefit plan or health insurance benefits available to the prisoner prior to billing the state under this subsection, and shall bill the state prior to billing the county. The county shall retain ultimate payment responsibility as established under subsection (3) of this section, and the provider may bill the county for payment after the expiration of ninety (90) days from the date the provider submitted the claim to the state for payment if the claim remains unpaid at that time.
- (8)
 - (a) The determination of whether a prisoner is indigent shall be made pursuant to KRS 31.120, and may be evidenced by the affidavit of indigency required by that statute or the appointment of a public defender under that statute. The prisoner shall not be considered indigent, in the case of prisoner medical care, if:
 - 1. The prisoner has funds on his inmate account to cover all or a portion of his medical expenses;
 - 2. The prisoner's medical expenses are covered on a medical insurance policy; or
 - 3. The prisoner has the private resources to pay for the use of the medical facilities.
 - (b) Prisoners who are later determined not to have been indigent, or who at a time following treatment are no longer indigent, shall be required to repay the costs of payments made pursuant to this section to the unit of government which made the payment.
- (9) The terms and conditions relating to any determination of nonindigency and demands for repayment shall be under the same terms and conditions as are provided under KRS Chapters 31 and 431 relating to similar circumstances in the program for defense of indigents by the public advocate.
- (10) For the purposes of this section, "necessary care" means care of a nonelective nature that cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner.

- (11) Any money appropriated for a given fiscal year to fund the state's obligation under subsection (7) of this section which remains unspent at the end of the year shall not lapse but shall be made available to satisfy, to the maximum extent possible, that portion of each catastrophic claim made during said year above the threshold amount for which the county did not receive state assistance pursuant to subsection (7) of this section. In the event there is an insufficient surplus to satisfy said balance of all such catastrophic claims which are made during that year, the state shall pay to those qualified counties, on a per claim basis, an amount equal to each claim's percentage of the total surplus. Should the surplus be sufficient to satisfy all such catastrophic claims, the amount remaining, if any, shall not lapse but shall be carried forward to the next fiscal year to be made available for future catastrophic claims.
- (12) Notwithstanding other provisions of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a prisoner who has the ability to pay for the medical care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical treatment because he has insufficient funds on his inmate account. This subsection shall not preclude other recovery of funds as provided in this section.
- (13) (a) Notwithstanding any other provision of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a state prisoner who has been placed in a local jail pursuant to a contract with the Department of Corrections under KRS 532.100 or other statute, and who has the ability to pay for medical care.
- (b) Funds may be deducted from the state prisoner's inmate account at the jail.
- (c) A state prisoner shall not be denied medical treatment because he or she has insufficient funds in his or her inmate account.
- (d) This subsection shall not preclude other recovery of funds as provided in this section.
- (e) This subsection does not authorize recovery of funds from a prisoner for medical care which has been paid or reimbursed by the state pursuant to this section.
- (14) Except as provided in subsection (4)~~, (5), or (8)~~ of this section, all payments for necessary medical, dental, or psychological care for jail, regional jail, or holdover prisoners shall be made at a rate not to exceed the Medicaid rate for the same or similar services, which shall be paid within thirty (30) days under the provisions of KRS 65.140 of receiving a claim from the health facility or provider for the item or service. This subsection shall not obligate the Medicaid program to pay for services provided to a prisoner.
- (15) (a) A peace officer or correctional officer having custody of a person shall not release the person from custody so that the person may receive treatment from a health care facility or health care provider, except pursuant to an order issued by a court of competent jurisdiction which specifically names the person to receive treatment.
- (b) A peace officer or correctional officer having custody of a person may take the person to a health care facility or health care provider for the purpose of receiving treatment if a correctional officer remains with the person during the time the person is on the premises of the health care facility or health care provider, unless the facility or provider consents to the absence of the officer.
- (c) A county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility shall not be responsible for paying for the medical or other health care costs of a person who is released by a court of competent jurisdiction, except where the release is for the purpose of receiving medical or other health care services as evidenced by an order requiring the person to return to custody upon completion of treatment.
- (d) When a county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility is responsible for paying for medical or other health care costs under paragraph (c) of this subsection, payment shall be made only at the Medicaid rate for same or similar services.
- (e) For the purposes of this subsection, "correctional officer" includes a:
1. Jailer or deputy jailer;
 2. Director or other person in charge of a local detention center, local correctional facility, or regional jail; and

3. Correctional officer employed by a local detention center, local correctional facility, or regional jail.

➔Section 3. KRS 520.010 is amended to read as follows:

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation, or posted institutional rule or order;
- (2) "Custody" means restraint by a public servant pursuant to a lawful arrest, detention, or an order of court for law enforcement purposes, but does not include supervision of probation or parole or constraint incidental to release on bail;
- (3) "Dangerous contraband" means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substances, any quantity of an alcoholic beverage, and any quantity of marijuana, **cell phones**, and saws, files, and similar metal cutting instruments;
- (4) "Detention facility" means any building and its premises used for the confinement of a person:
 - (a) Charged with or convicted of an offense;
 - (b) Alleged or found to be delinquent;
 - (c) Held for extradition or as a material witness; or
 - (d) Otherwise confined pursuant to an order of court for law enforcement purposes;
- (5) "Escape" means departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period; and
- (6) As used in this section and KRS 520.015, "penitentiary" includes any facility operated by the Department of Corrections and the confines of any work detail or other detail, whether under guard or not, under the custody and control of the Department of Corrections.

➔Section 4. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

- (1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
 3. Sex crime;
 4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
 5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
 6. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
 7. Use of a minor in a sexual performance, as set forth in KRS 531.310;
 8. Sexual abuse, as set forth in KRS 510.120 and 510.130;
 9. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);

10. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
 11. Any attempt to commit any of the offenses described in subparagraphs 1. to 10. of this paragraph; and
 12. Solicitation to commit any of the offenses described in subparagraphs 1. to 10. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;
- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;
- (5) "Registrant" means:
- (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
 1. A sex crime; or
 2. A criminal offense against a victim who is a minor; or
 - (b) Any person required to register under KRS 17.510; or
 - (c) Any sexually violent predator; or
 - (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;
- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, DNA sample, a photograph, aliases used, residence, electronic mail address and any instant messaging, chat, or other Internet communication name identities, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
- (a) A felony offense defined in KRS Chapter 510, or KRS 530.020, 530.064(1)(a), 531.310, ~~or~~ 531.320, **or 531.335**;
 - (b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or
 - (c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;
- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;
- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and
- (14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

➔Section 5. KRS 197.045 is amended to read as follows:

- (1) Any person convicted and sentenced to a state penal institution:
 - (a) Shall receive a credit on his or her sentence for:
 1. Prior confinement as specified in KRS 532.120;
 2. Successfully receiving a general equivalency diploma or a high school diploma, a two (2) or four (4) year college degree, a two (2) year or four (4) year degree in applied sciences, a completed technical education program, or an online or correspondence education program, each as provided and defined by the department, or a civics education program that requires passing a final exam, in the amount of ninety (90) days per diploma, degree, or technical education program completed; and
 3. Successfully completing a drug treatment program or other evidence-based program approved by the department, in the amount of *not more than* ninety (90) days for each program completed; and
 - (b) May receive a credit on his or her sentence for:
 1. Good behavior in an amount not exceeding ten (10) days for each month served, to be determined by the department from the conduct of the prisoner;
 2. Performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month; and
 3. Acts of exceptional service during times of emergency, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month.
- (2) Except for a sentencing credit awarded for prior confinement, the department may forfeit any sentencing credit awarded under subsection (1) of this section previously earned by the prisoner or deny the prisoner the right to earn future sentencing credit in any amount if during the term of imprisonment, a prisoner commits any offense or violates the rules of the institution.
- (3) When two (2) or more consecutive sentences are to be served, the several sentences shall be merged and served in the aggregate for the purposes of the sentencing credit computation or in computing dates of expiration of sentence.
- (4) Until successful completion of the sex offender treatment program, an eligible sexual offender may earn sentencing credit. However, the sentencing credit shall not be credited to the eligible sexual offender's sentence. Upon the successful completion of the sex offender treatment program, as determined by the program director, the offender shall be eligible for all sentencing credit earned but not otherwise forfeited under administrative regulations promulgated by the Department of Corrections. After successful completion of the sex offender treatment program, an eligible sexual offender may continue to earn sentencing credit in the manner provided by administrative regulations promulgated by the Department of Corrections. Any eligible sexual offender, as defined in KRS 197.410, who has not successfully completed the sex offender treatment program as determined by the program director shall not be entitled to the benefit of any credit on his or her sentence. A sexual offender who does not complete the sex offender treatment program for any reason shall serve his or her entire sentence without benefit of sentencing credit, parole, or other form of early release. The provisions of this section shall not apply to any sexual offender convicted before July 15, 1998, or to any sexual offender with an intellectual disability.
- (5)
 - (a) The Department of Corrections shall, by administrative regulation, specify the length of forfeiture of sentencing credit and the ability to earn sentencing credit in the future for those inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous.
 - (b) Penalties set by administrative regulation pursuant to this subsection shall be as uniform as practicable throughout all institutions operated by, under contract to, or under the control of the department and shall specify a specific number of days or months of sentencing credit forfeited as well as any prohibition imposed on the future earning of sentencing credit.
- (6) The provisions in subsection (1)(a)2. of this section shall apply retroactively to July 15, 2011.

➔Section 6. KRS 439.563 is amended to read as follows:

- (1) When there is an identified victim of a defendant's crime to whom restitution has been ordered but not yet paid in full, or restitution has been ordered paid to a government agency and has not yet been paid in full, the Parole Board shall order the defendant to pay restitution as a condition of parole.
- (2) When the Parole Board orders restitution, the board shall:
 - (a) Order the restitution to be paid to a specific person or organization through the Division of Probation and Parole, which shall disburse the moneys as ordered by the board;
 - (b) Set the amount of restitution to be paid, if not already set;
 - (c) Set the amount and frequency of each restitution payment or require the payment to be made in a lump sum.
- (3) When the Parole Board orders restitution, the Department of Probation and Parole shall:
 - (a) Monitor and oversee the collection of the restitution;
 - (b) Institute parole violation proceedings if the restitution is not being paid;
 - (c) Institute sanctions against the defendant if restitution is not being paid and good cause is not shown for the nonpayment; and
 - (d) Maintain parole supervision over the defendant until restitution has been paid in full.
- (4) The board, in addition to any other sanctions which may be imposed on the defendant, *may* ask a court to hold a defendant who is not paying restitution in the manner or amount prescribed in contempt of court.
- (5) Any statute relating to the length of parole supervision notwithstanding, the parole for a person owing restitution shall be until the restitution is paid in full, even if this would lengthen the period of supervision beyond the statutory limit of parole supervision or the statutory limit for serving out the sentence imposed.
- (6) Payment of restitution in full prior to the end of the period of parole supervision shall not shorten the period of parole supervision.

Signed by Governor April 10, 2014.

CHAPTER 95

(HB 354)

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. (1) There is appropriated out of the general fund and the transportation fund in the State Treasury for the purpose of compensating persons and companies named below for claims which have been duly audited and approved according to law, but have not been paid because of lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place, the amounts listed below:

Accord Creditor Services, LLC

PO Box 10001

Newnan, GA 30271

\$716.62

Bender Associates Architects

1008C Eastland Drive

Lexington, KY 40505

\$7,616.00

City of Greensburg

110 West Court Street Greensburg, KY 42743	\$100,085.19
City of Pineville PO Box 688 Pineville, KY 40977	\$30,003.26
Edgington Mowing Service, Inc. PO Box 294 Stanford, KY 40484	\$19,600.00
Jennie Stuart Medical Center PO Box 2400 Hopkinsville, KY 42241	\$11,748.00
Lenawee County Civil Division PO Box 1270 Adrian, MI 49221-1270	\$75.00
Pike County Fiscal Court 146 Main Street Pikeville, KY 41501	\$19,641.37
University of Louisville Research Foundation Controller's Office 223 Service Complex Louisville, KY 40292	\$971.49
University of Louisville Research Foundation Controller's Office 223 Service Complex Louisville, KY 40292	\$5,231.78

(2) The claims listed below are for the payment of State Treasury checks payable to the persons or their personal representatives, and the firms listed, but not presented for payment within a period of five (5) years from the date of issuance of such checks as required by KRS 41.370 and 413.120:

	Amount
Check #Y100934737 dated September 18, 2001	
Estate of Cindy Adams	
C/O Child Support	
730 Schenkel Lane	
Frankfort, KY 40601	\$334.00
Check #Y108706614 dated July 29, 2005	
Estate of Cindy Adams	
C/O Child Support	
730 Schenkel Lane	
Frankfort, KY 40601	\$334.00
Check #Y108825099 dated August 18, 2005	

Estate of Cindy Adams C/O Child Support 730 Schenkel Lane Frankfort, KY 40601	\$334.00
Check #Y108918937 dated September 06, 2005	
Estate of Cindy Adams C/O Child Support 730 Schenkel Lane Frankfort, KY 40601	\$334.00
Check #T03774649 dated January 03, 1997	
Estate of Alberta W. Allen C/O First Bankers Trust Company Attn: Rita Cunningham 135 West Muhammad Ali Boulevard, Suite A Louisville, KY 40202	\$127.00
Check #T103486123 dated April 15, 2005	
Baynum, Andrew M. 7605 Bluestone Court Florence, KY 41042	\$163.00
Check #T103696684 dated June 01, 2005	
Beckman, Joseph C/O Karen Beckman 5006 Highway 11 Lanesville, IN 47136	\$48.00
Check #T104603610 dated June 14, 2006	
Beckman, Joseph C/O Karen Beckman 5006 Highway 11 Lanesville, IN 47136	\$71.00
Check #G112475964 dated August 01, 2007	
Bourbon County Health Department Attn: Andrew Beckett 341 East Main Street Paris, KY 40361	\$666.82
Check #P108951715 dated September 15, 2005	
Briscoe, Carla D. C/O AOC 1001 Vandalay Drive Frankfort, KY 40601	\$169.12

Check #T111710531 dated May 21, 2007	
Chadha, Janice H.	
1112 Oak Knoll Manor Court	
St. Louis, MO 63119	\$881.00
Check #T103748449 dated September 02, 2005	
Dunn, Michael D.	
151 Chipley Court	
Bowling Green, KY 42103	\$77.00
Check #B111023273 dated January 10, 2008	
Festival of the Bluegrass, Inc.	
126 East Main Street, Suite 3	
Georgetown, KY 40324	\$607.79
Check #B100311502 dated January 13, 2005	
Finley, Bill G.	
1733 Mimosa Court	
Bowling Green, KY 42103	\$309.59
Check #T109285089 dated May 15, 2001	
Gilligan, Robert F. and N. P.	
3304 Mesa Court	
Lexington, KY 40513-1009	\$416.00
Check #T100931704 dated June 04, 2002	
Harper, Rita	
9007 Split Rail Drive	
Louisville, KY 40272-2320	\$1,290.00
Check #T100582183 dated March 22, 2002	
Jacoby, Nancy	
3479 Clifton Boulevard	
Wantagh, NY 11793	\$104.00
Check #E111118907 dated December 13, 2007	
Jones, John M. and Francis, Mary K.	
758 Middlesex	
Grosse Pointe Park, MI 48230	\$937.00
Check #T112331811 dated April 02, 2008	
Kotwal, Mihir	
4664 Shenandoah Drive	
Louisville, KY 40241	\$201.00
Check #M111208236 dated June 10, 2008	
Lambert Eyecare Associates	
C/O Medicaid	

275 East Main Street, 6W-C Frankfort, KY 40601	\$524.53
Check #T112041495 dated February 13, 2008	
Lander, Anishea T. 610 Holiday Park Drive Hopkinsville, KY 42240	\$304.00
Check #T100902382 dated May 23, 2002	
LeBeau, Marianne H. C/O Kimberley LeBeau Freeze 4937 South Tonti New Orleans, LA 70125	\$203.00
Check #T101941240 dated August 08, 2003	
McClanahan, Sheryl A. 33 East Southgate Avenue Ft. Thomas, KY 41075	\$1,714.00
Check #T102667382 dated April 19, 2004	
Mucci, Toni 201 Falcon Drive Versailles, KY 40383	\$615.00
Check #Y106576769 dated July 02, 2004	
Mucci, Toni 201 Falcon Drive Versailles, KY 40383	\$250.00
Check #G113131616 dated February 05, 2008	
Murphy, Rita M. 264 Driscoll Street Lexington, KY 40508	\$300.00
Check #T1867162 dated March 14, 1984	
Neely, Michael A. 1136 Harlan Circle Lexington, KY 40514	\$45.04
Check #T104087623 dated March 02, 2006	
Nevins, Wanda K. PO Box 237 Aberdeen, KY 42201	\$410.00
Check #T112466638 dated April 18, 2008	
Penner, Thomas H. and L. B. 3818 Napanee Road Louisville, KY 40207	\$2,928.00

Check #T111823914 dated June 29, 2007	
Perry, Gregory W. and T. L.	
203 James Drive	
Hopkinsville, KY 42240	\$189.00
Check #T1504049 dated June 07, 1983	
Rassche, Daniel	
109 East 39th Street	
Covington, KY 41015	\$65.00
Check #T111030314 dated October 11, 2006	
Richardson, Brian C.	
8109 Aspen Avenue	
Louisville, KY 40258	\$82.00
Check #T112032449 dated February 13, 2008	
Roeder, Darryl W. Sr. and G. M.	
1614 Skyview Road	
West Point, KY 40177	\$133.00
Check #Y106363112 dated May 25, 2004	
Rushing, Paul	
2330 Pierson Drive	
Lexington, KY 40505	\$214.24
Check #T101960922 dated November 13, 2003	
Sechrest, Donald R. and M. K.	
351 Fairview Road	
Williamstown, KY 41097	\$742.00
Check #Y111861252 dated December 05, 2006	
Shields, Anna	
5002 Waterloo Road	
Burlington, KY 41005	\$65.90
Check #K112096287 dated December 10, 2007	
State Treasurer	
C/O Department of Fish and Wildlife	
Attn: Dawn Welch	
1 Sportsmans Lane	
Frankfort, KY 40601	\$984.15
Check #B100291161 dated August 07, 2003	
Thomas, Douglas C. & P. S.	
PO Box 197	
Salt Lick, KY 40371	\$77.00
Check #Y109210668 dated October 31, 2005	

Thompson, Cali	
23 Riverside Drive	
New Albany, IN 47105	\$83.00
Check #T111042131 dated November 29, 2006	
Thornberry, Ronald and W.	
161 Woodmont Drive	
Paris, KY 40361	\$672.00
Check #L111077149 dated January 19, 2007	
Tittle, Clyde F.	
C/O Labor	
Attn: Billy Harris	
1047 US 127 South, Suite 4	
Frankfort, KY 40601	\$508.66
Check #B111001494 dated August 21, 2006	
The Travelers Indemnity Company	
Attn: Deb Casperson	
385 Washington Street, M/C NB 10A	
St. Paul, MN 55102	\$140.42
Check #T102645148 dated April 15, 2004	
Trenkamp, Jennie S.	
10376 Calvary Road	
Independence, KY 41051	\$554.00
Check #G108488555 dated July 13, 2005	
White, Sharon	
3437 Sonora Hardin Springs Road	
Sonora, KY 42776	\$104.30
Check #G108029894 dated April 01, 2005	
Yeager, Kathryn M.	
C/O Carmella Wantland	
1822 Allanwood Road	
Louisville, KY 40214	\$333.00

➔Section 2. Whereas the persons and companies named above have furnished in good faith services, supplies, and materials, and the Commonwealth has received the same, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

AN ACT relating to reemployment of retired police officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

As used in Section 1 to 3 of this Act, "police officer" shall have the same meaning as in KRS 15.420.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (1) *A county sheriff's office in the Commonwealth of Kentucky may employ police officers who have retired under the Kentucky Employees Retirement System or the County Employees Retirement System as provided by Sections 1 to 3 of this Act.*
- (2) *An individual employed under Sections 1 to 3 of this Act shall have:*
 - (a) *Participated in the Law Enforcement Foundation Program fund under KRS 15.410 to 15.515;*
 - (b) *Retired with at least twenty (20) years of service credit;*
 - (c) *Been separated from service for the period required by KRS 61.637 so that the member's retirement is not voided;*
 - (d) *Retired with no administrative charges pending; and*
 - (e) *Retired with no pre-existing agreement between the individual and the sheriff's office prior to the individual's retirement for the individual to return to work for the sheriff's office.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (1) *Individuals employed under Sections 1 to 3 of this Act shall:*
 - (a) *Serve for a term not to exceed one (1) year. The one (1) year employment term may be renewed annually at the discretion of the employing sheriff's office;*
 - (b) *Receive compensation according to the standard procedures applicable to the employing sheriff's office; and*
 - (c) *Be employed based upon need as determined by the employing sheriff's office.*
- (2) *Notwithstanding any provisions of KRS 18A.225 to 18A.2287, 61.510 to 61.705, or 78.510 to 78.852 to the contrary:*
 - (a) *Individuals employed under Sections 1 to 3 of this Act shall continue to receive all retirement and health insurance benefits to which they were entitled upon retiring in the applicable system administered by Kentucky Retirement Systems;*
 - (b) *Individuals employed under Sections 1 to 3 of this Act shall not be eligible to receive health insurance coverage through the sheriff's office or the fiscal court of the sheriff's county;*
 - (c) *The sheriff's office or fiscal court of the sheriff's office shall not pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems required by subsection (17) of Section 4 of this Act for individuals employed under Sections 1 to 3 of this Act; and*
 - (d) *The sheriff's office or fiscal court of the sheriff's office shall not pay any insurance contributions to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed under Sections 1 to 3 of this Act.*
- (3) *Individuals employed under Sections 1 to 3 of this Act shall be subject to any merit system, civil service, or other legislative due process provisions applicable to the sheriff's office. A decision not to renew a one (1) year appointment term under this section shall not be considered a disciplinary action or deprivation subject to due process.*

➔Section 4. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he anticipates that he will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result

of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.

- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4)
 - (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his estate, if he does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.
 - (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.
 - (c) If the retired member is not eligible to be paid suspended payments for his period of reemployment as an employee, his retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:
 1. The retired member's final compensation shall be recomputed using creditable compensation for his period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his retirement allowance was last determined;
 2. If the retired member initially retired on or subsequent to his normal retirement date, his retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 3. If the retired member initially retired prior to his normal retirement date, his retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his age at the time of his initial retirement increased by the number of months of service credit earned for service performed during reemployment;
 4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. The member shall not receive less in benefits as a result of the recomputation than he was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- (6)
 - (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
 - (b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his retirement by reimbursing the system in the full amount of his retirement allowance payments received.
- (7)
 - (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment.

Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.

- (b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.
- (8) A retired member or his employer shall notify the retirement system if he has accepted employment with an agency that participates in the retirement system from which the member retired.
- (9) If the retired member is under a contract, the member shall submit a copy of that contract to the retirement system, and the retirement system shall determine if the member is an independent contractor for purposes of retirement benefits.
- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him prior to his voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11) (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his retirement and the member shall repay to the retirement system all benefits received for the month.
(b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he retired and for the position in which he has been reemployed.
(b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his initial retirement account shall no longer be suspended and the member shall receive the amount to which he is entitled, including an increase as provided by KRS 61.691;
 - (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and

- (e) Upon termination, the retired member shall be entitled to benefits payable from his second retirement account.
- (14) (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he retired, the retired member shall continue to receive his retirement allowance.
 - (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15) (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.
 - (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he was eligible to purchase prior to his initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems on or after September 1, 2008:
 - (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems within three (3) months following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
 - 1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems after a three (3) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. Both the employee and participating agency shall certify in writing on a form prescribed by the board that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If the participating agency or employer fail to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer;
 - 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;

3. ***Except as provided by Sections 1 to 3 of this Act***, the employer shall pay employer contributions as specified by KRS 61.565 and 61.702 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. ***Except as provided by Sections 1 to 3 of this Act***, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium;
- (c) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided; and
- (d) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. Both the employee and participating agency shall certify in writing on a form prescribed by the board that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If the participating agency or employer fail to complete the certification, the member's retirement shall be voided and the provisions of paragraph (c) of this subsection shall apply to the member and the employer;
 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. ***Except as provided by Sections 1 to 3 of this Act***, the employer shall pay employer contributions as specified by KRS 61.565 and 61.702 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. ***Except as provided by Sections 1 to 3 of this Act***, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium.

Signed by Governor April 10, 2014.

(HB 396)

AN ACT relating to economic development.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 154.25-010 is amended to read as follows:

As used in this subchapter~~[, unless the context clearly indicates otherwise]~~:

- (1) "Activation date" means a date selected by an approved company and set forth in the jobs retention agreement at any time within a three (3) year period after the date of final approval of the agreement by the authority upon which the required investment shall be made and the jobs retention project completed;
- (2) "Agreement" means a jobs retention agreement entered into pursuant to KRS 154.25-030 on behalf of the authority and an approved company with respect to a jobs retention project;
- (3) "Approved company" means any eligible company approved by the authority pursuant to KRS 154.25-030 for a jobs retention project;
- (4) "Approved costs" means that portion of the eligible costs approved by the authority that an approved company may recover through the inducements authorized by KRS 154.25-030, being a percentage of eligible costs as approved by the authority;
- (5) "Assessment" means the wage assessment fee authorized by KRS 154.25-040;
- (6) "Authority" means the Kentucky Economic Development Finance Authority created by KRS 154.20-010;
- (7) "Commonwealth" means the Commonwealth of Kentucky;
- (8) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity designated by the United States Department of Commerce, United States Census Bureau North American Industry Classification System Code of 325211, 325510, 326199, 327211, 327212, 327215, 331111, 331221, 331521, 332312, 332813, 33299, **333415**, 335110, **335221**, **335222**, **335224**, **335228**, 335911, 335912, 336211, 336111, 336112, 336120, 423510, 493110, 541614, 551114, or 561439, that employs a minimum of one thousand (1,000) full-time persons engaged in automobile~~, or~~ automobile parts or supplies, **household appliance, or household appliance parts or supplies** manufacturing, has been operating within the Commonwealth on a continuous basis for at least five (5) years preceding the request for approval by the authority of the project which meets the standards set forth in KRS 154.25-020, and that has been previously approved for economic development incentives from the Commonwealth related to one (1) or more of its facilities;
- (9) "Eligible costs" means:
 - (a) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, rehabilitation, and installation of a jobs retention project;
 - (b) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of a jobs retention project which is not paid by the vendor, supplier, deliveryman, contractor, or otherwise provided;
 - (c) All costs of architectural and engineering services, including estimates, plans and specifications, preliminary investigations, and supervision of construction, rehabilitation, and installation, as well as for the performance of all the duties required by or consequent upon the acquisition, construction, equipping, rehabilitation, and installation of a jobs retention project;
 - (d) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, rehabilitation, and installation of a jobs retention project;
 - (e) All costs required for the installation of utilities, including but not limited to water, sewer, sewer treatment, gas, electricity, communications, and railroads, and including off-site construction of the facilities paid for by the approved company; and
 - (f) All other costs comparable with those described above;
- (10) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under this subchapter;

- (11) "Inducements" means the Kentucky tax credit and the wage assessment fee as prescribed in KRS 154.25-030 and 154.25-040;
- (12) "Jobs retention project" or "project" means the acquisition, construction, and installation of new equipment and, with respect thereto, the construction, rehabilitation, and installation of improvements to facilities necessary to house the acquisition, construction, and installation of new equipment, including surveys; installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located; and shall contain eligible costs of not less than one hundred million dollars (\$100,000,000), all of which are utilized to improve the economic and operational situation of an approved company to allow the approved company to reinvest in its operations and retain a significant number of existing jobs within the Commonwealth;
- (13) "Kentucky gross profits" means Kentucky gross profits as defined in KRS 141.0401;
- (14) "Kentucky gross receipts" means Kentucky gross receipts as defined in KRS 141.0401;
- (15) "Manufacturing" means any activity involving the manufacturing, processing, assembling, or production of any property, including the processing that results in a change in the condition of the property and any related activity or function, together with the storage, warehousing, distribution, and related office facilities;
- (16) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements under this subchapter;
- (17) "Supplemental project" means an additional jobs retention project proposed by the approved company or its affiliate during the term of a previously approved jobs retention project, which may be included in the jobs retention agreement by way of amendment and which may result in increased inducements and an extension of the original project term as set forth in KRS 154.25-050; and
- (18) "Transferred credits" means unused approved costs as determined by the Department of Revenue from a previously approved, independent, active project under a different incentive program governed by the Cabinet for Economic Development that may be transferred to a jobs retention project and used by the approved company pursuant to a jobs retention agreement.

Signed by Governor April 10, 2014.

CHAPTER 98

(HB 398)

AN ACT relating to reclassification of cities.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Kuttawa, in Lyon County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Booneville, in Owsley County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Clarkson, in Grayson County, is such as to justify its being classified as a city of the fifth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of Russell Springs, in Russell County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Columbus, in Hickman County, is such to justify its being classified as a city of the sixth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Crestwood, in Oldham County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Louisa, in Lawrence County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Wayland, in Floyd County, is such as to justify its being classified as a city of the fourth class; and

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Williamstown, in Grant County, is such as to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The City of Kuttawa, in Lyon County, is transferred from the fifth class to the fourth class of cities.

➔Section 2. The City of Booneville, in Owsley County, is transferred from the sixth class to the fourth class of cities.

➔Section 3. The City of Clarkson, in Grayson County, is transferred from the sixth class to the fifth class of cities.

➔Section 4. The City of Russell Springs, in Russell County, is transferred from the fifth class to the fourth class of cities.

➔Section 5. The City of Columbus, in Hickman County, is transferred from a city of the fifth class to a city of the sixth class.

➔Section 6. The City of Crestwood, in Oldham County, is transferred from the fifth class to the fourth class of cities.

➔Section 7. The City of Louisa, in Lawrence County, is transferred from the fifth class to the fourth class of cities.

➔Section 8. The City of Wayland, in Floyd County, is transferred from the sixth class to the fourth class of cities.

➔Section 9. The City of Williamstown, in Grant County, is transferred from the fifth class to the fourth class of cities.

Signed by Governor April 10, 2014.

CHAPTER 99

(HB 405)

AN ACT relating to emergency services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, "law enforcement agency" means a city, county, consolidated local government, urban-county government, charter county government, unified local government, or state law enforcement agency, and includes a sheriff's office.*

(2) (a) *Law enforcement agencies may, as a condition of employment, require a newly appointed law enforcement telecommunicator to enter into an employment contract for a period of no longer than three (3) years from the date of graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council.*

(b) *If a law enforcement telecommunicator who has entered into a contract authorized under this section begins employment as a law enforcement telecommunicator with another law enforcement agency during the contractual period, that law enforcement agency or the law enforcement telecommunicator shall reimburse the law enforcement agency that initially hired the law enforcement telecommunicator for the actual costs incurred and expended which are associated with the initial hiring of that telecommunicator, including but not limited to the application process, training costs, equipment costs, and salary. The law enforcement agency that initially hired the law*

enforcement telecommunicator shall be reimbursed for the costs from the time of the law enforcement telecommunicator's initial application until graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council.

- (c) *The amount of reimbursement authorized by paragraph (b) of this subsection shall be prorated based upon the percentage of time that the law enforcement telecommunicator completed his or her employment contract.*

➔Section 2. KRS 39A.020 is amended to read as follows:

As used in KRS Chapters 39A to 39F, unless the context requires otherwise:

- (1) "Adjutant General" means the executive head of the Department of Military Affairs vested with general direction and control authority for the department and the division of emergency management;
- (2) "Catastrophe" means a disaster or series of concurrent disasters which adversely affect the entire Commonwealth of Kentucky or a major geographical portion thereof;
- (3) *"Chief executive officer" means a:*
 - (a) *County judge/executive of a county;*
 - (b) *Mayor of a consolidated local government;*
 - (c) *Mayor of an urban-county government;*
 - (d) *Chief executive officer of a charter county government;*
 - (e) *Chief executive officer of a unified local government; or*
 - (f) *Mayor of a city;*
- (4) "Comprehensive emergency management program" means the public safety program developed, organized, implemented, administered, maintained, and coordinated by the Division of Emergency Management and local emergency management agencies created pursuant to the provisions of KRS Chapters 39A to 39F, to assess, mitigate, prepare for, respond to, or recover from, an emergency, declared emergency, disaster, or catastrophe, or threat of any of those, as contemplated in KRS 39A.010 or as defined in this section;
- ~~(5)(4)~~ "Coordination" means having and exercising primary state or local executive branch oversight for the purpose of organizing, planning, and implementing;
- ~~(6)(5)~~ *"County" means a county, urban-county government, charter county government, consolidated local government, or unified local government;*
- (7) "Declared emergency" means any incident or situation declared to be an emergency by executive order of the Governor, or a county judge/executive, or a mayor, or the chief executive of other local governments in the Commonwealth pursuant to the provisions of KRS Chapters 39A to 39F;
- ~~(8)(6)~~ "Director" means the director of the Division of Emergency Management of the Department of Military Affairs;
- ~~(9)(7)~~ "Disaster" means any incident or situation declared as such by executive order of the Governor, or the President of the United States, pursuant to federal law;
- ~~(10)(8)~~ "Disaster and emergency response" means the performance of all emergency functions, other than war-related functions for which military forces are primarily responsible, including, but not limited to: direction and control, incident command, or management; communications; fire protection services; police services; medical and health services; ambulance services; rescue; search and rescue or recovery; urban search and rescue; engineering; alerting and warning services; resource management; public works services; nuclear, chemical, biological, or other hazardous material or substance monitoring, containment, decontamination, neutralization, and disposal; emergency worker protection, site safety, site operations and response planning; evacuation of persons; emergency welfare services; emergency transportation; physical plant protection; temporary restoration of public utility services; emergency lighting and power services; emergency public information; incident investigation, hazards analysis, and damage assessment; and other functions related to effective reaction to a disaster or emergency or catastrophe, or the potential, threatened, or impending threat of any disaster or emergency or catastrophe, together with all other activities necessary or incidental to the preparation for and carrying out of the functions set out in this subsection;
- ~~(11)(9)~~ "Division" means the Division of Emergency Management of the Department of Military Affairs;

- (12)~~(10)~~ "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment and which a local emergency response agency determines is beyond its capabilities;
- (13)~~(11)~~ "Integrated emergency management system" means the unified and multidisciplinary disaster and emergency response infrastructure developed in the Commonwealth, under the coordination of the division, using methods which align state or local administrative, organizational, and operational resources, to accomplish the mission, goals, and objectives of the comprehensive emergency management program of the Commonwealth;
- (14)~~(12)~~ "Local disaster and emergency services organization" means that organization of public and private entities developed to carry out the multiagency disaster and emergency response of a city, county, urban-county or charter county pursuant to KRS Chapters 39A to 39F;
- (15)~~(13)~~ "Local emergency management agency" means the agency created, operated, and maintained to coordinate the local comprehensive emergency management program and disaster and emergency response of a city, county, and urban-county or charter county government pursuant to KRS Chapters 39A to 39F;
- (16)~~(14)~~ "Local emergency management director" or "Local director" means the executive head of the local emergency management agency, appointed pursuant to the provisions of KRS Chapters 39A to 39F;
- (17)~~(15)~~ "State emergency management agency" means the Division of Emergency Management of the Department of Military Affairs; and
- (18)~~(16)~~ "State emergency management director" means the director of the Division of Emergency Management.

➔Section 3. KRS 39B.010 is amended to read as follows:

- (1) Each city, county, urban-county or charter county government ***or counties acting jointly under the provisions of subsection (2)(b) of this section***, of this Commonwealth shall create, support, and maintain a local emergency management agency, which shall serve the public safety interest of the local government within the territorial boundaries of the city, ~~for~~ county, ***or counties*** where the agency is created. Each local emergency management agency shall develop, implement, and maintain a local comprehensive emergency management program, including a local emergency operations plan, in accordance with the provisions of KRS Chapters 39A to 39F. The local emergency management agency shall be an integral component of the statewide integrated emergency management system of this Commonwealth, and shall fully comply with all applicable provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the Commonwealth, the provisions of the Kentucky Emergency Operations Plan, and all administrative regulations promulgated by the Division of Emergency Management.
- (2)
 - (a) Each county government, and the urban-county, charter county, or city governments located within the territorial boundaries of a county, are encouraged to jointly create a single, unified local emergency management agency to serve all local governments collectively, and therefore may, in lieu of creating individual and separate local agencies, jointly create a single, unified local emergency management agency, provided the agency and its program:
 - 1.~~(a)~~ Fully comply with all the provisions of KRS Chapters 39A to 39F;
 - 2.~~(b)~~ Comply with the Interlocal Cooperation Act or locally adopted memorandums of agreement, as necessary and appropriate; and
 - 3.~~(c)~~ Are determined to be in compliance with all requirements of KRS Chapters 39A to 39F by the director of the Division of Emergency Management.
 - (b) ***Two (2) or more contiguous county governments, including or excluding the cities within their jurisdictions, may jointly create a single, unified local emergency management agency to serve the counties and participating cities within those counties collectively, and therefore may, in lieu of creating individual and separate local agencies, jointly create a single, unified local emergency management agency, provided the agency and its program meet the requirements set out in subparagraphs 1. to 3. of paragraph (a) of this subsection.***
- (3) The local emergency management agency shall be an organizational unit of the executive branch of city, county, ~~and~~ urban-county, ~~or~~ charter county government, ***or counties acting jointly under the provisions of subsection (2)(b) of this section*** and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the local comprehensive emergency management program and, under the general supervision of the local emergency management director, shall serve as a direct function of the office of

county judge/executive or mayor. ***In the case of counties acting jointly pursuant to this section, the supervision of the agency shall be set out by agreement or ordinance approved by the legislative body of each county.*** In accordance with the policies of the state-local finance officer, a separate emergency management agency fund account shall be designated and included in the city, county, and urban-county or charter county budget ledgers, and all financial matters of a local emergency management agency, involving funds provided through the Division of Emergency Management, shall be handled through the county, urban-county, or charter county treasury and financial system.

- (4) City, county, and urban-county or charter county governments may use the term "emergency management" in a manner or form appropriate to constitute and designate the official name of the local emergency management agency established pursuant to this chapter, except for any use of the term "Division of Emergency Management" specified to constitute and designate the official name of the state emergency management agency pursuant to KRS 39A.030. The term "emergency management" may be used in a manner or form appropriate to constitute and designate the official name of a local emergency management council, or the statewide association of emergency management agencies or personnel, but shall not be utilized by, assigned to, or otherwise specified by any local unit, agency, or department, or any political subdivision of the Commonwealth in any manner or form to constitute or designate the official name of the local unit, agency, or department, or political subdivision, except as authorized in this subsection.
- (5) All local emergency management agencies or local disaster and emergency services organizations in the Commonwealth, and the local directors, and members of each, shall, for all purposes, be under the direction of the director of the division, and of the Governor when the latter deems that action necessary.

➔Section 4. KRS 39B.020 is amended to read as follows:

- (1) The county judge/executive of each county, the mayor of each city, consolidated local government, or urban-county government, or the chief executive of other local government, within thirty (30) days of assuming office following their election, shall appoint a local emergency management director who meets all qualifications criteria pursuant to KRS Chapters 39A to 39F, and shall immediately notify the director of the Division of Emergency Management of the appointment.
- (2) Except in a county containing a consolidated local government, in lieu of appointing a separate local emergency management director for each jurisdiction, the county judge/executive of a county and mayors of cities or urban-county governments, or the chief executive of other local government located within the territorial boundaries of the same county, ***or two (2) or more counties acting jointly under the provisions of Section 3 of this Act*** may jointly appoint a single local emergency management director who meets all the qualifications criteria pursuant to KRS Chapters 39A to 39F. It is the policy of the Division of Emergency Management to encourage and support the joint appointment of a single local director in each territorial county, ***or counties acting jointly***, of the Commonwealth. The duly appointed local emergency management director shall direct, control, and manage all the affairs of the local emergency management agency and comprehensive emergency management program of the jurisdictions wherein appointed.
- (3) A local emergency management director appointed under the provisions of subsection (1) or (2) of this section shall serve at the pleasure of the appointing authority, but shall serve not longer than four (4) years without reappointment and, in addition to any local requirements, shall meet the qualification requirements listed in this subsection:
 - (a) The local director shall be a high school graduate with an additional three (3) years of experience in business administration, government planning, industrial or commercial planning, public safety, management of emergency services, or related community or governmental service. Management level experience may not be substituted for high school education. Education at an accredited college or university may be substituted for experience on a year-for-year basis.
 - (b) The local director shall be a resident of the Commonwealth of Kentucky and ~~a~~**the** county served.
 - (c) The local director shall hold no partisan elective office, nor file for, seek, or campaign for any partisan elective office while holding the position of local emergency management director.
 - (d) The local director shall be routinely available to respond to emergency scenes, command posts, or emergency operations centers to coordinate emergency response of all local public and private agencies and organizations; to perform necessary administrative, planning, and organizational duties; to complete and submit required reports, records, emergency operations plans, and documents; to attend required training; and to attend meetings convened by the appointing authority or the area manager of the division.

1. If the local director is also a full-time or part-time employee of the federal or state government, the local director shall have written authorization from the appropriate appointing authority to hold the position of local emergency management director and to fully comply with the provisions of paragraph (d) of this subsection. A copy of the written authorization shall be submitted to the division at the time of appointment.
 2. If the local director is also a full-time or part-time employee of a city, county, urban-county government, or charter county government in another capacity, that government shall enact an official city or county order or ordinance specifying that the individual appointed as local emergency management director shall fully comply with the provisions of paragraph (d) of this subsection. The order or ordinance shall also specify that the individual, when performing the duties of local emergency management director, shall relinquish all authorities and responsibilities associated with any other governmental employment and shall indicate another person, by name or position, to assume those authorities and responsibilities until such time as the local director shall cease to function as local emergency management director. A copy of the enacted order or ordinance shall be submitted to the division at the time of appointment. The city, county, urban-county government, or charter county government shall not seek reimbursement from the division for the local director's salary for any time spent in another capacity.
 3. If the local director is also a full-time or part-time employee in the private sector, the local director shall have a letter from each employer stating that the local director shall, without penalty or exception, be permitted to fully comply with the provisions of paragraph (d) of this subsection. A copy of the letter from each employer shall be submitted to the division at the time of appointment.
 4. If the local director is self-employed, the local director shall certify at the time of appointment, by letter to the director of the division, that the local director's schedule shall permit full compliance with the provisions of paragraph (d) of this subsection.
- (4) A local director whose salary has been reimbursed by the division prior to January 1, 1994, shall not be subject to the provisions of subsection (3)(a) of this section, so long as remaining continuously in that position for the appointing jurisdiction.
- (5) A local director whose salary is reimbursed in part or in full by the Division of Emergency Management pursuant to KRS 39C.010 and 39C.020, shall also meet any other requirements of KRS Chapters 39A to 39F and any requirements which may be imposed by the Federal Emergency Management Agency, or its successor.

➔Section 5. KRS 39B.030 is amended to read as follows:

A local emergency management director, appointed pursuant to this chapter, shall have the following powers, authorities, rights, and duties:

- (1) To represent the county judge/executive, ***or chief executive officers in the case of counties acting jointly under Section 3 of this Act***, or mayor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the county, ***counties acting jointly under Section 3 of this Act***, urban-county, charter county, or the county ***or counties acting jointly*** and the cities therein, unless there is a local director appointed for a city in accordance with this chapter, who represents that city;
- (2) To be the executive head and chief administrative officer of the local emergency management agency, and to direct, control, supervise, and manage, the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of the county, ***counties acting jointly under Section 3 of this Act***, urban-county government, charter county government, or the county ***or counties acting jointly*** and the cities therein, and to coordinate all local disaster and emergency response, unless there is a local director appointed for a city in accordance with this chapter, who represents that city;
- (3) To develop and maintain a local emergency operations plan entitled "county emergency operations plan," ***or "joint counties emergency operations plan,"*** or "city emergency operations plan," or "city/county emergency operations plan," as appropriate, the provisions of which shall establish the organizational structure to be utilized by local government to manage disaster and emergency response, and set forth the policies, procedures, and guidelines for the coordination of all disaster and emergency response in the county and all the cities therein for an emergency, declared emergency, disaster, or catastrophe. The local emergency operations

plan shall be developed consistent with the appropriate provisions of the Kentucky emergency operations plan, the provisions of KRS Chapters 39A to 39F, planning guidance issued by the division, and administrative regulations promulgated by the division. The local emergency operations plan shall be officially adopted by signed executive order of the county judge/executive or mayor, ***or in the case of counties acting jointly under Section 3 of this Act, by all chief executive officers of the participating counties***. The executive order shall be filed with the office of the clerk for the local jurisdiction and a copy placed in the local emergency operations plan. A copy of the local emergency operations plan, and all revisions or updates thereto, shall be submitted by the local director to the Division of Emergency Management for concurrence review and reference. The local emergency operations plan shall be a component of the integrated emergency management system of the Commonwealth, and subject to the Kentucky Emergency Operations Plan, shall be the primary local strategic planning document governing the coordination of all disaster and emergency response in the county, ***counties acting jointly under Section 3 of this Act***, city, or the county ***or counties acting jointly*** and the cities therein, and shall be applicable to, utilized by, and adhered to by, all local emergency response departments, agencies, and officials of the local disaster and emergency services organization in the county and the cities therein. The local emergency operations plan shall be updated not less than annually;

- (4) To establish and maintain a local disaster and emergency services organization in accordance with the local emergency operations plan, the Kentucky Emergency Operations Plan, and the provisions of KRS 39B.050;
- (5) To notify the county judge/executive, mayor, or executive authority of other local governments and the Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency or disaster, and recommend any emergency actions which should be executed;
- (6) To be the chief advisor to, and the primary on-scene representative of, the county judge/executive, mayor, or executive authority of other local governments in the event of occurrence of any emergency, declared emergency, disaster, or catastrophe within the local jurisdiction;
- (7)
 - (a) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe to immediately investigate, analyze, or assess the seriousness of all situations; to coordinate the establishment and operation of a local incident command or management system; to execute the local emergency operations plan, as appropriate; to activate the local emergency operations center or on-scene command post; to convene meetings, gather information, conduct briefings, and to notify the division of on-going response actions; and fully expedite and coordinate the disaster and emergency response of all local public and private agencies, or to have a staff assistant do so;
 - (b) At a declared emergency or declared disaster, at the direction of the county judge/executive or mayor, as appropriate, to take or direct immediate actions to protect public safety; however, this paragraph shall not preclude a local director from providing any assistance that he is requested to, and is able to, provide at any emergency.
- (8) To act as an official representative of the division in emergency situations when specifically requested by the director;
- (9) To report directly to the county judge/executive, mayor, or executive authority of other local governments, act in an official policy-making capacity when carrying out the duties of local emergency management director, and exercise full signatory authority for execution of all contracts, agreements, or other official documents pertaining to the administration and operation of the local emergency management agency and program;
- (10) To direct or supervise all paid or volunteer emergency management staff assistants or other local emergency management agency workers, and all operating units or personnel officially appointed and affiliated with the local disaster and emergency services organization pursuant to KRS 39B.070;
- (11) To prepare and submit regular or scheduled program activity reports to the area manager of the division and local chief executives;
- (12) To execute bond, if appropriate, in the amount determined by the appointing authorities;
- (13) Annually, by the first day of March, to prepare and submit a program budget request to the county judge/executive and mayor;
- (14) Annually, by the fifteenth day of July, to prepare and submit to the division a locally-approved, fiscal year program paper and budget request;
- (15) To perform all administrative, organizational, or operational tasks required by the provisions of this chapter, or administrative regulations, or program guidance pertaining thereto;

- (16) To be a registered member of the Kentucky Emergency Management Association or other professional emergency management organization; and
- (17) To carry out all other emergency management-related duties as required by KRS Chapters 39A to 39F, administrative regulations, or local orders or ordinances.

➔Section 6. KRS 39B.050 is amended to read as follows:

- (1) Each local emergency management director shall establish and maintain a local disaster and emergency services organization in accordance with a city or county or city/county *or joint counties* emergency operations plan required pursuant to KRS Chapters 39A to 39F. The local disaster and emergency services organization shall be comprised of the following members and participants:
 - (a) The county judge/executive, *or chief executive officers when counties are acting jointly under Section 3 of this Act*, and mayors, or the chief executive of other local governments;
 - (b) Elected legislative officials of the county and cities;
 - (c) The local emergency management director and all local emergency management agency staff members and workers, or emergency management agency-supervised operating units or personnel;
 - (d) All regular or volunteer public safety or emergency services department heads or agency chiefs in the cities or county;
 - (e) All regular or volunteer public safety or emergency services department or agency members in the cities or county;
 - (f) All districts, corporations, public agencies, groups, or political subdivisions of the state and special districts within the county or the cities thereof, which are organized under the laws of the Commonwealth to provide an emergency response service or related function in the interest of public safety; and
 - (g) All private sector personnel, agencies, organizations, companies, businesses, or individuals and citizens who agree to provide their assets, resources, talents, services, or supplies in aid to the local disaster and emergency services organization of the cities or county in accordance with the approved local emergency operations plan of the city, county, *or counties acting jointly under Section 3 of this Act*, urban-county government, or charter county government.
- (2) The local disaster and emergency services organization shall have responsibility for the performance of all disaster and emergency response functions contemplated in KRS 39A.010, 39A.020, or 39A.030 and as listed or assigned in the city, county, *or counties acting jointly under Section 3 of this Act*, or city/county emergency operations plan, except that the Division of Forestry of the Energy and Environment Cabinet shall have primary responsibility for directing the implementation of all forest fire emergency responses consistent with KRS Chapter 149. Disaster and emergency response functions may be assigned within the local disaster and emergency services organization to existing agencies and organizations, public and private. It shall not be necessary for the local disaster and emergency services organization to create, provide, or maintain an additional or auxiliary capability for any existing function or service deemed adequate to local needs.
- (3) The local disaster and emergency services organization shall be the primary disaster and emergency response force of city, county, *or counties acting jointly under Section 3 of this Act*, urban-county government, or charter county government and an organizational component of the integrated emergency management system of the Commonwealth. The local emergency management director shall have primary responsibility for the coordination of all disaster and emergency response of the local disaster and emergency services organization for an emergency, declared emergency, disaster, or catastrophe.

➔Section 7. KRS 39B.060 is amended to read as follows:

- (1) The city or county, *joint county when counties are acting jointly under Section 3 of this Act*, or city/county emergency operations plan developed pursuant to the provisions of KRS Chapters 39A to 39F shall include adequate provisions or procedures to assess, mitigate, prepare for, respond to, and recover from all disaster or emergency incidents contemplated by KRS 39A.010, 39A.020, or 39A.030 and shall provide for all functions contemplated by these sections.
- (2) The local emergency operations plan shall be submitted by the local director to the county judge/executive, *or chief executive officers of each participating county when counties are acting jointly under Section 3 of this Act*, mayor, or chief executive of other local governments immediately following each regular election for

these offices, for approval and adoption by the local chief executives through issuance of an executive order pursuant to the provisions of KRS Chapters 39A to 39F.

- (3) In the event of a conflict between a city emergency operations plan and a county emergency operations plan and decisions made thereunder:
 - (a) The decision made pursuant to the county plan shall prevail if the incident, its consequences, or the threat thereof, extend beyond the boundaries of the city;
 - (b) The decision made pursuant to the city plan shall prevail if the incident, its consequences, or the threat of the incident, do not extend beyond the boundaries of the city; and
- (c) The same precedence shall govern plans of urban-counties and charter counties.
- (4) ***The joint plan established by counties acting jointly pursuant to Section 3 of this Act shall incorporate a joint decision-making process whereby the chief executive officers, or their designees, use the integrated emergency management system and the unified incident command system set out in KRS 39A.230 to deal with any incident.***

Signed by Governor April 10, 2014.

CHAPTER 100

(HB 430)

AN ACT relating to underground facility protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 367.4903 is amended to read as follows:

As used in KRS 367.4903 to 367.4917:

- (1) "Underground facility" means an underground line or system used for producing, storing, conveying, transmitting, or distributing telecommunications, electricity, gas, petroleum, petroleum products, cable television, hazardous liquids, water, steam, or sewerage, including storm drainage;
- (2) "Damage" means weakening of structural or lateral support or penetration of a facility coating, housing, or other protective device. It also means the partial or complete dislocation or severance of underground facilities ***or rendering any underground facility permanently inaccessible by the placement of a permanent structure having one (1) or more stories;***
- (3) "Demolition" means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of mechanized equipment, or discharge of explosives;
- (4) "Excavator" means any entity or individual, other than those exempted by KRS 367.4915, engaged in excavation, demolition, or timber harvesting using mechanized equipment;
- (5) "Operator" means any entity or individual owning or operating underground facilities to serve the public;
- (6) "Excavation" means any activity that results in the movement, placement, probing, boring, or removal of earth, rock, or other material in or on the ground by the use of any tools or equipment, by the discharge of explosives, or by the harvesting of timber using mechanized equipment. Forms of excavating include but are not limited to auguring, backfilling, digging, ditching, drilling, driving, grading, piling, pulling-in, ripping, scraping, trenching, and tunneling. ***Driving wooden stakes by use of hand tools to a depth of six (6) inches or less below existing grade shall not constitute excavation;***
- (7) "Emergency" means there exists substantial likelihood that loss of life or property, ~~or~~ the inability to restore interrupted utility service, ***an imminent danger to health or the environment, or the blockage of public transportation facilities*** will result before procedures required under KRS 367.4909 to 367.4913 can be completed;

- (8) "Protection notification center" means an operator-provided notification center through which an excavator can contact the operator to enable the operator to provide the excavator with the approximate location of underground facilities;
- (9) **"Kentucky Contact Center"**~~["One call center"]~~ means **Kentucky Underground Protection, Inc., organized as a nonprofit corporation** and a multimember protection notification center providing a single telephone contact number and designated by the Kentucky Public Service Commission to be the sole recipient of 811 dialed calls through which an excavator may contact all **Kentucky Contact Center**~~operator one call center~~ members and all affected operators may receive information to enable them to provide the excavator with the approximate location of underground facilities;
- (10) "Routine road maintenance" means preservation, including road repairs and resurfacing, **and the replacement of signs, posts, and guardrails at the exact same location when no additional penetration of existing grade is necessary**, but does not include road construction, **installation of signs, posts, and guardrails, or any activity that requires**~~or~~ penetration of existing grade;
- (11) "Approximate location," when referring to an underground facility, means:
 - (a) For underground metallic facilities and underground nonmetallic facilities with metallic tracer wire, a distance not to exceed the combined width of the underground facility plus eighteen (18) inches measured from the outer edge of each side of the underground facility; or
 - (b) For nonmetallic facilities without metallic tracer wire, the underground facility shall be located as accurately as possible from field location records **and shall require notification from the operator of the inability to accurately locate the facility**;
- (12) "Business day" means any day except Saturday, Sunday, and holidays established by federal or state statute;
- (13) "Nonintrusive excavating" means excavation using hand tools or equipment that uses air or water pressure as the direct means to break up soil for removal by hand tools or vacuum excavation;
- (14) "Mechanized equipment" means mechanical power equipment, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, ~~hydroexcavators,~~ skidders, and yarders;
- (15) "Normal excavation locate request" means a notification made to a protection notification center where a request for locating utility facilities is processed;
- (16) "Emergency locate request" means a notification made to a protection notification center by an excavator to alert facility owners or operators of the need to begin immediate excavation in response to an emergency; and
- (17) "Design **information**~~locate~~ request" means a notification made to a protection notification center **by a person providing professional services and making a request** in preparation for bidding, preconstruction engineering, or other advance planning efforts. A design **information**~~locate~~ request may not be used for excavation purposes.

➔Section 2. KRS 367.4909 is amended to read as follows:

- (1) Each operator shall provide protection notification center access to excavators.
- (2) Voluntary operator membership in the **Kentucky Contact Center**~~one call center~~ shall satisfy the requirement of subsection (1) of this section.
- (3) Each operator member of the **Kentucky Contact Center**~~one call center~~ shall provide and update as needed to the **Kentucky Contact Center**~~one call center~~ the general location of its underground facilities, the operator identity and business address, and emergency notification telephone numbers.
- (4) An operator shall respond to facility locate requests as follows:
 - (a) To a normal excavation locate request within two (2) business days after receiving notification from an excavator.
 - (b) To an emergency locate request as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator; and
 - (c) ~~Beginning one (1) year from July 12, 2012,~~ To a design **information**~~locate~~ request within ten (10) business days after receiving notification from **the person making the request**~~an excavator~~.
- (5) An operator shall, upon receiving an emergency locate request or a normal excavation locate request:

- (a) Inform the excavator of the approximate location and description of any of the operator's facilities that may be damaged or pose a safety concern because of excavation or demolition;
 - (b) Inform the excavator of any other information that would assist in locating and avoiding contact with or damage to underground facilities;
 - (c) Unless permanent facility markers are provided, provide temporary markings to inform the excavator of the ownership and approximate location of the underground facility; and
 - (d) Notify the requesting party if underground facilities are not in conflict with the excavation or demolition.
- (6) Upon receiving a design ~~information~~^{locate} request, an operator shall ~~contact~~^{provide to} the person making the request ***within the time period specified in subsection (4) of this section. The operator shall:***
- (a) ***Designate with temporary underground facility markers the location of all underground facilities owned by the operator within the area of the design information request as defined in Section 1 of this Act;***
 - (b) ***Provide to the person making the design information request a description of all underground facilities owned by the operator in the area of the design information request and the location of the facilities, which may include drawings marked with a scale, dimensions, and reference points for underground utilities already built in the area or other facility records that are maintained by the operator; or***
 - (c) ***Allow the person making the design information request or an authorized person to inspect the drawings or other records for all underground facilities with the proposed area of excavation at a location that is acceptable to the operator***~~[the best available description of all utility facilities within the area of the proposed excavation. This includes but is not limited to prints, maps, drawings, and other facility records of existing and proposed utility facilities].~~
- (7) ***An operator may reject a design information request based upon security considerations or if producing the information will place the operator at a competitive disadvantage, pending the operator obtaining additional information confirming the legitimacy of the notice. The operator shall notify the person making the design information request and may request additional information.***
- (8) Temporary underground facility markers shall consist of paint, chalk, flags, stakes, or any combination thereof and shall conform to the following standards of the American Public Works Association uniform color code:
- (a) Electric power distribution and transmission Safety Red
 - (b) Municipal electric systems Safety Red
 - (c) Gas distribution and transmission High visibility safety yellow
 - (d) Oil distribution and transmission High visibility safety yellow
 - (e) Dangerous materials, product lines High visibility safety yellow
 - (f) Telecommunication systems and cable television Safety alert orange
 - (g) Temporary survey markings Safety pink
 - (h) Police and fire communications Safety alert orange
 - (i) Water systems Safety precaution blue
 - (j) Sewer and storm drainage systems Safety green
 - (k) Proposed excavation or construction boundaries White
 - (l) Reclaimed water, slurry, and irrigation facilities Purple
- ~~(9)~~⁽⁸⁾ If extraordinary circumstances exist, an operator shall notify the excavator of the operator's inability to comply with this section. Extraordinary circumstances include extreme weather conditions, force majeure, disasters, or civil unrest that make timely response difficult or impossible.
- ~~(10)~~⁽⁹⁾ All underground facilities installed after January 1, 2013, shall include a means to accurately identify and locate the underground facilities from the surface. This subsection does not apply to the repair of existing facilities.

➔Section 3. KRS 367.4911 is amended to read as follows:

- (1) (a) Each excavator, *or person responsible for an excavation*, planning excavation or demolition work shall, not less than two (2) full business days nor more than ten (10) full business days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.
- (b) An excavator may commence work before the two (2) full business days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that they have no facilities in the area of the proposed excavation, demolition, or timber harvesting.
- (2) Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.
- (3) Each excavator shall provide each applicable protection notification center with adequate information regarding:
 - (a) The name of the individual making the notification;
 - (b) The excavator's name, address, and a telephone number;
 - (c) The excavation or demolition site location or locations, each of which shall not exceed two thousand (2,000) feet in length unless the excavator and operator agree to a larger area, the city or community, county and street address, including the nearest cross street;
 - (d) The type and extent of excavation or demolition to be performed;
 - (e) A contact name and telephone number of the person responsible for the work to be performed.
- (4) If more than one (1) excavator will operate at the same site, each excavator shall notify the protection notification centers individually. Notification by an excavator will serve as notification for any of that excavator's employees. Failure by an excavator to notify the protection notification center does not relieve individual employees of responsibility.
- (5) The excavator shall inform and provide to excavation or demolition site employees:
 - (a) The underground facility location provided by each operator;
 - (b) Any related safety information provided by each operator; and
 - (c) The locate request identification number assigned by ~~each~~~~the~~ protection notification center.
- (6) The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.
- (7) If, after the two (2) day period provided by KRS 367.4909(4)(a), the excavator finds evidence of an unmarked underground facility at the site, he shall immediately notify the protection notification center.
- (8) The excavator shall contact the protection notification center to request remarking two (2) business days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if:
 - (a) The markings of any underground facility have been removed or are no longer visible; or
 - (b) The excavator has changed the work plan or location previously filed.
- (9) (a) Each excavator who conducts or is responsible for any excavation or demolition that results in underground facility damage shall cease excavation or demolition activities and notify all affected operators of the location and nature of the underground facility damage.
- (b) If the underground facility damage causes concern for public or workplace safety, the excavator shall notify appropriate public safety agencies of the location and nature of the safety concern.
- (c) If the underground facility damage results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator shall cease excavation or demolition activities and immediately report to the appropriate authorities by calling the 911 emergency telephone number.
- (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.
- (11) Upon request by an operator *or when the proposed excavation location cannot be accurately identified*, an excavator shall mark the boundaries of the location to be excavated using the procedure set forth in KRS

367.4909(8)(k)~~[(7)]~~. *After marking the boundaries, the excavator shall contact the protection notification center or centers. The requirements of KRS 367.4909(4) to (10) are reestablished upon the operator receiving notification of this marking from the protection notification center or centers.* This marking shall not alter, or relieve the excavator from complying with, the requirements of KRS 367.4905 to 367.4917.

➔Section 4. KRS 367.4913 is amended to read as follows:

- (1) Each protection notification center shall:
 - (a) Operate the protection notification center during all business days;
 - (b) Provide a locate request identification number to the excavator for each excavation or demolition location request;
 - (c) Promptly after receiving an excavation or demolition work notification from an excavator, provide to each of its affected operator members the excavator information required by KRS 367.4911(3);
 - (d) Maintain a list of all its operator member's identities, business address and business and emergency telephone numbers and record this information in accordance with KRS 64.012 with the county clerk of each county where the operator member has underground facilities. The county clerk shall provide this information upon request for the actual cost of providing a copy, to be paid by the requesting party to the county clerk. The county clerk shall assume no liability associated with the receipt of this information from the protection notification center or for subsequent provision of this same information to the requesting party;~~and~~
 - (e) Make the operator members information list available to any person for inspection at its place of business without charge or provide a copy of the list to any person for any county upon request for a fee not to exceed the actual cost of providing a copy;
 - (f) Define and adopt policies and procedures for processing design information requests; and*
 - (g) Provide the person making a design information request a list of identified operators that will receive notification and notify those operators.*
- (2) The ***Kentucky Contact Center***~~[one call center]~~ shall be governed by a board of directors composed of representatives of member operators who are elected by the membership. Board seats may be filled by representatives of the following:
 - (a) A natural gas provider;
 - (b) An electric provider;
 - (c) A telecommunications provider;
 - (d) A water/sewer provider;
 - (e) An interstate pipeline operator;
 - (f) A municipal utility operator; and
 - (g) An advisory, nonvoting representative of one (1) of the following:
 1. Home Builders Association of Kentucky;
 2. National Electrical Contractors Association;
 3. Associated General Contractors of Kentucky; or
 4. Kentucky Association of Plumbing, Heating-Cooling Contractors.

- (3) The ***Kentucky Contact Center's***~~[one call center's]~~ board of directors shall establish the method to calculate the cost of service provided by the center.
- (4) ***The Kentucky Contact Center***~~[Kentucky Underground Protection, Inc.]~~ shall serve all Kentucky counties.

➔Section 5. KRS 367.4917 is amended to read as follows:

- (1) An excavator who fails to comply with any provision of KRS 367.4911, or an operator who fails to comply with any provision of KRS 367.4909, shall be guilty of endangering underground facilities and may be subject to a fine of two hundred and fifty dollars (\$250) for the first offense, no more than one thousand dollars

(\$1,000) for the second offense within one (1) year, and no more than three thousand dollars (\$3,000) for the third and any subsequent offense.

- (2) A protection notification center that fails to comply with any provision of KRS 367.4913 shall be subject to a fine of one thousand dollars (\$1,000) for each offense.
- (3) A person that knowingly provides false notice to a utility notification center of an emergency as defined in KRS 367.4903 shall be subject to a fine of one thousand dollars (\$1,000) for each offense.
- (4) (a) All fines recovered for a violation of this section shall be paid to the general fund of the state, county, ~~for a city,~~ **or fire prevention agency** which issued the citation.
- (b) In the event that more than one (1) government agency was involved, the court shall direct an apportionment of the fines.

Signed by Governor April 10, 2014.

CHAPTER 101

(HB 432)

AN ACT relating to insurance premiums.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 91A.080 is amended to read as follows:

- (1) The legislative body of each local government which elects to impose and collect license fees or taxes upon insurance companies for the privilege of engaging in the business of insurance may, except as provided in subsection (10) of this section, enact or change its license fee or rate of tax to be effective July 1 of each year on a prospective basis only and shall file with the commissioner of insurance at least one hundred (100) days prior to the effective date, a copy of all ordinances and amendments which impose a license fee or tax. No less than eighty-five (85) days prior to the effective date, the commissioner of insurance shall promptly notify each insurance company engaged in the business of insurance in the Commonwealth of those local governments which have elected to impose the license fees or taxes and the current amount of the license fee or rate of tax.
- (2) Any license fee or tax imposed by a local government upon an insurance company with respect to life insurance policies may be based upon the first year's premiums, and, if so based, shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the local government.
- (3) Any license fee or tax imposed by a local government upon any insurance company with respect to any policy which is not a life insurance policy shall be based upon the premiums actually collected by the insurance company within each calendar quarter on risks located within the corporate limits of the local government on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders. In determining the amount of license fee or tax to be collected and to be paid to the local government, the insurance company shall use the tax rate effective on the first day of the policy term. When an insurance company collects a premium as a result of a change in the policy during the policy term, the tax rate used shall be the rate in effect on the effective date of the policy change. With respect to premiums returned to policyholders, the license fee or tax shall be returned by the insurance company to the policyholder pro rata on the unexpired amount of the premium at the same rate at which it was collected and shall be taken as a credit by the insurance company on its next quarterly report to the local government.
- (4) The Department of Insurance shall, by administrative regulation, provide for a reasonable collection fee to be retained by the insurance company or its agent as compensation for collecting the tax, except that the collection fee shall not be more than fifteen percent (15%) of the fee or tax collected and remitted to the local government or two percent (2%) of the premiums subject to the tax, whichever is less. To facilitate computation, collection, and remittance of the fee or tax and collection fee provided in this section, the fees or taxes set out in subsection (1), (2), or (3) of this section, together with the collection fee in this section, may be rounded off to the nearest dollar amount.

- (5) Pursuant to KRS 304.3-270, if any other state retaliates against any Kentucky domiciliary insurer because of the requirements of this section, the commissioner of insurance shall impose an equal tax upon the premiums written in this state by insurers domiciled in the other state.
- (6) Accounting and reporting procedures for collection and reporting of the fees or taxes and the collection fee herein provided shall be determined by administrative regulations promulgated by the Department of Insurance.
- (7)
 - (a) Upon written request of the legislative body of any local government, at the expense of the requesting local government, which shall be paid in advance by the local government to the Department of Insurance, the Department of Insurance shall audit, or cause to be audited by contract with qualified auditors, the books or records of the insurance companies or agents subject to the fee or tax to determine whether the fee or tax is being properly collected and remitted, and the findings of the audit shall be reported to the local government and the insurance company subject to the audit. An insurance company may appeal the findings of the audit conducted under this subsection and any assessment issued pursuant to the audit findings in accordance with the provisions of KRS 91A.0804(5).
 - (b) Willful failure to properly collect and remit the fee or tax imposed by a local government pursuant to the authority granted by this section shall constitute grounds for the revocation of the license issued to an insurance company or agent under the provisions of KRS Chapter 304.
 - (c) If the Department of Insurance finds that an insurance company has willfully engaged in a pattern of business conduct that fails to properly collect and remit the fee or tax imposed by a local government pursuant to the authority granted by this section, the Department of Insurance may assess the responsible insurance company an appropriate penalty fee no greater than ten percent (10%) of the additional license fees or taxes determined to be owed to the local government. The penalty fee shall be paid to the local government owed the license fee or tax less any administrative costs of the Department of Insurance in enforcing this section. Any insurance company or agent held responsible for a penalty fee may request a hearing with the Department of Insurance to be conducted pursuant to KRS 304.2-310 to 304.2-370 regarding the finding of a willful violation and the subsequent penalty fee.
- (8) The license fees or taxes provided for by subsections (2) and (3) of this section shall be due thirty (30) days after the end of each calendar quarter. Annually, by March 31, each insurance company shall furnish each local government to which the tax or fee is remitted with a breakdown of all collections in the preceding calendar year for the following categories of insurance:
 - (a) Casualty;
 - (b) Automobile;
 - (c) Inland marine;
 - (d) Fire and allied perils;
 - (e) Health; and
 - (f) Life.
- (9) Any license fee or tax not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid. Such interest payable to the local government is separate of penalties provided for in subsection (7) of this section. In addition, the local government may assess a ten percent (10%) penalty for a tax or fee not paid within thirty (30) days after the due date.
- (10) No license fee or tax imposed under this section shall apply to premiums~~[-received on-]~~:
 - (a) **Received on** policies of group health insurance provided for state employees under KRS 18A.225;
 - (b) **Received on** policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;
 - (c) **Received on** health insurance policies issued to individuals;
 - (d) **Received on** policies issued through Kentucky Access created in Subtitle 17B of KRS Chapter 304;
 - (e) **Received on** policies for high deductible health plans as defined in 26 U.S.C. sec. 223(c)(2);~~[-or-]~~

- (f) ***Received on*** multistate surplus lines, defined as non-admitted insurance as provided in Title V, Subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203; ***or***
 - (g) ***Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of school districts.***
- (11) No county may impose the tax authorized by this section upon the premiums received on policies issued to public service companies which pay ad valorem taxes.
 - (12) Insurance companies which pay license fees or taxes pursuant to this section shall credit city license fees or taxes against the same license fees or taxes levied by the county, when the license fees or taxes are levied by the county on or after July 13, 1990. For purposes of this subsection, a consolidated local government, urban-county government, charter county government, or unified local government shall be considered a county.
 - (13) No license fee or tax imposed under this section shall apply to premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the Commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.
 - (14) A county may impose a license fee or tax covering the entire county or may limit the application of the fee or tax to the unincorporated portions of the county.

Signed by Governor April 10, 2014.

CHAPTER 102

(HB 445)

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 224.50-868 is amended to read as follows:

- (1) Until June 30, ~~2016~~²⁰¹⁴, a person purchasing a new motor vehicle tire in Kentucky shall pay to the retailer a one dollar (\$1) fee at the time of the purchase of that tire. A new tire is a tire that has never been placed on a motor vehicle wheel rim, but it is not a tire placed on a motor vehicle prior to its original retail sale or a recapped tire. The term "motor vehicle" as used in this section shall mean "motor vehicle" as defined in KRS 138.450. The fee shall not be subject to the Kentucky sales tax.
- (2) When a person purchases a new motor vehicle tire in Kentucky to replace another tire, the tire that is replaced becomes a waste tire subject to the waste tire program. The person purchasing the new motor vehicle tire shall be encouraged by the retailer to leave the waste tire with the retailer or meet the following requirements:
 - (a) Dispose of the waste tire in accordance with KRS 224.50-856(1);
 - (b) Deliver the waste tire to a person registered in accordance with the waste tire program; or
 - (c) Reuse the waste tire for its original intended purpose or an agricultural purpose.
- (3) A retailer shall report to the Department of Revenue on or before the twentieth day of each month the number of new motor vehicle tires sold during the preceding month and the number of waste tires received from customers that month. The report shall be filed on forms and contain information as the Department of Revenue may require. The retailer shall remit with the report ninety-five percent (95%) of the fees collected for the preceding month and may retain a five percent (5%) handling fee.
- (4) A retailer shall:
 - (a) Accept from the purchaser of a new tire, if offered, for each new motor vehicle tire sold, a waste tire of similar size and type; and

- (b) Post notice at the place where retail sales are made that state law requires the retailer to accept, if offered, a waste tire for each new motor vehicle tire sold and that a person purchasing a new motor vehicle tire to replace another tire shall comply with subsection (2) of this section. The notice shall also include the following wording: "State law requires a new tire buyer to pay one dollar (\$1) for each new tire purchased. The money is collected and used by the state to oversee the management of waste tires, including cleaning up abandoned waste tire piles and preventing illegal dumping of waste tires."
- (5) A retailer shall comply with the requirements of the recordkeeping system for waste tires established by KRS 224.50-874.
- (6) A retailer shall transfer waste tires only to a person who presents a letter from the cabinet approving the registration issued under KRS 224.50-858 or a copy of a solid waste disposal facility permit issued by the cabinet, unless the retailer is delivering the waste tires to a destination outside Kentucky and the waste tires will remain in the retailer's possession until they reach that destination.
- (7) The cabinet shall, in conjunction with the Waste Tire Working Group, develop the informational fact sheet to be made publicly available on the cabinet's Web site and available in print upon request. The fact sheet shall identify ways to properly dispose of the waste tire and present information on the problems caused by improper waste tire disposal.

➔Section 2. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Commissioner" means the commissioner of the Department of Revenue;
- (2) "Department" means the Department of Revenue;
- (3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, ~~2013~~~~[2006]~~, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, ~~2013~~~~[2006]~~, that would otherwise terminate, and as modified by KRS 141.0101~~], except that for property placed in service after September 10, 2001, only the depreciation and expense deductions allowed under Sections 168 and 179 of the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, shall be allowed, and including the provisions of the Military Family Tax Relief Act of 2003, Pub. L. No. 108-121, effective on the dates specified in that Act;~~
- (4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;
- (5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;
- (6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;
- (7) "Individual" means a natural person;
- (8) "Modified gross income" means the greater of:
 - (a) Adjusted gross income as defined in Section 62 of the Internal Revenue Code of 1986, including any subsequent amendments in effect on December 31 of the taxable year, and adjusted as follows:
 - 1. Include interest income derived from obligations of sister states and political subdivisions thereof; and
 - 2. Include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2); or
 - (b) Adjusted gross income as defined in subsection (10) of this section and adjusted to include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2);
- (9) "Gross income," in the case of taxpayers other than corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code;
- (10) "Adjusted gross income," in the case of taxpayers other than corporations, means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:
 - (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States and Kentucky;

- (b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;
- (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
- (d) Exclude employee pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employee;
- (e) Exclude Social Security and railroad retirement benefits subject to federal income tax;
- (f) Include, for taxable years ending before January 1, 1991, all overpayments of federal income tax refunded or credited for taxable years;
- (g) Deduct, for taxable years ending before January 1, 1991, federal income tax paid for taxable years ending before January 1, 1990;
- (h) Exclude any money received because of a settlement or judgment in a lawsuit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to Agent Orange by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam;
- (i)
 1. For taxable years ending prior to December 31, 2005, exclude the applicable amount of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.
 The "applicable amount" shall be:
 - a. Twenty-five percent (25%), but not more than six thousand two hundred fifty dollars (\$6,250), for taxable years beginning after December 31, 1994, and before January 1, 1996;
 - b. Fifty percent (50%), but not more than twelve thousand five hundred dollars (\$12,500), for taxable years beginning after December 31, 1995, and before January 1, 1997;
 - c. Seventy-five percent (75%), but not more than eighteen thousand seven hundred fifty dollars (\$18,750), for taxable years beginning after December 31, 1996, and before January 1, 1998; and
 - d. One hundred percent (100%), but not more than thirty-five thousand dollars (\$35,000), for taxable years beginning after December 31, 1997.
 2. For taxable years beginning after December 31, 2005, exclude up to forty-one thousand one hundred ten dollars (\$41,110) of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.
 3. As used in this paragraph:
 - a. "Distributions" includes but is not limited to any lump-sum distribution from pension or profit-sharing plans qualifying for the income tax averaging provisions of Section 402 of the Internal Revenue Code; any distribution from an individual retirement account as defined in Section 408 of the Internal Revenue Code; and any disability pension distribution;
 - b. "Annuity contract" has the same meaning as set forth in Section 1035 of the Internal Revenue Code; and
 - c. "Pension plans, profit-sharing plans, retirement plans, or employee savings plans" means any trust or other entity created or organized under a written retirement plan and forming part of a stock bonus, pension, or profit-sharing plan of a public or private employer for the exclusive benefit of employees or their beneficiaries and includes plans qualified or unqualified under Section 401 of the Internal Revenue Code and individual retirement accounts as defined in Section 408 of the Internal Revenue Code;
- (j)
 1.
 - a. Exclude the portion of the distributive share of a shareholder's net income from an S corporation subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300; and

- b. Exclude the portion of the distributive share of a shareholder's net income from an S corporation related to a qualified subchapter S subsidiary subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300.
- 2. The shareholder's basis of stock held in a S corporation where the S corporation or its qualified subchapter S subsidiary is subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300 shall be the same as the basis for federal income tax purposes;
 - (k) Exclude, to the extent not already excluded from gross income, any amounts paid for health insurance, or the value of any voucher or similar instrument used to provide health insurance, which constitutes medical care coverage for the taxpayer, the taxpayer's spouse, and dependents, or for any person authorized to be provided excludable coverage by the taxpayer pursuant to the federal Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, or the Health Care and Education Reconciliation Act of 2010 Pub. L. No. 111-152, during the taxable year. Any amounts paid by the taxpayer for health insurance that are excluded pursuant to this paragraph shall not be allowed as a deduction in computing the taxpayer's net income under subsection (11) of this section;
 - (l) Exclude income received for services performed as a precinct worker for election training or for working at election booths in state, county, and local primary, regular, or special elections;
 - (m) Exclude any amount paid during the taxable year for insurance for long-term care as defined in KRS 304.14-600;
 - (n) Exclude any capital gains income attributable to property taken by eminent domain;
 - (o) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;
 - (p) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;
 - (q) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;
 - (r) Exclude any amount received as a result of a tobacco quota buydown program that all quota owners and growers are eligible to participate in;
 - (s) Exclude state Phase II payments received by a producer of tobacco or a tobacco quota owner;
 - (t) Exclude all income from all sources for active duty and reserve members and officers of the Armed Forces of the United States or National Guard who are killed in the line of duty, for the year during which the death occurred and the year prior to the year during which the death occurred. For the purposes of this paragraph, "all income from all sources" shall include all federal and state death benefits payable to the estate or any beneficiaries; and
 - (u) For taxable years beginning on or after January 1, 2010, exclude all military pay received by active duty members of the Armed Forces of the United States, members of reserve components of the Armed Forces of the United States, and members of the National Guard, including compensation for state active duty as described in KRS 38.205;
- (11) "Net income," in the case of taxpayers other than corporations, means adjusted gross income as defined in subsection (10) of this section, minus:
 - (a) ~~The [standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, the]deduction allowed by KRS 141.0202;~~
 - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
 - (c) For taxable years beginning on or after January 1, 2010, the amount of domestic production activities deduction calculated at six percent (6%) as allowed in Section 199(a)(2) of the Internal Revenue Code for taxable years beginning before 2010; and

- (d) 1. All the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 except:
- a. Any deduction allowed by the Internal Revenue Code for state or foreign taxes measured by gross or net income, including state and local general sales taxes allowed in lieu of state and local income taxes under the provisions of Section 164(b)(5) of the Internal Revenue Code;
 - b. Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(1)(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(1)(h);
 - c. The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;
 - d. For taxable years beginning on or after January 1, 2010, the domestic production activities deduction allowed under Section 199 of the Internal Revenue Code;
 - e. Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;~~and~~
 - f. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under this chapter;~~and~~
 - g. ***The itemized deduction limitation established in 26 U.S.C. sec. 68 shall be determined using the applicable amount from 26 U.S.C. sec. 68 as it existed on December 31, 2006; and***
 - h. ***A taxpayer may elect to claim the standard deduction allowed by KRS 141.081 instead of itemized deductions allowed pursuant to 26 U.S.C. sec. 63 and as modified by this section; and***
2. Nothing in this chapter shall be construed to permit the same item to be deducted more than once;
- (12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:
- (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;
 - (b) Exclude all dividend income received after December 31, 1969;
 - (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
 - (d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;
 - (e) Include in the gross income of lessors income tax payments made by lessees to lessors, under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;
 - (f) Include the amount calculated under KRS 141.205;
 - (g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;
 - (h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

- (i) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;
 - (j) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;
 - (k) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;
 - (l) Exclude any amount received as a result of a tobacco quota buydown program that all quota owners and growers are eligible to participate in;
 - (m) For taxable years beginning after December 31, 2004, and before January 1, 2007, exclude the distributive share income or loss received from a corporation defined in subsection (24)(b) of this section whose income has been subject to the tax imposed by KRS 141.040. The exclusion provided in this paragraph shall also apply to a taxable year that begins prior to January 1, 2005, if the tax imposed by KRS 141.040 is paid on the distributive share income by a corporation defined in subparagraphs 2. to 8. of subsection (24)(b) of this section with a return filed for a period of less than twelve (12) months that begins on or after January 1, 2005, and ends on or before December 31, 2005. This paragraph shall not be used to delay payment of the tax imposed by KRS 141.040; and
 - (n) Exclude state Phase II payments received by a producer of tobacco or a tobacco quota owner;
- (13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus:
- (a) The deduction allowed by KRS 141.0202;
 - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
 - (c) For taxable years beginning on or after January 1, 2010, the amount of domestic production activities deduction calculated at six percent (6%) as allowed in Section 199(a)(2) of the Internal Revenue Code for taxable years beginning before 2010; and
 - (d) All the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101, except:
 - 1. Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;
 - 2. The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;
 - 3. The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;
 - 4. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;
 - 5. Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);
 - 6. Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;

7. Any deduction prohibited by KRS 141.205;
 8. Any dividends-paid deduction of any captive real estate investment trust; and
 9. For taxable years beginning on or after January 1, 2010, the domestic production activities deduction allowed under Section 199 of the Internal Revenue Code;
- (14) (a) "Taxable net income," in the case of corporations that are taxable in this state, means "net income" as defined in subsection (13) of this section;
- (b) "Taxable net income," in the case of corporations that are taxable in this state and taxable in another state, means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120. A corporation is taxable in another state if, in any state other than Kentucky, the corporation is required to file a return for or pay a net income tax, franchise tax measured by net income, franchise tax for the privilege of doing business, or corporate stock tax;
- (c) "Taxable net income," in the case of homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (3) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and
- (d) "Taxable net income," in the case of a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code, except that a captive real estate investment trust shall not be allowed any deduction for dividends paid;
- (15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;
- (16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which the return is made;
- (17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;
- (18) "Nonresident" means any individual not a resident of this state;
- (19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;
- (20) "Employee" means "employee" as defined in Section 3401(c) of the Internal Revenue Code;
- (21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;
- (22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code;
- (23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;
- (24) (a) For taxable years beginning before January 1, 2005, and after December 31, 2006, "corporation" means "corporation" as defined in Section 7701(a)(3) of the Internal Revenue Code; and
- (b) For taxable years beginning after December 31, 2004, and before January 1, 2007, "corporations" means:
1. "Corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;
 2. S corporations as defined in Section 1361(a) of the Internal Revenue Code;
 3. A foreign limited liability company as defined in KRS 275.015;
 4. A limited liability company as defined in KRS 275.015;
 5. A professional limited liability company as defined in KRS 275.015;

6. A foreign limited partnership as defined in KRS 362.2-102(9);
7. A limited partnership as defined in KRS 362.2-102(14);
8. A limited liability partnership as defined in KRS 362.155(7) or in 362.1-101(7) or (8);
9. A real estate investment trust as defined in Section 856 of the Internal Revenue Code;
10. A regulated investment company as defined in Section 851 of the Internal Revenue Code;
11. A real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code;
12. A financial asset securitization investment trust as defined in Section 860L of the Internal Revenue Code; and
13. Other similar entities created with limited liability for their partners, members, or shareholders.

For purposes of this paragraph, "corporation" shall not include any publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code that is treated as a partnership for federal tax purposes under Section 7704(c) of the Internal Revenue Code or its publicly traded partnership affiliates. As used in this paragraph, "publicly traded partnership affiliates" shall include any limited liability company or limited partnership for which at least eighty percent (80%) of the limited liability company member interests or limited partner interests are owned directly or indirectly by the publicly traded partnership;

(25) "Doing business in this state" includes but is not limited to:

- (a) Being organized under the laws of this state;
- (b) Having a commercial domicile in this state;
- (c) Owning or leasing property in this state;
- (d) Having one (1) or more individuals performing services in this state;
- (e) Maintaining an interest in a pass-through entity doing business in this state;
- (f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state, or deriving income directly or indirectly from a single-member limited liability company that is doing business in this state and is disregarded as an entity separate from its single member for federal income tax purposes; or
- (g) Directing activities at Kentucky customers for the purpose of selling them goods or services.

Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86-272;

- (26) "Pass-through entity" means any partnership, S corporation, limited liability company, limited liability partnership, limited partnership, or similar entity recognized by the laws of this state that is not taxed for federal purposes at the entity level, but instead passes to each partner, member, shareholder, or owner their proportionate share of income, deductions, gains, losses, credits, and any other similar attributes;
- (27) "S corporation" means "S corporation" as defined in Section 1361(a) of the Internal Revenue Code;
- (28) "Limited liability pass-through entity" means any pass-through entity that affords any of its partners, members, shareholders, or owners, through function of the laws of this state or laws recognized by this state, protection from general liability for actions of the entity; and
- (29) "Captive real estate investment trust" means a real estate investment trust as defined in Section 856 of the Internal Revenue Code that meets the following requirements:
 - (a)
 1. The shares or other ownership interests of the real estate investment trust are not regularly traded on an established securities market; or
 2. The real estate investment trust does not have enough shareholders or owners to be required to register with the Securities and Exchange Commission; and
 - (b)
 1. The maximum amount of stock or other ownership interest that is owned or constructively owned by a corporation equals or exceeds:

- a. Twenty-five percent (25%), if the corporation does not occupy property owned, constructively owned, or controlled by the real estate investment trust; or
- b. Ten percent (10%), if the corporation occupies property owned, constructively owned, or controlled by the real estate investment trust.

The total ownership interest of a corporation shall be determined by aggregating all interests owned or constructively owned by a corporation;

2. For the purposes of this paragraph:

- a. "Corporation" means a corporation taxable under KRS 141.040, and includes an affiliated group as defined in KRS 141.200, that is required to file a consolidated return pursuant to the provisions of KRS 141.200; and
- b. "Owned or constructively owned" means owning shares or having an ownership interest in the real estate investment trust, or owning an interest in an entity that owns shares or has an ownership interest in the real estate investment trust. Constructive ownership shall be determined by looking across multiple layers of a multilayer pass-through structure; and

(c) The real estate investment trust is not owned by another real estate investment trust.

➔Section 3. KRS 141.0101 is amended to read as follows:

- (1) (a) *The provisions of subsections (2) to (11) of this section shall apply to taxable years beginning before January 1, 1994.*
- (b) *The provisions of subsections (12) to (15) of this section shall apply to taxable years beginning after December 31, 1993.*
- (c) *The provisions of subsection (16) of this section apply to property placed in service after September 10, 2001.*
- (2) For property placed in service prior to January 1, 1990, in lieu of the depreciation and expense deductions allowed under Internal Revenue Code Sections 168 and 179, a deduction for a reasonable allowance for depreciation, exhaustion, wear and tear, and obsolescence of property used in a trade or business shall be allowed and computed as set out in subsections ~~(3)(2)~~ to ~~(11)(10)~~ of this section. For property placed in service after December 31, 1989, the depreciation and expense deductions allowed under Sections 168 and 179 of the Internal Revenue Code shall be allowed.
- ~~(3)(2)~~ Effective August 1, 1985, "reasonable allowance" as used in subsection ~~(2)(1)~~ of this section shall mean depreciation computed in accordance with Section 167 of the Internal Revenue Code and related regulations in effect on December 31, 1980, for all property placed in service on or after January 1, 1981, except as provided in subsections ~~(6)(5)~~ to ~~(8)(7)~~ of this section.
- ~~(4)(3)~~ Depreciation of property placed in service prior to January 1, 1981, shall be computed under Section 167 of the Internal Revenue Code, and the method elected thereunder at the time the property was first placed in service or as changed with the approval of the Commissioner of Internal Revenue Service or as required by changes in federal regulations.
- ~~(5)(4)~~ Taxpayers other than corporations shall be allowed to deduct as depreciation on recovery property placed in service before August 1, 1985, an amount calculated under Section 168 of the Internal Revenue Code subject to the provisions of subsections ~~(6)(5)~~ and ~~(8)(7)~~ of this section. Corporations with a taxable year beginning on or after July 1, 1984, and before August 1, 1985, shall calculate a deduction for depreciation on recovery property placed in service prior to August 1, 1985, using either of the following alternative methods:
 - (a) Dividing the total of the deductions allowed under Internal Revenue Code Section 168 by one and four tenths (1.4); and
 - (b) Calculating the deduction that would be allowed or allowable under the provisions of Section 167 of the Internal Revenue Code.
- ~~(6)(5)~~ Recovery property placed in service on or after January 1, 1981, and before August 1, 1985, and subject to transition under subsection ~~(8)(7)~~ of this section, shall be subject to depreciation under Section 167 of the Internal Revenue Code, restricted to the straight line method therein provided over the remaining useful life of such assets.

- ~~(7)(6)~~ Depreciation of property placed in service on or after August 1, 1985, shall be computed under Section 167 of the Internal Revenue Code.
- ~~(8)(7)~~ Transition from Section 168 of the Internal Revenue Code, Accelerated Cost Recovery System (ACRS) depreciation, to the depreciation allowed or allowable under this section shall be reported in the first taxable year beginning on or after August 1, 1985. To implement the transition, the following adjustments shall be made:
- (a) Taxpayers other than corporations shall use the adjusted Kentucky basis for property placed in service on or after January 1, 1981. "Adjusted Kentucky basis" means the basis used for determining depreciation under Section 168 of the Internal Revenue Code less the allowed or allowable depreciation and adjustment for election to expense an asset (Section 179 of the Internal Revenue Code);
 - (b) Corporations shall adjust the federal unadjusted basis by increasing such basis by the ACRS depreciation not allowed as a deduction in determining Kentucky net income for tax years beginning after June 30, 1984, less allowed or allowable ACRS depreciation for federal income tax purposes. Corporations will not be permitted to adjust the basis by the ACRS depreciation not allowed for Kentucky income tax purposes in tax years beginning on or before June 30, 1984.
- ~~(9)(8)~~ A taxpayer may elect to treat the cost of property placed in service on or before July 31, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in effect on December 31, 1981, except that the aggregate cost which may be expensed for corporations shall not exceed five thousand dollars (\$5,000). A taxpayer may elect to treat the cost of property placed in service on or after August 1, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in effect on December 31, 1980. Computations, limitations, definitions, exceptions, and other provisions of Section 179 of the Internal Revenue Code and related regulations shall be construed to govern the computation of the allowable deduction.
- ~~(10)(9)~~ Upon the sale, exchange, or disposition of any depreciable property placed in service on or after January 1, 1981, capital gains or losses and the amount of ordinary income determined under the provisions of the Internal Revenue Code shall be computed for Kentucky income tax purposes as follows:
- (a) Compute the Kentucky unadjusted basis which is the cost of the asset reduced by any basis adjustment made by the taxpayer under Section 48(q)(1) of the Internal Revenue Code and any expense allowed and utilized under Section 179 of the Internal Revenue Code (First Year Expense) in determining Kentucky net income in prior years, and
 - (b) Compute the adjusted basis by subtracting the depreciation allowed or allowable for Kentucky income tax purposes from the unadjusted basis, except corporations will not be permitted to adjust the basis of assets by the ACRS depreciation not allowed for Kentucky income tax purposes in the tax years beginning on or before June 30, 1984, and
 - (c) Compute the gain or loss by subtracting the adjusted basis from the value received from the disposition of the depreciable property, and
 - (d) Compute the recapture of depreciation required under Sections 1245 through 1256 of the Internal Revenue Code and related regulations, and
 - (e) Unless otherwise provided in this subsection the provisions of the Internal Revenue Code and related regulations governing the determination of capital gains or losses shall apply for Kentucky income tax purposes.
- ~~(11)(10)~~ Unless otherwise provided by this chapter, the basis of property placed in service prior to January 1, 1990, for purposes of Kentucky income tax shall be the basis, adjusted or unadjusted, required to be used under Section 167 of the Internal Revenue Code in effect on December 31, 1980.
- ~~[(11) The provisions of subsections (1) to (10) of this section shall apply to taxable years beginning before January 1, 1994, and the provisions of subsections (12) to (15) shall apply to taxable years beginning after December 31, 1993.]~~
- (12) As used in this subsection to subsection (14) of this section:
- (a) "Transition property" means any property placed in service before the first day of the first taxable year beginning after December 31, 1993, and owned by the taxpayer on the first day of the first taxable year beginning after December 31, 1993.

- (b) "Adjusted Kentucky basis" means the amount computed in accordance with the provisions of paragraph (b) of subsection ~~(10)~~~~(9)~~ of this section for transition property.
 - (c) "Adjusted federal basis" means the original cost, or, in the case of Section 338 property, the adjusted grossed-up basis of transition property less:
 - 1. Any basis adjustments required by the Internal Revenue Code for credits; and
 - 2. The total accumulated depreciation and election to expense deductions allowed or allowable for federal income tax purposes.
 - (d) "Section 338 property" means property to which an adjusted grossed-up basis has been allocated pursuant to a valid election made by a purchasing corporation under the provisions of Section 338 of the Internal Revenue Code.
 - (e) "Transition amount" means the net difference between the adjusted Kentucky basis and the adjusted federal basis of all transition property determined as of the first day of the first taxable year beginning after December 31, 1993.
- (13) For taxable years beginning after December 31, 1993, the amounts of depreciation and election to expense deductions, allowed or allowable, the basis of assets, adjusted or unadjusted, and the gain or loss from the sale or other disposition of assets shall be the same for Kentucky income tax purposes as determined under Chapter 1 of the Internal Revenue Code.
- (14) For taxable years beginning after December 31, 1993, the transition amount computed in accordance with the provisions of paragraph (e) of subsection (12) of this section shall be reported by the taxpayer as follows:
- (a) In the first taxable year beginning after December 31, 1993, and the eleven (11) succeeding taxable years, the taxpayer shall include in gross income one-twelfth (1/12) of the transition amount if:
 - 1. The adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property;
 - 2. The transition amount exceeds five million dollars (\$5,000,000);
 - 3. The transition amount includes property for which an election was made under Section 338 of the Internal Revenue Code; and
 - 4. The taxpayer elects the provisions of this paragraph with the filing of an amended income tax return for the first taxable year beginning after December 31, 1993.
 - (b) In the first taxable year beginning after December 31, 1993 and the three (3) succeeding taxable years, if the transition amount exceeds one hundred thousand dollars (\$100,000), or if the transition amount does not exceed one hundred thousand dollars (\$100,000) and the taxpayer elects the provision of this paragraph with the filing of the income tax return for the first taxable year beginning after December 31, 1993, the taxpayer shall:
 - 1. Deduct from gross income twenty-five percent (25%) of the transition amount if the adjusted Kentucky basis of transition property exceeds the adjusted federal basis of transition property; or
 - 2. Add to gross income twenty-five percent (25%) of the transition amount if the adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property.
 - (c) In the first taxable year beginning after December 31, 1993, if the transition amount does not exceed one hundred thousand dollars (\$100,000) and the taxpayer does not elect the provisions of paragraph (b) of this subsection, the taxpayer shall:
 - 1. Deduct from gross income the total transition amount if the adjusted Kentucky basis of transition property exceeds the adjusted federal basis of transition property; or
 - 2. Add to gross income the total transition amount if the adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property.
- (15) Notwithstanding any other provision of this section to the contrary, any qualified farming operation, as defined in KRS 141.410, shall be allowed to compute the depreciation deduction for new buildings and equipment purchased to enable participation in a networking project, as defined in KRS 141.410, on an accelerated basis at two (2) times the rate that would otherwise be permitted under the provisions of this section. The accumulated depreciation allowed under this subsection shall not exceed the taxpayer's basis in such property.

- (16) *For property placed in service after September 10, 2001, only the depreciation and expense deductions allowed under Sections 168 and 179 of the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, shall be allowed.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 393 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*

- (a) *"Book-entry bond" means a savings bond maintained by the United States Treasury in electronic or paperless form as a computer record;*
- (b) *"Definitive bond" means a savings bond issued by the United States Treasury in paper form;*
- (c) *"Final maturity" means the date a United States savings bond ceases to earn interest; and*
- (d) *"United States savings bond" means a book-entry bond or definitive bond issued by the United States Treasury.*

- (2) *This section shall apply to the escheat of United States savings bonds to the Commonwealth of Kentucky.*

- (3) *A United States savings bond held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, governmental subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state if:*

- (a) *The last known address of the owner of the United States savings bond is in this state; and*
- (b) *The United States savings bond has remained unclaimed and unredeemed for three (3) years after final maturity.*

- (4) *United States savings bonds which are presumed abandoned under subsection (3) of this section shall escheat to the Commonwealth of Kentucky three (3) years after becoming abandoned property, and all property rights and legal title to and ownership of the United States savings bonds or proceeds from the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the Commonwealth of Kentucky according to the procedure set forth in subsections (5) to (8) of this section.*

- (5) *If no claim has been filed in accordance with the provisions of this chapter, the department shall commence a civil action in the Franklin Circuit Court for a determination that United States savings bonds have escheated to the Commonwealth of Kentucky and the Commonwealth of Kentucky is the owner of the savings bonds.*

- (6) (a) *The department shall provide notice of the action by publication in at least two (2) newspapers of statewide circulation in accordance with the provisions of KRS 424.110 to 424.215.*

- (b) *The notice shall list all persons to be served and shall notify those persons that:*

- 1. *The person has been sued in a named court;*
- 2. *The person must answer the petition or other pleading or otherwise respond, on or before a specified date not less than fifty (50) days after the date the notice is first published; and*
- 3. *If the person does not answer or otherwise respond, the petition or other pleading shall be taken as true and judgment, the nature of which shall be stated, will be rendered accordingly.*

- (7) *Prior to providing notice by publication as required by subsection (6) of this section, the Treasurer or his or her designee shall file with the court an affidavit stating all the following that apply:*

- (a)
 - 1. *The residences of all named persons sought to be served, if known;*
 - 2. *The names of all persons whose residences are unknown after reasonable effort to ascertain them; and*
 - 3. *The specific efforts made to ascertain the unknown residences;*
- (b) *That the affiant has made a reasonable but unsuccessful effort to ascertain the names and residences of any persons sought to be served as unknown parties, and the specific efforts made to ascertain the names and residences;*
- (c) *That the department is unable to obtain service of summons on the persons in the state; and*

(d) *That the case is one in which the department, with due diligence, is unable to serve summons on the person in this state and:*

1. *The case relates to personal property in this state, if any person has or claims an interest in the property; or*
2. *In which the relief demanded consists wholly or partly in excluding the person from any interest in the property.*

(8) *If:*

(a) *No person files a claim or appears at the hearing to substantiate a claim; or*

(b) *The court determines that a claimant is not entitled to the property claimed by the claimant;*

then the court, if satisfied by the evidence that the department has substantially complied with the laws of the Commonwealth, shall enter a judgment that the subject United States savings bonds have escheated to the Commonwealth of Kentucky, and all property rights and legal title to and ownership of the United States savings bonds or proceeds from the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the Commonwealth of Kentucky.

(9) *The department shall redeem the United States savings bonds escheated to the Commonwealth, and the proceeds from the redemption shall be deposited into a separate subsidiary account of the abandoned property fund.*

(10) *After a judgment of escheat has been entered pursuant to subsection (8) of this section, the Treasurer or his or her designee may, at his or her discretion, make full or partial payment of requests for the proceeds of United States savings bonds to persons to whom, in the opinion of the Treasurer or his or her designee, the Commonwealth should in fairness and equity allow payment.*

➔Section 5. KRS 393.068 is amended to read as follows:

- (1) All tangible personal property or intangible personal property, including choses in action in amounts certain, and all debts owed or entrusted funds or other property held by the federal government or any federal agency, or any officer, or appointee thereof, shall be presumed abandoned in this state if the last known address of the owner of the property is in this state and the property has remained unclaimed for *three (3)*~~five (5)~~ years.
- (2) The federal government or any federal agency thereof which pays or delivers abandoned property to the department under this section is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property.
- (3) The federal government or any federal agency thereof may deduct from the amounts to be paid or delivered to the department the proportionate share of the actual and necessary costs of examining records and reporting such information.

➔Section 6. KRS 138.511 is amended to read as follows:

As used in KRS 138.510 to 138.550:

(1) *"Advanced deposit account wagering" has the same meaning as in KRS 230.210;*

(2) *"Advanced deposit account wagering license" has the same meaning as in KRS 230.210*~~["Commission" means the Kentucky Horse Racing Commission];~~

~~(3)(2)~~ "Association" has the same meaning as in KRS 230.210;

(4) *"Commission" means the Kentucky Horse Racing Commission;*

~~(5)(3)~~ "Daily average live handle" means:

(a) The *handle from wagers made*~~total amount wagered~~ at a track on live racing *during the fiscal year, excluding amounts*~~and does not include money~~ wagered:

- 1.~~(a)~~ At a receiving track;
- 2.~~(b)~~ At a simulcast facility;
- 3.~~(c)~~ On telephone account wagering;
- 4.~~(d)~~ Through advance deposit account wagering;~~or~~

5. ~~[(e)]~~ At a track participating as a receiving track or simulcast facility displaying simulcasts and conducting interstate wagering as permitted by KRS 230.3771 and 230.3773; **and**

6. ***Beginning April 1, 2014, on historical horse races;***
divided by:

(b) ***The total number of days that live racing was conducted at the track during the fiscal year;***

(6) ~~[(4)]~~ "Department" means the Department of Revenue;

(7) ~~[(5)]~~ "Fiscal year" means a time frame beginning 12:01 a.m. July 1, and ending 12 midnight June 30;

(8) ***"Handle" means total wagers made on a race;***

(9) (a) ***"Historical horse race" means any horse race that:***

1. ***Was previously run at a licensed pari-mutuel facility in the United States;***

2. ***Concluded with official results; and***

3. ***Concluded without scratches, disqualifications, or dead-heat finishes.***

(b) ***As used in this subsection, the terms "pari-mutuel," "scratch," "disqualification," and "dead heat" have the same meaning as established by the commission pursuant to an administrative regulation promulgated under KRS Chapter 13A;***

(10) ~~[(6)]~~ "Host track" has the same meaning as in KRS 230.210;

(11) ~~[(7)]~~ "Interstate wagering" has the same meaning as in KRS 230.210;

(12) ~~[(8)]~~ "Intertrack wagering" has the same meaning as in KRS 230.210;

(13) ***"Kentucky resident" means:***

(a) ***An individual domiciled within this state;***

(b) ***An individual who maintains a place of abode in this state and spends, in the aggregate, more than one hundred eighty-three (183) days of the taxable year in this state; or***

(c) ***An individual who lists a Kentucky address as his or her principal place of residence when applying for an account to participate in advance deposit account wagering;***

(14) ~~[(9)]~~ "Receiving track" has the same meaning as in KRS 230.210;

(15) ~~[(10)]~~ "Simulcast facility" has the same meaning as in KRS 230.210;

(16) ***"Takeout" means that portion of the handle which is distributed to persons other than those making wagers;***

(17) ~~[(11)]~~ "Telephone account wagering" has the same meaning as in KRS 230.210; and

(18) ~~[(12)]~~ "Track" has the same meaning as in KRS 230.210.

➔Section 7. KRS 138.510 is amended to read as follows:

(1) (a) Except as provided in ***paragraph*** ~~paragraphs (b) and~~ (d) of this subsection, an excise tax is imposed on all tracks conducting pari-mutuel wagering on live racing under the jurisdiction of the commission ***as follows:*** ~~[-]~~

1. For each track with a daily average live handle of one million two hundred thousand dollars (\$1,200,000) or above, the tax shall be in the amount of three and one-half percent (3.5%) of all money wagered on live races at the track during the fiscal year; ***and*** ~~[-]~~

2. For each track with a daily average live handle under one million two hundred thousand dollars (\$1,200,000), the tax shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.

(b) ***Beginning on April 1, 2014, an excise tax is imposed on all tracks conducting pari-mutuel wagering on historical horse races under the jurisdiction of the commission at a rate of one and one-half percent (1.5%) of all money wagered on historical horse races at the track during the fiscal year*** ~~[-]~~
~~[-]~~

- ~~a. A track located in this state is the host track for a live one (1) or two (2) day international horse racing event in 2010 that distributes in excess of a total of fifteen million dollars (\$15,000,000) in purses during the international horse racing event; and~~
 - ~~b. On or before November 4, 2010, the organization responsible for selecting the location of the same international horse racing event in subsequent years contractually agrees to conduct the international horse racing event at a host track in this state in calendar year 2011 or 2012 or calendar years 2011 and 2012;~~
- ~~then the excise tax imposed by paragraph (a) of this subsection shall not be imposed on pari-mutuel wagering on any live racing conducted during the one (1) or two (2) day international horse racing event held at a host track within this state in calendar years 2010 through 2012.~~
- ~~2. Beginning January 1, 2013, if the requirements of subparagraph 1. of this paragraph are satisfied, the tax exemption established by subparagraph 1. of this paragraph shall remain in effect for any succeeding one (1) or two (2) day international horse racing event if the event returns within three (3) years of a previously held international horse racing event.~~
- ~~3. A minimum of five hundred thousand dollars (\$500,000) of the amount that would have been paid to the Commonwealth but for the exemption provided by this paragraph shall be used by the host track to fund undercard races during each international horse racing event.~~
- ~~4. Notwithstanding paragraph (c) of this subsection, if the requirements of subparagraph 1.a. of this paragraph are satisfied but the requirements of subparagraph 1.b. of this paragraph are not, then the excise tax imposed by paragraph (a) of this subsection shall be imposed on pari-mutuel wagering on any live racing conducted during the one (1) or two (2) day international horse racing event and the total amount of revenue collected shall be distributed as follows:~~
 - ~~a. Eighty percent (80%) shall be deposited into the Thoroughbred development fund established in KRS 230.400;~~
 - ~~b. Thirteen percent (13%) shall be deposited into the standardbred development fund established in KRS 230.770; and~~
 - ~~c. Seven percent (7%) shall be deposited into the Kentucky quarter horse, Appaloosa, and Arabian development fund established in KRS 230.445}.~~
- (c) Money shall be deducted from the tax paid under ~~paragraphs~~~~[paragraph]~~ (a) *and* (b) of this subsection and deposited as follows:
 - 1. An amount equal to three-quarters of one percent (0.75%) of all money wagered on live races *and historical horse races* at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400;
 - 2. An amount equal to one percent (1%) of all money wagered on live races *and historical horse races* at the track for harness racing shall be deposited in the Kentucky standardbred development fund established in KRS 230.770;
 - 3. An amount equal to one percent (1%) of all money wagered on live races *and historical horse races* at the track for quarter horse, Appaloosa, and Arabian horse racing shall be deposited in the Kentucky quarter horse, Appaloosa, and Arabian development fund established by KRS 230.445;{ }
 - 4. An amount equal to two-tenths of one percent (0.2%) of all money wagered on live races *and historical horse races* at the track shall be deposited in the equine industry program trust and revolving fund established by KRS 230.550 to support the Equine Industry Program at the University of Louisville, *except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed six hundred fifty thousand dollars (\$650,000)*;
 - 5.
 - a. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races *and historical horse races* at the track shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, *except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000)*.

- b. These funds shall not be used for salaries or for operating funds for teaching, research, or administration. Funds allocated under this subparagraph shall not replace other funds for capital purposes or operation of equine programs at state universities.
 - c. The Kentucky Council on Postsecondary Education shall serve as the administrative agent and shall establish an advisory committee of interested parties, including all universities with established equine programs, to evaluate proposals and make recommendations for the awarding of funds.
 - d. The Kentucky Council on Postsecondary Education may promulgate administrative regulations to establish procedures for administering the program and criteria for evaluating and awarding grants; and
6. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races *and historical horse races* shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3), *except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).*
- (d) The excise tax imposed by paragraph (a) of this subsection shall not apply to pari-mutuel wagering on live harness racing at a county fair.
 - (e) *The excise tax imposed by paragraph (a) of this subsection, and the distributions provided for in paragraph (c) of this subsection, shall apply to money wagered on historical horse races beginning September 1, 2011, through March 31, 2014, and historical horse races shall be considered live racing for purposes of determining the daily average live handle. Beginning April 1, 2014, the tax imposed by paragraph (b) of this subsection shall apply to money wagered on historical horse races.*
- (2) (a) Except as provided in ~~paragraph (c) and (d)~~ of this subsection, an excise tax is imposed on:
- 1. All tracks conducting telephone account wagering;
 - 2. All tracks participating as receiving tracks in intertrack wagering under the jurisdiction of the commission; and
 - 3. All tracks participating as receiving tracks displaying simulcasts and conducting interstate wagering thereon.
- (b) The tax shall be three percent (3%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.
 - (c) A noncontiguous track facility approved by the commission on or after January 1, 1999, shall be exempt from the tax imposed under this subsection, if the facility is established and operated by a licensed track which has a total annual handle on live racing of two hundred fifty thousand dollars (\$250,000) or less. The amount of money exempted under this paragraph shall be retained by the noncontiguous track facility, KRS 230.3771 and 230.378 notwithstanding.
 - (d) ~~1. A track located in this state shall be exempt from the excise tax imposed by paragraph (b) of this subsection on wagers placed on all races conducted at a one (1) or two (2) day international horse racing event if:~~
 - ~~a. The international horse racing event is conducted at a host track in this state; and~~
 - ~~b. The host track is exempt from the excise tax during the international horse racing event under subsection (1)(b) of this section.~~
 - ~~2. Notwithstanding paragraph (e) of this subsection, if the host track is not exempt and is taxed pursuant to subsection (1)(b)4. of this section, then the excise tax imposed by paragraphs (a) and (b) of this subsection shall be imposed on wagers placed on all races conducted at the one (1) or two (2) day international horse racing event and the total amount of revenue collected shall be distributed as follows:~~
 - ~~a. Eighty percent (80%) shall be deposited into the Thoroughbred development fund established in KRS 230.400;~~

- ~~b. Thirteen percent (13%) shall be deposited into the standardbred development fund established in KRS 230.770; and~~
- ~~c. Seven percent (7%) shall be deposited into the Kentucky quarter horse, Appaloosa, and Arabian development fund established in KRS 230.445.~~

~~(e)~~ Money shall be deducted from the tax paid under paragraphs (a) and (b) of this subsection as follows:

1. An amount equal to two percent (2%) of the amount wagered shall be deposited as follows:
 - a. In the Thoroughbred development fund established in KRS 230.400 if the host track is conducting a Thoroughbred race meeting or the interstate wagering is conducted on a Thoroughbred race meeting;
 - b. In the Kentucky standardbred development fund established in KRS 230.770, if the host track is conducting a harness race meeting or the interstate wagering is conducted on a harness race meeting; or
 - c. In the Kentucky quarter horse, Appaloosa, and Arabian development fund established by KRS 230.445, if the host track is conducting a quarter horse, Appaloosa, or Arabian horse race meeting or the interstate wagering is conducted on a quarter horse, Appaloosa, or Arabian horse race meeting;
 2. An amount equal to one-twentieth of one percent (0.05%) of the amount wagered shall be allocated to the equine industry program trust and revolving fund established by KRS 230.550 to be used to support the Equine Industry Program at the University of Louisville;
 3. An amount equal to one-tenth of one percent (0.1%) of the amount wagered shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, as detailed in subsection (1)(c)5. of this section; and
 4. An amount equal to one-tenth of one percent (0.1%) of the amount wagered shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3).
- (3) The taxes imposed by this section shall be paid, collected, and administered as provided in KRS 138.530.

➔SECTION 8. A NEW SECTION OF KRS 138.510 TO 138.550 IS CREATED TO READ AS FOLLOWS:

- (1) ***Beginning August 1, 2014, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 236.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents.***
- (2) ***The tax imposed by this section shall be paid, collected, administered, and distributed as provided in Section 9 of this Act.***

➔Section 9. KRS 138.530 is amended to read as follows:

- (1) The department shall enforce the provisions of and collect the tax and penalties imposed and other payments required by KRS 138.510 to 138.550, and in doing so it shall have the general powers and duties granted it in KRS Chapters 131 and 135, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the tax, penalties and other payments imposed or required by KRS 138.510 to 138.550.
 - (2)
 - (a) The remittance of the taxes imposed by KRS 138.510 shall be made weekly to the department no later than the fifth business day, excluding Saturday and Sunday, following the close of each week of racing, during each race meeting, ***and following the close of each week when historical horse races are conducted***, and shall be accompanied by reports as prescribed by the department.
 - (b) ***Except as otherwise provided in KRS 138.510 to 138.550***, all funds received by the department ***from the taxes imposed by Section 7 of this Act*** shall be paid into the State Treasury and shall be credited to the general ~~expenditure~~ fund.
- ~~(c) [(3)]~~ The supervisor of pari-mutuel betting appointed by the commission shall weekly, during each race meeting, ***and during each week when historical horse races are conducted***, report to the department the total amount bet or handled the preceding week and the amount of tax due the state thereon, under the provisions of KRS 138.510 to 138.550.

~~(d)(4)~~ The supervisor of pari-mutuel betting appointed by the commission or his or her duly authorized representatives shall, at all reasonable times, have access to all books, records, issuing or vending machines, adding machines, and all other pari-mutuel equipment for the purpose of examining and checking the same and ascertaining whether or not the proper amount or amounts due the state are being or have been paid.

~~(e)(5)~~ Every person, corporation, or association required to pay the tax imposed by KRS 138.510 shall keep its books and records so as to clearly show by a separate record the total amount of money contributed to every pari-mutuel pool.

- (3) (a) *The remittance of the tax imposed by Section 8 of this Act shall be made weekly to the department no later than the first business day of the week next succeeding the week during which the wagers forming the base of the tax were received.*
- (b) *Along with the remittance of the tax, each advance deposit account wagering licensee shall file a return that includes the information required by the department.*
- (c) *Every advance deposit account wagering licensee shall keep its books and records in such a manner that:*
 1. *Kentucky residents having accounts with the advance deposit account wagering licensee can be individually identified and their identity and residence verified; and*
 2. *The amount wagered through each account held by a Kentucky resident and the date of each wager can be determined and verified.*
- (d) *All books and records of the advance deposit account wagering licensee required by paragraph (c) of this subsection and any books and records that the department requires a licensee to maintain through promulgation of an administrative regulation shall be open to inspection by the department and the commission.*
- (e) *All revenue received by the department from the tax imposed by Section 8 of this Act shall be distributed as follows:*
 1. *Fifteen percent (15%) shall be distributed to the Commonwealth and credited to the general fund; and*
 2.
 - a. *Eighty-five percent (85%) of revenue received from a wager placed on a race conducted at a track in Kentucky shall be distributed to the association that conducted the race;*
 - b. *Eighty-five percent (85%) of revenue received from a wager placed on a race conducted at a track outside Kentucky shall be distributed to the Kentucky track that is recognized as the host track by the commission at the time the wager is placed. However, if a wager subject to the tax imposed by Section 8 of this Act is placed on a race conducted at a track outside Kentucky, and the individual placing the wager has registered an address with the advance deposit account wagering licensee that is within twenty-five (25) miles of a Kentucky track, the association licensed by the commission to operate that track shall receive the tax revenue derived from that wager; and*
 - c. *An association receiving distributions under subdivisions a. and b. of this subparagraph shall allocate one-half (1/2) of the amount distributed to its purse account.*

➔Section 10. KRS 138.550 is amended to read as follows:

In addition to all other penalties provided in KRS 138.510 to 138.540:~~;~~

- (1) When the pari-mutuel system of betting is operated at a track licensed under KRS Chapter 230, ~~the said~~ license may be suspended, revoked or renewal refused by the commission upon the failure of the operator to comply with KRS 138.510 to 138.540 or the rules and regulations promulgated by the department pursuant thereto, even though the pari-mutuel system of betting and the track are operated by different persons, corporations, or associations; *and*
- (2) *Any advance deposit account wagering licensee that fails to remit the tax imposed by Section 8 of this Act, to remit returns required by Section 9 of this Act, or to maintain the records required by Section 9 of this Act or administrative regulations promulgated by the department, may have the license granted under KRS 230.260 suspended, revoked, or not renewed by the commission.*

➔Section 11. The Kentucky Horse Racing Commission, through promulgation of an administrative regulation, authorized race tracks in Kentucky to conduct wagering on historical horse racing at the tracks, and the Kentucky Department of Revenue, through amendment of a form, imposed the pari-mutuel tax against wagers made on historical horse races. Subsequent to these executive branch actions, the Kentucky Supreme Court opined in 2012-SC-000414-DG that the Kentucky Horse Racing Commission has the statutory authority to regulate historical racing, but that the Kentucky Department of Revenue does not have the statutory authority to impose a tax against historical horse racing. The court remanded the issue of whether wagering on historical horse races is pari-mutuel wagering back to the Circuit Court for further discovery and this litigation is ongoing. Equity demands that as long as the Kentucky Horse Racing Commission continues to allow wagering on historical horse races at race tracks in Kentucky, that such activity should be taxed at a level commensurate with other types of wagering occurring at race tracks in Kentucky. Therefore, the provisions of Sections 6, 7, and 9 of this Act permit the imposition of the pari-mutuel tax against tracks allowing wagering on historical horse races. No provision of this section or Section 6, 7, or 9 of this Act shall be deemed, adjudged, or construed as being a recognition, finding, or admission concerning the legality of wagering on historical horse races, the devices upon which wagering on historical horse races is conducted, or the gaming system.

➔Section 12. KRS 148.544 is amended to read as follows:

- (1) The purposes of KRS 141.383 and 148.542 to 148.546 are to:
 - (a) Encourage the film and entertainment industry to choose locations in the Commonwealth for the filming and production of motion picture or entertainment productions;
 - (b) Encourage the development of a film and entertainment industry in Kentucky;
 - (c) Encourage increased employment opportunities for the citizens of the Commonwealth within the film and entertainment industry; and
 - (d) Encourage the development of a production and postproduction infrastructure in the Commonwealth for film production and touring Broadway show production facilities containing state-of-the-art technologies.
- (2) The Kentucky Film Office is hereby established in the Tourism, Arts and Heritage Cabinet to administer, together with the Finance and Administration Cabinet and the Tourism Development Finance Authority, the tax incentive established by KRS 141.383 and 148.542 to 148.546.
- (3) To qualify for the tax incentive provided in subsection (4) of this section, the following requirements shall be met:
 - (a) For an approved company that films or produces a motion picture production, except for a commercial or documentary, the minimum combined total of qualifying expenditures and qualifying payroll expenditures shall be five hundred thousand dollars (\$500,000);
 - (b) For an approved company that films or produces a commercial in the Commonwealth that is distributed regionally or nationally, the minimum combined total of qualifying expenditures and qualifying payroll expenditures shall be two hundred thousand dollars (\$200,000); and
 - (c) For an approved company that films or produces a documentary in the Commonwealth or that produces a national touring production of a Broadway show, the minimum combined total of qualifying expenditures and qualifying payroll expenditures shall be fifty thousand dollars (\$50,000).
- (4) (a) The incentive available under KRS 141.383 and 148.542 to 148.546 is a refundable credit against the Kentucky income tax imposed under KRS 141.020 or 141.040, and the limited liability entity tax imposed under KRS 141.0401, as provided in KRS 141.383. The amount of the incentive shall not exceed:
 1. Twenty percent (20%) of the approved company's qualifying expenditures;
 2. Twenty percent (20%) of the approved company's qualifying payroll expenditures paid to below-the-line production crew; and
 3. Twenty percent (20%) of the approved company's qualifying payroll expenditures paid to above-the-line production crew not to exceed one hundred thousand dollars (\$100,000) in payroll expenditures per employee.
- (b) ~~{1.}~~ The Tourism Development Finance Authority may accept applications, authorize the execution of tax incentive agreements, and enter into tax incentive agreements beginning on June 26, 2009;

however, no credit amount shall be claimed by the taxpayer as a refund or paid by the Department of Revenue prior to July 1, 2010.

~~[2. The credit shall be available to approved companies with tax incentive agreements executed before January 1, 2015.]~~

➔Section 13. KRS 141.383 is amended to read as follows:

- (1) As used in this section:
 - (a) "Above-the-line production crew" means the same as defined in KRS 148.542;
 - (b) "Approved company" means the same as defined in KRS 148.542;
 - (c) "Below-the-line production crew" means the same as defined in KRS 148.542;
 - (d) "Cabinet" means the same as defined in KRS 148.542;
 - (e) "Office" means the same as defined in KRS 148.542;
 - (f) "Qualifying expenditure" means the same as defined in KRS 148.542;
 - (g) "Qualifying payroll expenditure" means the same as defined in KRS 148.542;
 - (h) "Secretary" means the same as defined in KRS 148.542; and
 - (i) "Tax incentive agreement" means the same as defined in KRS 148.542.
- (2) There is hereby created a refundable tax credit against the tax imposed under KRS 141.020 or 141.040 and 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (3) ~~[For tax incentive agreements executed before January 1, 2015,]~~ An approved company may receive a refundable tax credit on and after July 1, 2010, if:
 - (a) The cabinet has received notification from the office that the approved company has satisfied all requirements of KRS 148.542 to 148.546; and
 - (b) The approved company has provided a detailed cost report and sufficient documentation to the office, which has been forwarded by the office to the cabinet, that:
 1. The purchases of qualifying expenditures were made after the execution of the tax incentive agreement; and
 2. The approved company has withheld income tax as required by KRS 141.310 on all qualified payroll expenditures.
- (4) The refundable tax credit shall not apply until the taxable year in which the secretary notifies the approved company of the amount of refundable credit that is available. If the notification of approval is provided prior to July 1, 2010, the company shall not claim the credit and the department shall not issue any refunds until on or after July 1, 2010.
- (5) Interest shall not be allowed or paid on any refundable credits provided under this section.
- (6) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer this section.
- (7) On or before September 1, 2010, and on or before each September 1 thereafter, for the immediately preceding fiscal year, the cabinet shall report to the office the names of the approved companies and the amounts of refundable income tax credit claimed.

➔SECTION 14. A NEW SECTION OF KRS 171.311 TO 171.345 IS CREATED TO READ AS FOLLOWS:

- (1) *The local history trust fund is created as a separate trust fund. The fund shall consist of moneys collected from the income tax checkoff created under Section 15 of this Act and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund.*
- (2) *Trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (3) *Any interest earnings of the trust fund shall become a part of the trust fund and shall not lapse.*

- (4) *Trust fund moneys shall be used to support local history through grants made to local history organizations in Kentucky. Funds shall be administered and distributed by the Kentucky Historical Society for the purposes directed in this section.*
- (5) *Moneys transferred to the trust fund pursuant to Section 15 of this Act are hereby appropriated for the purposes set forth in this section.*
- (6) *The Kentucky Historical Society shall develop standards for qualifying applicants, and for applying and approving grants from the trust fund, and may promulgate administrative regulations as needed to implement this section.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective for taxable years beginning January 1, 2015, any taxpayer required to file a return under KRS 141.180 who is entitled to an income tax refund and who desires to contribute to the local history trust fund created under Section 14 of this Act may designate an amount, not to exceed the amount of the refund, to be paid to the trust fund. A designation made under this section shall not affect the income tax liability of the taxpayer, but it shall reduce the income tax refund by the amount designated.*
- (2) *The instructions accompanying the individual income tax return shall include a description of the local history trust fund and the purposes for which the funds from the income tax checkoff may be used.*
- (3) *The commissioner shall, by July 1, 2016, and by July 1 of each year thereafter, transfer the funds designated by taxpayers under this section to the local history trust fund created by Section 14 of this Act.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *There shall be allowed a nonrefundable and nontransferable credit to each taxpayer paying the distilled spirits ad valorem tax as follows:*
 1. *For taxable years beginning on or after January 1, 2015, and before December 31, 2015, the credit shall be equal to twenty percent (20%) of the tax assessed under KRS 132.160 and paid under KRS 132.180 on a timely basis;*
 2. *For taxable years beginning on or after January 1, 2016, and before December 31, 2016, the credit shall be equal to forty percent (40%) of the tax assessed under KRS 132.160 and paid under KRS 132.180 on a timely basis;*
 3. *For taxable years beginning on or after January 1, 2017, and before December 31, 2017, the credit shall be equal to sixty percent (60%) of the tax assessed under KRS 132.160 and paid under KRS 132.180 on a timely basis;*
 4. *For taxable years beginning on or after January 1, 2018, and before December 31, 2018, the credit shall be equal to eighty percent (80%) of the tax assessed under KRS 132.160 and paid under KRS 132.180 on a timely basis; and*
 5. *For taxable years beginning on or after January 1, 2019, the credit shall be equal to one hundred percent (100%) of the tax assessed under KRS 132.160 and paid under KRS 132.180 on a timely basis.*
- (b) *The credit shall be applied both to the income tax imposed under KRS 141.020 or 141.040 and to the limited liability entity tax imposed under KRS 141.0401, with the ordering of the credits as provided in Section 17 of this Act.*
- (2) *The amount of distilled spirits credit allowed under subsection (1) of this section shall be used only for capital improvements at the premises of the distiller licensed pursuant to KRS Chapter 243. As used in this subsection, "capital improvement" means any costs associated with:*
 - (a) *Construction, replacement, or remodeling of warehouses or facilities;*
 - (b) *Purchases of barrels and pallets used for the storage and aging of distilled spirits in maturing warehouses;*
 - (c) *Acquisition, construction, or installation of equipment for the use in the manufacture, bottling, or shipment of distilled spirits;*
 - (d) *Addition or replacement of access roads or parking facilities; and*

- (e) *Construction, replacement, or remodeling of facilities to market or promote tourism, including but not limited to a visitor's center.*
- (3) *The distilled spirits credit allowed under subsection (1) of this section:*
 - (a) *May be accumulated for multiple taxable years;*
 - (b) *Shall be claimed on the return of the taxpayer filed for the taxable year during which the credits were used pursuant to subsection (2) of this section; and*
 - (c) *Shall not include:*
 - 1. *Any delinquent tax paid to the Commonwealth; or*
 - 2. *Any interest, fees, or penalty paid to the Commonwealth.*
- (4) (a) *Before the distilled spirits credit shall be allowed on any return, the capital improvements required by subsection (2) of this section shall be completed and specifically associated with the credit allowed on the return.*
- (b) *The amount of distilled spirits credit allowed shall be recaptured if the capital improvement associated with the credit is sold or otherwise disposed of prior to the exhaustion of the useful life of the asset for Kentucky depreciation purposes.*
- (c) *If the allowed credit is associated with multiple capital improvements, and not all capital improvements are sold or otherwise disposed of, the distilled spirits credit shall be prorated based on the cost of the capital improvement sold over the total cost of all improvements associated with the credit.*
- (5) *If the taxpayer is a pass-through entity, the taxpayer may apply the credit against the limited liability entity tax imposed by KRS 141.0401, and shall pass the credit through to its members, partners, or shareholders in the same proportion as the distributive share of income or loss is passed through.*
- (6) *The department may promulgate an administrative regulation pursuant to KRS Chapter 13A to implement the allowable credit under this section, require the filing of forms designed by the department, and require specific information for the evaluation of the credit taken by any taxpayer.*
- (7) *Notwithstanding KRS 131.190, no later than September 1, 2016, and annually thereafter, the department shall report to the Interim Joint Committee on Appropriations and Revenue:*
 - (a) *The name of each taxpayer taking the credit permitted by subsection (1) of this section;*
 - (b) *The amount of credit taken by that taxpayer; and*
 - (c) *The type of capital improvement made for which the credit is claimed.*

➔Section 17. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of the credits shall be determined as follows:

- (1) The nonrefundable business incentive credits against the tax imposed by KRS 141.020 shall be taken in the following order:
 - (a) 1. For taxable years beginning after December 31, 2004, and before January 1, 2007, the corporation income tax credit permitted by KRS 141.420(3)(a);
 - 2. For taxable years beginning after December 31, 2006, the limited liability entity tax credit permitted by KRS 141.0401;
 - (b) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.400, 141.401, 141.402, 141.403, 141.407, 141.415, 154.12-2088, and 154.27-080;
 - (c) The qualified farming operation credit permitted by KRS 141.412;
 - (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (e) The health insurance credit permitted by KRS 141.062;
 - (f) The tax paid to other states credit permitted by KRS 141.070;
 - (g) The credit for hiring the unemployed permitted by KRS 141.065;

- (h) The recycling or composting equipment credit permitted by KRS 141.390;
 - (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The coal incentive credit permitted under KRS 141.0405;
 - (k) The research facilities credit permitted under KRS 141.395;
 - (l) The employer GED incentive credit permitted under KRS 164.0062;
 - (m) The voluntary environmental remediation credit permitted by KRS 141.418;
 - (n) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (o) The environmental stewardship credit permitted by KRS 154.48-025;
 - (p) The clean coal incentive credit permitted by KRS 141.428;
 - (q) The ethanol credit permitted by KRS 141.4242;
 - (r) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (s) The energy efficiency credits permitted by KRS 141.436;
 - (t) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (u) The Endow Kentucky credit permitted by KRS 141.438;
 - (v) The New Markets Development Program credit permitted by KRS 141.434;~~and~~
 - (w) The food donation credit permitted by KRS 141.392;
 - (x) ***The distilled spirits credit permitted by Section 16 of this Act; and***
 - (y) ***The angel investor credit permitted by Section 28 of this Act.***
- (2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual credits permitted by KRS 141.020(3);
 - (b) The credit permitted by KRS 141.066;
 - (c) The tuition credit permitted by KRS 141.069;
 - (d) The household and dependent care credit permitted by KRS 141.067; and
 - (e) The new home credit permitted by KRS 141.388.
- (3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual withholding tax credit permitted by KRS 141.350;
 - (b) The individual estimated tax payment credit permitted by KRS 141.305;
 - (c) For taxable years beginning after December 31, 2004, and before January 1, 2007, the corporation income tax credit permitted by KRS 141.420(3)(c);
 - (d) The certified rehabilitation credit permitted by KRS 171.397(1)(b) ***and Section 20 of this Act***; and
 - (e) The film industry tax credit allowed by KRS 141.383.
- (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax imposed by KRS 141.040.
- (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by KRS 141.040 after subtracting the credit provided for in subsection (4) of this section, and the tax imposed by KRS 141.0401 in the following order:
- (a) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.400, 141.401, 141.402, 141.403, 141.407, 141.415, 154.12-2088, and 154.27-080;
 - (b) The qualified farming operation credit permitted by KRS 141.412;

- (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (d) The health insurance credit permitted by KRS 141.062;
 - (e) The unemployment credit permitted by KRS 141.065;
 - (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - (g) The coal conversion credit permitted by KRS 141.041;
 - (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending prior to January 1, 2008;
 - (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The coal incentive credit permitted under KRS 141.0405;
 - (k) The research facilities credit permitted under KRS 141.395;
 - (l) The employer GED incentive credit permitted under KRS 164.0062;
 - (m) The voluntary environmental remediation credit permitted by KRS 141.418;
 - (n) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (o) The environmental stewardship credit permitted by KRS 154.48-025;
 - (p) The clean coal incentive credit permitted by KRS 141.428;
 - (q) The ethanol credit permitted by KRS 141.4242;
 - (r) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (s) The energy efficiency credits permitted by KRS 141.436;
 - (t) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted by KRS 141.437;
 - (u) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (v) The railroad expansion credit permitted by KRS 141.386;
 - (w) The Endow Kentucky credit permitted by KRS 141.438;
 - (x) The New Markets Development Program credit permitted by KRS 141.434;~~and~~
 - (y) The food donation credit permitted by KRS 141.392; **and**
 - (z) ***The distilled spirits credit permitted by Section 16 of this Act.***
- (6) After the application of the nonrefundable credits in subsection (5) of this section, the refundable credits shall be taken in the following order:
- (a) The corporation estimated tax payment credit permitted by KRS 141.044;
 - (b) The certified rehabilitation credit permitted by KRS 171.397(1)(b) **and Section 20 of this Act**; and
 - (c) The film industry tax credit allowed in KRS 141.383.
- ➔Section 18. KRS 243.884 is amended to read as follows:
- (1) (a) For the privilege of making "wholesale sales" or "sales at wholesale" of beer, wine, or distilled spirits, a tax is hereby imposed upon all wholesalers of wine and distilled spirits **and upon all distributors of beer.**
- (b) ***Prior to July 1, 2015, the tax shall be imposed*** at the rate of eleven percent (11%)~~and upon all distributors of beer at the rate of eleven percent (11%)~~ of the gross receipts of any such wholesaler or distributor derived from "sales at wholesale" or "wholesale sales" made within the Commonwealth except as provided in subsection (3)~~(2)~~ of this section.
- (c) ***On and after July 1, 2015, the following rates shall apply:***
1. ***For distilled spirits, eleven percent (11%) of wholesale sales or sales at wholesale; and***
 2. ***For wine and beer:***

- a. *Ten and three-quarters of one percent (10.75%) for wholesale sales or sales at wholesale made on or after July 1, 2015, and before June 1, 2016;*
 - b. *Ten and one-half of one percent (10.5%) for wholesale sales or sales at wholesale made on or after June 1, 2016, and before June 1, 2017;*
 - c. *Ten and one-quarter of one percent (10.25%) for wholesale sales or sales at wholesale made on or after June 1, 2017, and before June 1, 2018; and*
 - d. *Ten percent (10%) for wholesale sales or sales at wholesale made on or after June 1, 2018.*
- (2) Wholesalers of distilled spirits and wine and distributors of malt beverages shall pay and report the tax levied by this section on or before the 20th day of the calendar month next succeeding the month in which possession or title of the distilled spirits, wine or malt beverages is transferred from the wholesaler or distributor to retailers or consumers in this state, in accordance with rules and regulations of the Department of Revenue designed reasonably to protect the revenues of the Commonwealth.
- (3)~~(2)~~ Gross receipts from sales at wholesale or wholesale sales shall not include the following sales:
- (a) Sales made between wholesalers or between distributors; and
 - (b) Sales made by a small farm winery or wholesaler of wine produced by a small farm winery.

➔Section 19. KRS 171.396 is amended to read as follows:

As used in this section,~~and~~ KRS 171.397, **and Section 20 of this Act:**

- (1) "Certified historic structure" means a structure that is located within the Commonwealth of Kentucky that is:
 - (a) Listed individually on the National Register of Historic Places; or
 - (b) Located in a historic district listed on the National Register of Historic Places and is certified by the council as contributing to the historic significance of the district;
- (2) "Certified rehabilitation" means a completed substantial rehabilitation of a certified historic structure that the council certifies meets the United States Secretary of the Interior's Standards for Rehabilitation;
- (3) "Certified rehabilitation credit cap" means an annual amount of:
 - (a) Three million dollars (\$3,000,000) for applications received prior to April 30, 2010; and
 - (b) Five million dollars (\$5,000,000) for applications received on or after April 30, 2010;
 plus any amount added to the certified rehabilitation credit cap pursuant to KRS 171.397(2)(c);
- (4) "Council" means the Kentucky Heritage Council;
- (5) "Disqualifying work" means work that is performed within three (3) years of the completion of the certified rehabilitation that, if performed as part of the rehabilitation certified under KRS 171.397, would have made the rehabilitation ineligible for certification;
- (6) "Exempt entity" means any tax exempt organization pursuant to sec. 501(c)(3) of the Internal Revenue Code, any political subdivision of the Commonwealth, any state or local agency, board, or commission, or any quasi-governmental entity;
- (7) "Local government" means a city, county, urban-county, charter county, or consolidated local government;
- (8) "Owner-occupied residential property" means a building or portion thereof, condominium, or cooperative occupied by the owner as his or her principal residence;
- (9) "Qualified rehabilitation expense" means any amount that is properly chargeable to a capital account, whether or not depreciation is allowed under Section 168 of the Internal Revenue Code, and is expended in connection with the certified rehabilitation of a certified historic structure. It shall include the cost of restoring landscaping and fencing that contributes to the historic significance of this structure, but shall not include the cost of acquisition of a certified historic structure, enlargement of or additions to an existing building, or the purchase of personal property;
- (10) "Substantial rehabilitation" means rehabilitation of a certified historic structure for which the qualified rehabilitation expenses, during a twenty-four (24) month period selected by the taxpayer or exempt entity, ending with or within the taxable year, exceed:

- (a) Twenty thousand dollars (\$20,000) for an owner-occupied residential property; or
- (b) For all other property, the greater of:
 - 1. The adjusted basis of the structure; or
 - 2. Twenty thousand dollars (\$20,000);
- (11) "Taxpayer" means any individual, corporation, limited liability company, business development corporation, partnership, limited partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted that:
 - (a) Elects to claim the credit on a return and receive a refund as provided in KRS 171.397(2)(b)2.a.; or
 - (b) Is the recipient of a credit which is transferred as provided in KRS 171.397(2)(b)2.b.; and
- (12) "Qualified purchased historic home" means any substantially rehabilitated certified historic structure if:
 - (a) The taxpayer claiming the credit authorized under KRS 171.397 is the first purchaser of the structure after the date of completion of the substantial rehabilitation;
 - (b) The structure or a portion thereof will be the principal residence of the taxpayer; and
 - (c) No credit was allowed to the seller under this section.

A qualified purchased historic home shall be deemed owner-occupied residential property for purposes of this section.

➔SECTION 20. A NEW SECTION OF KRS 171.396 TO 171.399 IS CREATED TO READ AS FOLLOWS:

- (1) *For taxable years beginning on or after January 1, 2014, a taxpayer completing a certified rehabilitation to a certified historic structure shall be allowed a credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401, with the ordering of credits as provided in Section 17 of this Act, or KRS 136.505 if:*
 - (a) *The certified historic structure is located within the jurisdiction of a consolidated local government or urban-county government;*
 - (b) *The amount of qualified rehabilitation expenses exceeds fifteen million dollars (\$15,000,000);*
 - (c) *The certified historic structure is located within one-half (1/2) mile of a tax increment financing development area which has received at least preliminary approval under KRS 65.490 or 154.30-050; and*
 - (d) *Substantial rehabilitation of the certified historic structure begins prior to July 1, 2015.*
- (2) (a) *The credit shall:*
 - 1. *Equal the percentage of qualified rehabilitation expenses as provided in KRS 171.397(1)(a);*
 - 2. *Only apply to the first thirty million dollars (\$30,000,000) of qualified rehabilitation expenses; and*
 - 3. *Be refundable and transferable.*
- (b) *Any projects approved for a credit under this section shall not be subject to any caps established by KRS 171.397 and shall not be considered in determining whether the certified rehabilitation credit cap has been met in any year.*
- (3) *The taxpayer seeking the credit shall file the applications for preliminary determination and final determination as provided by KRS 171.397(2).*
- (4) *The total approved credit shall be available over a four (4) year period and the maximum credit which may be claimed in a taxable year shall not exceed twenty-five percent (25%) of the total approved credit.*
- (5) *The provisions of KRS 171.397(9) to (14) shall also apply to this section.*

➔SECTION 21. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in Sections 21 to 26 of this Act:

- (1) *"Application" means a document submitted by small businesses and investors, on a form supplied by the authority, for the purpose of requesting certification to participate in the program and to apply for a credit;*
- (2) *"Authority" means the Kentucky Economic Development Finance Authority;*
- (3) *"Commonwealth" means the Commonwealth of Kentucky;*
- (4) *"Credit" means the nonrefundable angel investor tax credit established by Section 28 of this Act and awarded by the authority pursuant to Section 24 of this Act;*
- (5) *"Department" means the Department of Revenue;*
- (6) *"Enhanced incentive counties" has the same meaning as in KRS 154.32-010;*
- (7) *"Entity" means any corporation, limited liability company, business development corporation, partnership, limited partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted;*
- (8) *"Fee" means a nonrefundable application fee in an amount set by the authority, to be collected by the authority to offset the cost of administering Sections 21 to 26 of this Act;*
- (9) *"Full-time employee" means a person that is required to work a minimum of thirty-five (35) hours per week and is subject to the tax imposed by KRS 141.020;*
- (10) *"Knowledge-based" has the same meaning as in KRS 164.6011;*
- (11) (a) *"Qualified activity" means any knowledge-based activity related to the new economy focus areas of the Department of Commercialization and Innovation, including but not limited to:*
 - 1. *Bioscience;*
 - 2. *Environmental and energy technology;*
 - 3. *Health and human development;*
 - 4. *Information technology and communications; and*
 - 5. *Materials science and advanced manufacturing.*
- (b) *A "qualified activity" does not include any activity principally engaged in by financial institutions, commercial development companies, credit companies, financial or investment advisors, brokerage or financial firms, other investment funds or investment fund managers, charitable and religious institutions, oil and gas exploration companies, insurance companies, residential housing developers, retail establishments, or any activity that the authority determines in its discretion to be against the public interest, against the purposes of Sections 21 to 26 of this Act, or in violation of any law;*
- (12) *"Qualified investment" means an investment meeting the requirements of Section 23 of this Act for qualified investments, and certified pursuant to Section 24 of this Act;*
- (13) *"Qualified investor" means an individual investor meeting the requirements of Section 23 of this Act for qualified investors, and certified pursuant to Section 24 of this Act; and*
- (14) *"Qualified small business" means an entity meeting the requirements of Section 23 of this Act for qualified small businesses, and certified pursuant to Section 24 of this Act.*

➔SECTION 22. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *Sections 21 to 26 of this Act shall be known as the "Kentucky Angel Investment Act."*
- (2) *The purpose of Sections 21 to 26 and 28 of this Act is to encourage capital investment in the Commonwealth by individual investors that will further the establishment or expansion of small businesses, create additional jobs, and foster the development of new products and technologies, by providing tax credits for certain investments in small businesses located in the Commonwealth, operating in the fields of knowledge-based, high-tech, and research and development, and showing a potential for rapid growth.*
- (3) *To participate in the program created by Sections 21 to 26 and 28 of this Act:*
 - (a) *Small businesses and individual investors shall request certification from the authority pursuant to Section 24 of this Act. To be qualified, the small businesses and individual investors shall fulfill the requirements outlined in Section 23 of this Act; and*

- (b) *Once certified, qualified investors may make investments in qualified small businesses, and may apply to the authority for a credit in return for making the investment if that investment qualifies under Section 23 of this Act.*
- (4) *Any qualified investment made in a qualified small business under Sections 21 to 26 of this Act shall be used by that business, insofar as possible, to leverage additional capital investments from other sources.*

➔SECTION 23. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The requirements for small businesses, investors, and investments to be qualified for participation in the angel investor program are as follows:

- (1) *To be certified as a qualified small business, the business shall demonstrate to the authority that it is an entity which, at the time the small business requests certification:*
 - (a) *Has a net worth of ten million dollars (\$10,000,000) or less or net income after federal income taxes for each of the two (2) preceding fiscal years of three million dollars (\$3,000,000) or less;*
 - (b) *Is actively and principally engaged in a qualified activity within the Commonwealth, or will be actively and principally engaged in a qualified activity within the Commonwealth after the receipt of a qualified investment by a qualified investor;*
 - (c) *Has no more than one hundred (100) full-time employees;*
 - (d) *Has more than fifty percent (50%) of its assets, operations, and employees located in the Commonwealth; and*
 - (e) *Has at no time received an aggregate amount of qualified investments that has allowed qualified investors to receive more than one million dollars (\$1,000,000) in angel investor credits;*
- (2) *To be certified as a qualified investor, an individual investor shall demonstrate to the authority that he or she:*
 - (a) *Is an individual natural person;*
 - (b) *Qualifies as an accredited investor pursuant to Regulation D of the United States Securities and Exchange Commission, 17 C.F.R. sec. 230.501, in effect as of the date the individual investor requests certification;*
 - (c) *Does not hold in excess of twenty percent (20%) ownership interest in, and is not employed by, the qualified small business prior to making the qualified investment in that qualified small business;*
 - (d) *Is not closely related to an individual who holds in excess of twenty percent (20%) ownership interest in, or who is employed by, the qualified small business prior to making the qualified investment in that qualified small business. For purposes of this paragraph, "closely related" means the parent, spouse, or child of an individual; and*
 - (e) *Seeks a financial return from the investment made in the qualified small business; and*
- (3) *To be certified as a qualified investment, the investment shall:*
 - (a) *Be a cash investment of at least ten thousand dollars (\$10,000), in a qualified small business by a qualified investor;*
 - (b) *Be offered and executed in compliance with applicable state and federal securities laws and regulations; and*
 - (c) *Be exchanged for consideration in the form of an equity interest in the qualified small business, such as a general or limited partnership interest, common or preferred stock with or without voting rights and without regard to seniority position, or forms of subordinate or convertible unsecured debt, or both, with warrants, rights, or other means of equity conversion attached.*

➔SECTION 24. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The total amount of tax credit that may be awarded by the authority in each calendar year, pursuant to Sections 21 to 26 of this Act, to:*
 - (a) *All qualified investors shall be no more than three million dollars (\$3,000,000); and*

- (b) *Any individual qualified investor shall be no more than two hundred thousand dollars (\$200,000).*
- (2) *The total amount of tax credit that may be awarded by the authority to:*
 - (a) *All qualified investors pursuant to Sections 21 to 26 of this Act; and*
 - (b) *All investors in all investment funds pursuant to KRS 154.20-250 to 154.20-284;**shall be no more than forty million dollars (\$40,000,000) in total for all years. Once this total amount of tax credit has been awarded by the authority pursuant to Sections 21 to 26 of this Act and KRS 154.20-250 to 154.20-284, no further awards of any tax credit shall be made.*
- (3) *The authority shall, by promulgation of an administrative regulation, develop a standard procedure for:*
 - (a) *Small businesses and investors to request certification for participation in the program;*
 - (b) *Qualified investors to request certification of a planned investment as being a qualified investment, and to apply for a credit; and*
 - (c) *The award of credits to qualified investors making qualified investments.*
- (4) *At a minimum, the procedure shall:*
 - (a) *Require small businesses and investors to demonstrate to the authority that they, and any planned investment, satisfy all requirements provided in Section 23 of this Act;*
 - (b) *Provide small businesses and investors with a standard written application form to request certification and apply for a credit;*
 - (c) *Require the payment of a fee; and*
 - (d) *Mandate a time period for the duration of certifications granted to small businesses and investors, and the procedures for recertification thereof.*
- (5) *The amount of credit awarded shall be equal to:*
 - (a) *Forty percent (40%) of the amount of the qualified investment, if the principal place of business of the qualified small business is outside an enhanced incentive county; or*
 - (b) *Fifty percent (50%) of the amount of the qualified investment, if the principal place of business of the qualified small business is in an enhanced incentive county.*
- (6) *Upon approval of a credit, the authority shall reduce the amount of available credit by the amount of credit approved to the qualified investor.*
- (7) *The authority may, in effectuating this section, contract with a science and technology organization as defined in KRS 164.6011 to administer and manage the certification and application procedure established by the authority. However, the final approval of all credits shall be made solely by the authority.*

➔SECTION 25. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *No later than the earlier of:*
 - (a) *Sixty (60) days following the date of credit approval, including weekends and holidays; or*
 - (b) *December 31 of the calendar year of the approval;**the qualified investor shall make the qualified investment. Within twenty (20) days of making the qualified investment, including weekends and holidays, the qualified investor shall provide proof of the qualified investment to the authority in the manner required by the authority.*
- (2) *No later than sixty (60) days following the receipt of proof of the qualified investment, the authority shall notify the department of the credit award, the amount of the credit, and the name and Social Security number of the qualified investor that will receive the credit.*
- (3) *If the qualified investor either fails to make the qualified investment prior to the deadline or fails to provide the required proof of the qualified investment, the award of credit approval shall be null and void, and the authority shall notify the qualified investor of the nullification and readjust the amount of credit available.*
- (4) (a) *The authority shall maintain a publicly available Web site on which it shall report:*

1. *A list of all qualified small businesses and qualified investors it has certified;*
 2. *The total amount of credit it has awarded; and*
 3. *The total amount of available credit remaining.*
- (b) *This report shall be updated as new small businesses and investors are certified, and as new credits are awarded or the amount of available credit is otherwise adjusted.*

➔SECTION 26. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *On or before February 1 of the calendar year succeeding the year in which a credit was awarded, and continuing for four (4) years thereafter, a qualified small business that has received a qualified investment shall file an annual report with the authority.*
- (2) (a) *This report shall demonstrate that the small business:*
1. *Continues to have more than fifty percent (50%) of its assets, operations, and employees in the Commonwealth;*
 2. *Has at no time received an aggregate amount of qualified investments that has allowed qualified investors to receive more than one million dollars (\$1,000,000) in credits; and*
 3. *Continues to be actively and principally engaged in a qualified activity.*
- (b) *The report shall also provide additional information related to the success of the small business attributable to the investment, including but not limited to:*
1. *New jobs created;*
 2. *Increased sales or other economic activity conducted;*
 3. *The degree of other private investment attracted; and*
 4. *Any other information requested by the authority.*
- (3) *If a qualified small business either:*
- (a) *Fails to submit the report mandated by this section in any year; or*
 - (b) *Fails to meet any of the criteria listed in subsection (2)(a) of this section at any time during any year of the reporting period;*

the authority shall notify the department, which shall recapture any portion, or the full amount, of the credit awarded for qualified investments in that qualified small business from the qualified investor that received the credit award or any taxpayer receiving the credit through a valid transfer. Any amounts collected from the recapture shall be deposited in the general fund.

- (4) *If a qualified small business becomes insolvent and ceases operations at any time before the final required annual report is due, it shall file a written report with the authority attesting to that fact and shall thereafter be exempt from the annual report required by this section, and credits awarded for qualified investments in that qualified small business shall not be subject to any recapture.*

➔Section 27. KRS 154.20-255 is amended to read as follows:

- (1) (a) *The total amount of tax credits available to any single investment fund awarded tax credits under KRS 154.20-250 to 154.20-284 shall not exceed, in aggregate, eight million dollars (\$8,000,000) for all investors and all taxable years.*
- (b) *The total tax credits available for all investors in all investment funds awarded under KRS 154.20-250 to 154.20-284, and all qualified investors awarded under Sections 21 to 26 of this Act, shall not exceed a total of forty million dollars (\$40,000,000).*
- (2) *A person or entity seeking to be approved as an investment fund manager for the operation of one (1) or more investment funds shall make written application to the authority pursuant to KRS 154.20-256, in addition to complying with applicable state and federal securities laws and regulations.*
- (3) *Prior to the granting of any tax credits to investors of an investment fund, the committed cash contributions to an investment fund shall be not less than five hundred thousand dollars (\$500,000).*

- (4) An investment fund shall have no less than four (4) investors, and no investor or investment fund manager, including their immediate family members, as defined in KRS 164.6011(7), and affiliates may own or have a capital interest in more than forty percent (40%) of the investment fund's capitalization.
- (5) Subsequent to approval of the investment fund and the investment fund manager, the authority and the investment fund manager, on behalf of itself and any investors in the investment fund, shall enter into an agreement with respect to the investment fund. The terms and provisions of each agreement shall be determined by negotiations between the authority and the investment fund manager. The effective date of the agreement shall be the date of approval of the investment fund and the investment fund manager by the authority. If an investment fund manager fails to comply with any of the obligations of the agreement, the authority may, at its option, do any one (1) or more of the following:
 - (a) Suspend the availability of the credits;
 - (b) Pursue any remedy provided under the agreement, including termination of the agreement; or
 - (c) Pursue any other remedy at law to which it may be entitled.
- (6) Any investor shall be entitled to a tax credit as a result of its investment in an investment fund as provided in KRS 154.20-258.
- (7) Total qualified investments made by an investment fund, including initial and subsequent investments made by an investment fund, in any single small business using approved qualified investments, shall not exceed thirty percent (30%) of the committed cash contributions to the investment fund. This restriction shall not apply to investments of money by the investment fund that are not qualified investments.
- (8) The provisions of this section shall not prohibit an investment fund from investing in a business that is not a small business, including a business that is located outside of the Commonwealth; however, such investments shall not be eligible for the tax credit set forth in KRS 154.20-258.

➔SECTION 28. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) *"Authority" has the same meaning as in Section 21 of this Act;*
- (b) *"Qualified investor" has the same meaning as in Section 21 of this Act;*
- (c) *"Qualified small business" has the same meaning as in Section 21 of this Act; and*
- (d) *"Taxpayer" means an individual subject to the tax imposed by KRS 141.020, who has either:*
 1. *Received a credit from the authority pursuant to Section 24 of this Act; or*
 2. *Received a credit through a valid transfer allowed under this section from a qualified investor that was originally awarded the credit.*

- (2) *For taxable years beginning on or after January 1, 2015, there is hereby created the angel investor tax credit. The credit shall be nonrefundable, and shall apply against the tax imposed by KRS 141.020. The ordering of the credit shall be as provided in Section 17 of this Act.*
- (3) *A qualified investor may seek a credit by applying to the authority pursuant to Section 24 of this Act.*
- (4) *The maximum amount of credit that may be claimed by a taxpayer in any taxable year shall not exceed fifty percent (50%) of the total amount of credit awarded or transferred to the taxpayer.*
- (5) *Any amount of credit that a taxpayer is unable to utilize during a taxable year may be carried forward for use in a succeeding taxable year for a period not to exceed fifteen (15) years. Any amount of credit not used within fifteen (15) years shall be lost. No amount of credit may be carried back by any taxpayer.*
- (6) *The credit shall not apply to any liability a taxpayer may have for interest, penalties, past due taxes, or any other additions to the taxpayer's tax liability. The holder of the credit shall assume any and all liabilities and responsibilities of the credit.*
- (7) *A credit may be transferred by a qualified investor to any individual taxpayer. A qualified investor making a transfer shall give written notice to the department and shall provide any other information required by the department, in the manner prescribed by the department. Any transferred credit shall be subject to the original timeframes and requirements established by this section and Sections 21 to 26 of this Act as if held by the qualified investor.*

- (8) *To receive the credit, a taxpayer shall claim the credit on his or her return in the manner prescribed by the department.*
- (9) *The department shall recapture any portion, or the full amount, of a credit upon notification from the authority that a recapture is required pursuant to Section 26 of this Act.*

➔Section 29. KRS 141.432 is amended to read as follows:

As used in KRS 141.432 to 141.434, unless the context requires otherwise:

- (1) "Applicable percentage" means zero percent (0%) for each of the first two (2) credit allowance dates, seven percent (7%) for the third credit allowance date, and eight percent (8%) for the next four (4) credit allowance dates;
- (2) "Credit allowance date" means, with respect to any qualified equity investment:
 - (a) The date on which the investment is initially made; and
 - (b) Each of the six (6) anniversary dates of that date thereafter;
- (3) "Long-term debt security" means any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven (7) years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period commencing with its issuance and ending on its final credit allowance date in excess of the cumulative operating income, as defined in the regulations promulgated under 26 U.S.C. sec. 45D, of the qualified community development entity for ~~that the~~ same period, ***which shall be calculated prior to giving effect to the expense of the cash interest payments***. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the qualified community development entity has defaulted on covenants designed to ensure compliance with KRS 141.432 to 141.434 or 26 U.S.C. sec. 45D;
- (4) "Purchase price" means the amount paid to a qualified community development entity that issues a qualified equity investment for the qualified equity investment;
- (5) "Qualified active low-income community business" has the same meaning given that term in 26 U.S.C. sec. 45D. A business shall be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business throughout the entire period of the investment or loan. The term excludes any business that derives or projects to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:
 - (a) Does not derive or project to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate; and
 - (b) Is the primary tenant of the real estate leased from the first business;
- (6) "Qualified community development entity" has the same meaning given that term in 26 U.S.C. sec. 45D; provided that the entity has entered into, or is controlled by an entity that has entered into, an allocation agreement with the Community Development Financial Institutions Fund of the United States Treasury Department with respect to credits authorized by 26 U.S.C. sec. 45D, which includes the Commonwealth of Kentucky within the service area set forth in such allocation agreement;
- (7) "Qualified equity investment" means any equity investment in, or long-term debt security issued by, a qualified community development entity that:
 - (a) Is acquired after June 4, 2010, at its original issuance solely in exchange for cash;
 - (b)
 - 1. ***In the case of a qualified equity investment issued prior to January 1, 2014,*** has at least eighty-five percent (85%) of its cash purchase price used by the issuer to make qualified low-income community investments in qualified active low-income community businesses located in the Commonwealth ~~of Kentucky~~ by the second anniversary of the initial credit allowance date; and
 - 2. ***In the case of a qualified equity investment issued on or after January 1, 2014,*** has at least one hundred percent (100%) of its cash purchase price used by the issuer to make qualified low-

income community investments in qualified active low-income community businesses located in the Commonwealth by the first anniversary of the initial credit allowance date; and

- (c) Is designated by the issuer as a qualified equity investment under this subsection and is certified by the department as not exceeding the limitation contained in KRS 141.434. This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subsection if the investment was a qualified equity investment in the hands of a prior holder. The qualified community development entity shall keep sufficiently detailed books and records with respect to the investments made with the proceeds of the qualified equity investments to allow the direct tracing of the proceeds into qualified low-income community investments in qualified active low-income community businesses in the Commonwealth~~[of Kentucky]~~;
- (8) "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after June 4, 2010. With respect to any one (1) qualified active low-income community business, the maximum amount of qualified low-income community investments that may be made in the business, on a collective basis with all of its affiliates, with the proceeds of qualified equity investments that have been certified under KRS 141.433 shall be ten million dollars (\$10,000,000) whether made by one (1) or several qualified community development entities;
- (9) "Tax credit" means a nonrefundable credit against the taxes imposed by KRS 141.020, 141.040, 141.0401, 136.320, 136.330, 136.340, 136.350, 136.370, 136.390, or 304.3-270. For the credit against the taxes imposed by KRS 141.020, 141.040, or 141.0401, the ordering of the credits shall be as provided in KRS 141.0205. An insurance company claiming a tax credit against the insurance premium tax is not required to pay additional retaliatory tax levied pursuant to KRS 304.3-270; and
- (10) "Taxpayer" means any individual or entity subject to the tax imposed by KRS 141.020, 141.040, 141.0401, 136.320, 136.330, 136.340, 136.350, 136.370, 136.390, or 304.3-270.

➔Section 30. KRS 141.433 is amended to read as follows:

- (1) A qualified community development entity that seeks to have an equity investment or long-term debt security certified as a qualified equity investment and eligible for the tax credit permitted by KRS 141.434 shall apply to the department. The qualified community development entity shall submit an application on a form that the department provides that shall include but not be limited to:
 - (a) The name, address, tax identification number, and evidence of the certification of the entity as a qualified community development entity;
 - (b) A copy of an allocation agreement executed by the entity or its controlling entity and the Community Development Financial Institutions Fund, which includes the Commonwealth of Kentucky in its service area;
 - (c) A certificate executed by an executive officer of the entity attesting that the allocation agreement remains in effect and has not been revoked or canceled by the Community Development Financial Institutions Fund;
 - (d) A description of the proposed amount, structure, and purchaser of the equity investment or long-term debt security;
 - (e) The name and tax identification number of any person or entity eligible to utilize tax credits as a result of the issuance of the qualified equity investment;
 - (f) Information regarding the proposed use of proceeds from the issuance of the qualified equity investment;~~[and]~~
 - (g) A nonrefundable application fee in an amount set by the department. This fee shall be paid to the department and shall be required of each application submitted; ***and***
 - (h) ***In the case of applications submitted on or after January 1, 2014, the refundable performance fee required by subsection (8) of this section.***
- (2) The department shall review applications in the order in which they are received. Within thirty (30) days after receipt of a completed application containing the information necessary for the department to certify a potential qualified equity investment, including the payment of the application fee, the department shall approve or deny the application. If the department intends to deny the application, it shall inform the qualified community development entity, by written notice sent via certified mail and any other such means deemed

feasible by the department, of the grounds for the denial. Upon receipt of the notice of intended denial by the qualified community development entity:

- (a) If the qualified community development entity provides any additional information required by the department or otherwise completes its application within fifteen (15) days, the application shall be considered completed as of the original date of submission, however the department shall have an additional thirty (30) days to either approve or deny the application as completed; or
 - (b) If the qualified community development entity fails to provide the information or complete its application within the fifteen (15) day period, the application shall be deemed denied and must be resubmitted in full with a new submission date.
- (3) If the application is deemed complete, the department shall certify the proposed equity investment or long-term debt security as a qualified equity investment and eligible for tax credits under KRS 141.432 to 141.434, subject to the annual cap limitations contained in KRS 141.434. The department shall provide written notice sent via certified mail and any other means deemed feasible by the department, of the certification to the qualified community development entity. The notice shall include the names of those taxpayers who are eligible to claim the credits and their respective credit amounts. If the names of the persons or entities that are eligible to claim the credits change due to a transfer of a qualified equity investment or a change in an allocation pursuant to KRS 141.434, the qualified community development entity shall notify the department of such change.
- (4) Within ninety (90) days after receipt of the notice of certification, the qualified community development entity shall issue the qualified equity investment and receive cash in the amount of the certified purchase price. The qualified community development entity shall provide the department with evidence of the receipt of the cash investment within ten (10) business days after receipt. If the qualified community development entity does not receive the cash investment and issue the qualified equity investment within ninety (90) days following receipt of the certification notice, the certification shall lapse, and the entity may not issue the qualified equity investment without reapplying to the department for certification. A certification that lapses shall revert back to the department and may be reissued only in accordance with the application process outlined in this section.
- (5) The department shall certify qualified equity investments in the order applications are received by the department. Applications received on the same day shall be deemed to have been received simultaneously. For applications received on the same day and deemed complete, the department shall certify, consistent with remaining tax credit capacity, qualified equity investments in proportionate percentages based upon the ratio of the amount of qualified equity investment requested in an application to the total amount of qualified equity investments requested in all applications received on the same day. If a pending request cannot be fully certified because of the limitations contained in KRS 141.434, the department shall certify the portion that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial credit.
- (6)
 - (a) The department may recapture any portion of a tax credit allowed under this section if:
 1. Any amount of federal tax credit that might be available with respect to the qualified equity investment that generated the tax credit under this section is recaptured under 26 U.S.C. sec. 45D. In such case, the department's recapture shall be proportionate to the federal recapture with respect to the qualified equity investment;
 2. The qualified community development entity redeems or makes a principal repayment with respect to the qualified equity investment that generated the tax credit prior to the final credit allowance date of the qualified equity investment. In such case, the department's recapture shall be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment; or
 3. The qualified community development entity fails to invest:
 - a. ***In the case of a qualified equity investment issued prior to January 1, 2014***, at least eighty-five percent (85%) of the purchase price of the qualified equity investment in qualified low-income community investments in qualified active low-income community businesses located in the Commonwealth ~~of Kentucky~~ within twenty-four (24) months of the issuance of the qualified equity investment and maintain this level of investment in qualified low-income community investments in qualified active low-income community businesses located in the Commonwealth ~~of Kentucky~~ until the last credit allowance date for the qualified equity investment; ***and***

- b. In the case of a qualified equity investment issued on or after January 1, 2014, at least one hundred percent (100%) of the purchase price of the qualified equity investment in qualified low-income community investments in qualified active low-income community businesses located in the Commonwealth within twelve (12) months of the issuance of the qualified equity investment and maintain this level of investment in qualified low-income community investments in qualified active low-income community businesses located in the Commonwealth until the last credit allowance date for the qualified equity investment. In this case, the department's recapture shall be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment.***

For purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by the qualified community development entity even if the investment has been sold or repaid; provided that the qualified community development entity reinvests an amount equal to the capital returned to or recovered from the original investment, exclusive of any profits realized, in another qualified active low-income community business in this state within twelve (12) months of the receipt of the capital. A qualified community development entity shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the qualified equity investment's final credit allowance date.

- (b) The department shall provide written notice sent via certified mail or other means deemed feasible by the department, to the qualified community development entity of any proposed recapture of tax credits pursuant to this subsection. The entity shall have ninety (90) days to cure any deficiency indicated in the department's original recapture notice and avoid such recapture. If the entity fails or is unable to cure the deficiency within the ninety (90) day period, the department shall provide the entity and the taxpayer from whom the credit is to be recaptured with a final order of recapture. Any tax credit for which a final recapture order has been issued shall be recaptured by the department from the taxpayer who claimed the tax credit on a tax return.
- (7) ~~[No later than one hundred twenty (120) days after June 4, 2010,]~~ The department shall through administrative regulations promulgated in accordance with KRS Chapter 13A provide rules to implement the provisions of KRS 141.432 to 141.434, and to administer the allocation of tax credits issued for qualified equity investments.
- (8) (a) ***On or after January 1, 2014, a qualified community development entity that seeks to have an equity investment or long-term debt security certified as a qualified equity investment and eligible for the tax credit permitted by Section 31 of this Act shall, as part of the application, pay a refundable performance fee in an amount equal to one-half of one percent (0.5%) of the amount of the equity investment or long-term debt security requested to be certified as a qualified equity investment, not to exceed five hundred thousand dollars (\$500,000).***
- (b) ***This fee shall be in the nature of a security deposit to ensure compliance on the part of a qualified community development entity. The fee shall be paid to the department and deposited in the New Markets performance guarantee account established by this subsection, and retained there as private funds until compliance with the provisions of this subsection has been established or as otherwise provided by this subsection.***
- (c) ***The fee may be refunded to the qualified community development entity that submitted it as follows:***
- 1. In the case of any application that is ultimately denied pursuant to subsection (2) of this section, the department shall refund the full amount of the fee submitted with the denied application;***
 - 2. In the case of any qualified equity investment that is certified in an amount that is less than the amount requested, due to the limitations contained in Section 31 of this Act and pursuant to subsection (5) of this section, the department shall refund a portion of the fee so that only an amount equal to one-half of one percent (0.5%) of the actual certified amount, not to exceed five hundred thousand dollars (\$500,000), is retained; and***

3. *In the case of any qualified equity investment that is certified as eligible for tax credits, the qualified community development entity may request a refund of the fee no sooner than thirty (30) days after having met all the requirements of this subsection. The refund request shall be made in writing to the department. The department shall review the refund request within thirty (30) days, and shall either comply with the request and issue the refund of the fee, without interest, if the qualified community development entity has met all the requirements of this subsection, or give written notice to the qualified community development entity that it is noncompliant and subject to possible forfeiture of the fee as provided in this subsection.*
- (d) *The qualified community development entity shall forfeit the fee to the Commonwealth as follows:*
 1. *The entire amount of the fee shall be forfeited if the qualified community development entity and its subsidiary qualified community development entities fail to issue the total amount of qualified equity investment certified by the department and receive cash in exchange therefor within ninety (90) days after receipt of the notice of certification; and*
 2. *A portion of the fee shall be forfeited if the qualified community development entity, or any subsidiary qualified community development entity, that issues a qualified equity investment certified by the department fails to meet the percentage investment requirement under subsection (6) of this section by the first credit allowance date of the qualified equity investment. The forfeiture shall be proportionate to the amount of the qualified equity investment that is not invested as required by subsection (6) of this section. Forfeiture of the fee under this subparagraph shall be subject to the ninety (90) day cure period allowed under subsection (6) of this section.*
- (e) *The amount of the fee that is forfeited pursuant to this subsection shall be transferred from the New Markets performance guarantee account and deposited into the general fund.*
- (f)
 1. *The New Markets performance guarantee account is hereby established as a fiduciary fund within the State Treasury, to be administered by the department solely for the purposes set out in this subsection.*
 2. *Notwithstanding KRS 45.229, moneys in the account shall not lapse but shall be retained in the account at all times except as provided by this subsection.*

➔Section 31. KRS 141.434 is amended to read as follows:

- (1) There is hereby created a Kentucky New Markets Development Program tax credit.
- (2) A person or entity that makes a qualified equity investment earns a vested right to the tax credit created by subsection (1) of this section. The amount of the credit shall be equal to thirty-nine percent (39%) of the purchase price of the qualified equity investment made by the person or entity claiming the credit. The tax credit may be utilized as follows:
 - (a) The holder of the qualified equity investment on a particular credit allowance date of the qualified equity investment, whether it be the original purchaser or subsequent holder of the qualified equity investment, may utilize a portion of the tax credit against its tax liability for the taxable year that includes the credit allowance date equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid for the qualified equity investment;
 - (b) Any tax credit that a taxpayer may not utilize during a particular year may be carried forward for use in any subsequent tax year; and
 - (c) An insurance company claiming a tax credit against the insurance premium tax is not required to pay additional retaliatory tax levied pursuant to KRS 304.3-270.
- (3) No tax credit claimed under this section may be sold or transferred. Tax credits that a partnership, limited liability company, S corporation, or other pass-through entity claims may be allocated to the partners, members, or shareholders of the entity for their direct use in accordance with the provisions of any agreement among the partners, members, or shareholders.
- (4) The total amount of tax credits that may be awarded by the department pursuant to KRS 141.432 to 141.434 shall be limited to **ten million dollars (\$10,000,000)**~~five million dollars (\$5,000,000)~~ in each fiscal year. Once the department has certified a cumulative amount of qualified equity investments that can result in the utilization of this total amount of tax credits in a fiscal year, the department may not certify any more qualified

equity investments. This limitation on qualified equity investments shall be based on scheduled utilization of tax credits without regard to the potential for taxpayers to carry forward tax credits to subsequent tax years.

➔SECTION 32. A NEW SECTION OF KRS 157.611 TO 157.623 IS CREATED TO READ AS FOLLOWS:

- (1) *The emergency and targeted investment fund is hereby created as a restricted fund in the State Treasury, to be administered by the School Facilities Construction Commission.*
- (2)
 - (a) *Notwithstanding KRS 45.229 or any other provision of the Kentucky Revised Statutes, any appropriations to the School Facilities Construction Commission that have not been expended at the end of a fiscal year shall not lapse but shall be transferred to the emergency and targeted investment fund. The fund may also receive other appropriations from the General Assembly and reimbursements from local school districts.*
 - (b) *Notwithstanding KRS 45.229, amounts remaining in the emergency and targeted investment fund at the end of a fiscal year shall not lapse but shall be carried forward to the next fiscal year, to be used for the purposes set forth in this section.*
- (3) *Notwithstanding KRS 157.620 and 157.622, the commission may use moneys in the fund to offer grants for the purposes of financing the construction and equipping of new facilities, or the major renovation of current facilities, if a local school district's facilities are:*
 - (a) *Destroyed or severely damaged by an emergency. For the purposes of this paragraph, "emergency" means a condition that arises from an accident, catastrophe, or other unforeseen occurrence such as a fire, storm, flood, or other event that involves unusual danger to the lives or property of area residents;*
 - (b) *Destroyed or severely damaged through a criminal or negligent act;*
 - (c) *Rendered structurally unsound, hazardous, or uninhabitable as determined by local authorities or the commissioner of education; or*
 - (d) *Reasonably expected to be rendered uninhabitable within the course of two (2) years as determined by local authorities or the commissioner of education.*
- (4) *If a school district receives assistance from the commission under this section and subsequently, as a result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the fund an amount equal to the amount received pursuant to this section. If the litigation or insurance receipts are less than the amount received under this section, the district shall reimburse the fund an amount equal to the amount received as a result of litigation or insurance, less the district's costs and legal fees in securing the judgment or payment.*
- (5) *The commission, in cooperation with the department, shall promulgate administrative regulations under KRS Chapter 13A establishing the process to apply for and receive funds from the emergency and targeted investment fund.*
- (6) *By October 1 of each year, the commission shall provide a report on the fund's activities to the Legislative Research Commission.*

➔Section 33. KRS 154A.020 is amended to read as follows:

- (1) There is hereby created and established a state lottery which shall be administered by an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic to be known as the Kentucky Lottery Corporation. The corporation shall be deemed a public agency within the meaning of KRS 61.805 and 61.870. This corporation shall be managed in such a manner that enables the people of the Commonwealth to benefit from its profits and to enjoy the best possible lottery games. The General Assembly hereby recognizes that the operations of a lottery are unique activities for state government and that a corporate structure will best enable the lottery to be managed in an entrepreneurial and business-like manner. ~~It is the intent of the General Assembly that government programs and services shall not be mentioned in advertising or promoting a lottery.~~ It is ~~also~~ the intent of the General Assembly that the Kentucky Lottery Corporation shall be accountable to the Governor, the General Assembly and the people of the Commonwealth through a system of audits, reports and thorough financial disclosure as required by this chapter.

- (2) The existence of the corporation shall begin only upon confirmation of the members of the board by the Senate as provided in KRS 154A.030. Until the time of such confirmation, no business shall be conducted on behalf of the lottery.
- (3) Notwithstanding any other provision of law to the contrary, no official action of any form shall be taken by the board at any time unless a majority of the members of the board shall have been confirmed by the Senate as provided in KRS 154A.030. Any action taken on behalf of the lottery when less than a majority of the members of the board shall have been confirmed shall be of no effect.

➔Section 34. **Administrative Fee on Infrastructure for Economic Development Fund Projects:** A one-half of one percent administrative fee is authorized to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties. These administrative fees shall be paid, upon inception of the project, out of the fund from which the project was allocated.

➔Section 35. **Charges for Federal, State, and Local Audits:** Any additional expenses incurred by the Auditor of Public Accounts for required audits of Federal Funds shall be charged to the audited government or agency. Because the Auditor of Public Accounts receives General Fund appropriations for audits of the statewide systems of personnel and payroll, cash and investments, revenue collection, and the state accounting system, any expenses incurred by the Auditor of Public Accounts for other state agency audits shall be charged to the agency audited. The Auditor of Public Accounts shall maintain a record of all time and expenses for each audit or investigation.

Any expenses incurred by the Auditor of Public Accounts for auditing individual governmental entities when mandated by a legislative committee shall be charged to the agency or entity receiving audit services.

➔Section 36. **Sale of Abandoned Property by Finance and Administration Cabinet:** Notwithstanding KRS 393.125, unclaimed securities held by the Department of the Treasury may be sold with the receipts, net of estimated claims to be paid, available for appropriation to the General Fund during the 2014-2016 biennium. The Secretary of the Finance and Administration Cabinet shall determine when to initiate the sale of securities based on the market structure and the financial status of the Commonwealth at the time.

➔Section 37. Whereas it is necessary for the Treasurer to obtain control of United States savings bonds so that he may restore the proceeds of the United States savings bonds to the rightful owner, an emergency is declared to exist, and Sections 4 and 5 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

➔Section 38. Whereas the situation relating to the taxation of wagering on historical horse races needs to be remedied as quickly as possible, an emergency is declared to exist, and Sections 6, 7, and 9 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

➔Section 39. The provisions of Sections 6, 7, and 9 of this Act, relating to historical horse races, shall have retroactive effect, and shall apply beginning September 1, 2011.

➔Section 40. Sections 2 and 3 of this Act shall apply to taxable years beginning on or after January 1, 2014.

➔Section 41. Sections 34 to 36 of this Act are effective for and apply to the fiscal year beginning July 1, 2014, and ending June 30, 2015, and the fiscal year beginning July 1, 2015, and ending June 30, 2016, and shall expire at the end of June 30, 2016.

Signed by Governor April 10, 2014.

CHAPTER 103

(HB 488)

AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 139.497 is amended to read as follows:

Notwithstanding any other provisions of this chapter, the taxes imposed herein do not apply to:

- (1) Sales by elementary or secondary schools or nonprofit elementary or secondary school-sponsored clubs and organizations or any nonprofit, elementary, or secondary school-affiliated groups such as parent-teacher organizations and booster clubs, whose membership may be composed of individuals other than students, provided the net proceeds from the sales are used solely for the benefit of the elementary or secondary school or its students. Nontaxable sales shall include sales resulting from agreements or contracts entered into with resident or nonresident organizations to participate in fund-raising campaigns for a percentage of the gross receipts where students act as agents or salesmen for the organizations by selling or taking orders for the sale of tangible personal property, and no one shall be required to pay sales or use taxes on such sales;~~and~~
- (2) Sales made by nonprofit educational youth programs affiliated with a land grant university cooperative extension service, if the net proceeds from the sales are used solely for the benefit of the affiliated programs;
or
- (3) (a) *Sales of tangible personal property made by a federally chartered corporation at the corporation's annual national convention held in the Commonwealth.*
 (b) *As used in this subsection, "federally chartered corporation" means a corporation federally chartered under Title 36 of the United States Code and whose stated purpose is to serve students and former students of vocational agriculture in middle and secondary schools to develop character, train for useful citizenship, and foster patriotism.*
 (c) *The exemption provided in this subsection applies to sales made on and after October 1, 2014, but before December 31, 2021.*

Signed by Governor April 10, 2014.

CHAPTER 104

(HB 493)

AN ACT relating to tourism development tax incentives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 148.851 is amended to read as follows:

As used in 148.851 to 148.860, unless the context clearly indicates otherwise:

- (1) "Agreement" means the tourism development agreement entered into between the authority and an approved company;
- (2) "Approved company" means any eligible company that has received final approval to receive incentives provided under KRS 148.853;
- (3) "Approved costs" means the amount of eligible costs approved by the authority upon completion of the project;
- (4) "Authority" means the Kentucky Tourism Development Finance Authority as set forth in KRS 148.850;
- (5) "Cabinet" means the Tourism, Arts and Heritage Cabinet;
- (6) "Crafts and products center" means a facility primarily devoted to the display, promotion, and sale of Kentucky products, and at which a minimum of eighty percent (80%) of the sales occurring at the facility are of Kentucky arts, crafts, or agricultural products;
- (7) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity operating or intending to operate a tourism development project;
- (8) "Eligible costs" means:
 - (a) Obligations incurred for labor and amounts paid to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, and installation of a tourism development project;

- (b) The costs of acquiring real property or rights include the acquisition of real property by a leasehold interest with a minimum term of ten (10) years, and any costs incidental thereto;
 - (c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, and installation of a tourism development project which is not paid by the vendor, supplier, deliveryman, contractor, or otherwise provided;
 - (d) All costs of architectural and engineering services, including but not limited to estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping, and installation of a tourism development project;
 - (e) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, and installation of a tourism development project;
 - (f) All costs required for the installation of utilities, including but not limited to water, sewer, sewer treatment, gas, electricity and communications, and including off-site construction of the facilities paid for by the approved company; and
 - (g) All other costs comparable with those described in this subsection, excluding costs subject to refund under KRS 154.20-202, 154.20-204, 154.20-206, 154.20-208, and 154.20-210 or Subchapter 31 of KRS Chapter 154;
- (9) ***"Enhanced incentive county" has the same meaning as in KRS 154.32-010;***
- (10) "Entertainment destination center project" means a facility that meets the requirements of KRS 148.853(2)(b);
- ~~(11)~~~~(10)~~ "Final approval" means the action taken by the authority authorizing the eligible company to receive incentives under KRS 139.536 and 148.851 to 148.860;
- ~~(12)~~~~(11)~~ "Full-service lodging facility" means a facility that provides overnight sleeping accommodations, including private bathrooms and all of the following:
- (a) On-site dining facilities;
 - (b) Room service;
 - (c) Catering; and
 - (d) Meeting space;
- ~~(13)~~~~(12)~~ "Incentives" means the Kentucky sales tax refund as prescribed in KRS 139.536;
- ~~(14)~~~~(13)~~ "Kentucky sales tax" means the sales tax imposed by KRS 139.200;
- ~~(15)~~~~(14)~~ "Lodging facility project" means a full-service lodging facility that:
- (a) Is located on recreational property owned or leased by the Commonwealth or the federal government;
 - (b) Involves the restoration or rehabilitation of a structure that:
 1. Is listed individually on the National Register of Historic Places; or
 2. Is located in the National Register Historic District; and
 is certified by the Kentucky Heritage Council as contributing to the historic significance of the district, and the rehabilitation or restoration of the structure has been approved in advance by the Kentucky Heritage Council;
 - (c) Is an integral part of a major convention or sports facility;
 - (d) Is located:
 1. Within a fifty (50) mile radius of a property listed on the National Register of Historic Places with a current function of recreation and culture; and
 2. In any of the one hundred (100) least-populated counties in the Commonwealth, in terms of population density, according to the most recent census;
 - (e) Is located on property:
 1. Owned by the Commonwealth, or leased by the Commonwealth from the federal government;

2. Acquired for use in the state park system pursuant to KRS 148.028; and
 3. Operated by the Kentucky Department of Parks pursuant to KRS 148.021 or the Kentucky Horse Park Commission pursuant to KRS 148.258 to 148.320;
- (f) Is located on property:
1. Owned or leased by the federal government and under the control of the Department of the Interior; or
 2. Owned by the Commonwealth and in the custody of the State Fair Board as provided in KRS 247.140;
- (g) Is part of a tourism attraction project, entertainment destination center project, or theme restaurant destination attraction project and the full-service lodging facility represents less than fifty percent (50%) of the total eligible costs; or
- (h) Has not less than five hundred (500) guest rooms:
- ~~(16)(15)~~ "Net positive fiscal impact" means the amount by which increased state tax revenues will exceed the incentives given;
- ~~(17)(16)~~ "Preliminary approval" means the action taken by the authority conditionally approving an eligible company for the incentives under KRS 139.536 and 148.851 to 148.860;
- ~~(18)(17)~~ "Recreational facility" means a structure or outdoor area that:
- (a) Provides visitors recreational opportunities, including but not limited to amusement parks, boating, hiking, horseback riding, hunting, fishing, camping, wildlife viewing, live theater, rock climbing, and all-terrain vehicle trails; and
 - (b) Serves as a likely destination where individuals who are not residents of the Commonwealth would remain overnight in commercial lodging at or near the recreational facility;
- ~~(19)(18)~~ "Theme restaurant destination attraction project" means a restaurant facility that meets the requirements for incentives under KRS 148.853(2)(c);
- ~~(20)(19)~~ (a) "Tourism attraction project" means:
1. A cultural or historical site;
 2. A recreational facility;
 3. An entertainment facility;
 4. An area of natural phenomenon or scenic beauty; or
 5. A Kentucky crafts and products center;
- (b) "Tourism attraction project" does not include facilities that are primarily devoted to the retail sale of goods, other than a Kentucky crafts and products center, or a tourism attraction where the sale of goods is a secondary and subordinate component of the attraction; and
- ~~(21)(20)~~ "Tourism development project" means:
- (a) A tourism attraction project;
 - (b) A theme restaurant destination attraction project;
 - (c) An entertainment destination center project; or
 - (d) A lodging facility project.
- ➔Section 2. KRS 148.853 is amended to read as follows:
- (1) The General Assembly finds and declares that:
- (a) The general welfare and material well-being of the citizens of the Commonwealth depend in large measure upon the development of tourism in the Commonwealth;
 - (b) It is in the best interest of the Commonwealth to provide incentives for the creation of new tourism attractions and the expansion of existing tourism attractions within the Commonwealth in order to advance the public purposes of relieving unemployment by preserving and creating jobs that would not

exist if not for the incentives offered by the authority to approved companies, and by preserving and creating sources of tax revenues for the support of public services provided by the Commonwealth;

- (c) The authorities granted by KRS 148.851 to 148.860 are proper governmental and public purposes for which public moneys may be expended; and
 - (d) That the creation or expansion of tourism development projects is of paramount importance mandating that the provisions of KRS 139.536 and KRS 148.851 to 148.860 be liberally construed and applied in order to advance public purposes.
- (2) To qualify for incentives provided in KRS 139.536 and 148.851 to 148.860, the following requirements shall be met:
- (a) For a tourism attraction project:
 - 1. The total eligible costs shall exceed one million dollars (\$1,000,000), *except for a tourism attraction project located in a county designated as an enhanced incentive county at the time the eligible company becomes an approved company as provided in KRS 148.857(6), the total eligible costs shall exceed five hundred thousand dollars (\$500,000)*;
 - 2. In any year, including the first year of operation, the tourism attraction project shall be open to the public at least one hundred (100) days; and
 - 3. In any year following the third year of operation, the tourism attraction project shall attract at least twenty-five percent (25%) of its visitors from among persons who are not residents of the Commonwealth;
 - (b) For an entertainment destination center project:
 - 1. The total eligible costs shall exceed five million dollars (\$5,000,000);
 - 2. The facility shall contain a minimum of two hundred thousand (200,000) square feet of building space adjacent or complementary to an existing tourism attraction project or a major convention facility;
 - 3. The incentives shall be dedicated to a public infrastructure purpose that shall relate to the entertainment destination center project;
 - 4. In any year, including the first year of operation, the entertainment destination center project shall:
 - a. Be open to the public at least one hundred (100) days per year;
 - b. Maintain at least one (1) major theme restaurant and at least three (3) additional entertainment venues, including but not limited to live entertainment, multiplex theaters, large-format theater, motion simulators, family entertainment centers, concert halls, virtual reality or other interactive games, museums, exhibitions, or other cultural and leisure-time activities; and
 - c. Maintain a minimum occupancy of sixty percent (60%) of the total gross area available for lease with entertainment and food and drink options not including the retail sale of tangible personal property; and
 - 5. In any year following the third year of operation, the entertainment destination center project shall attract at least twenty-five percent (25%) of its visitors from among persons who are not residents of the Commonwealth;
 - (c) For a theme restaurant destination attraction project:
 - 1. The total eligible costs shall exceed five million dollars (\$5,000,000);
 - 2. In any year, including the first year of operation, the attraction shall:
 - a. Be open to the public at least three hundred (300) days per year and for at least eight (8) hours per day; and
 - b. Generate no more than fifty percent (50%) of its revenue through the sale of alcoholic beverages;

3. In any year following the third year of operation, the theme restaurant destination attraction project shall attract a minimum of fifty percent (50%) of its visitors from among persons who are not residents of the Commonwealth; and
 4. The theme restaurant destination attraction project shall:
 - a. At the time of final approval, offer a unique dining experience that is not available in the Commonwealth within a one hundred (100) mile radius of the attraction;
 - b. In any year, including the first year of operation, maintain seating capacity of four hundred fifty (450) guests and offer live music or live musical and theatrical entertainment during the peak business hours that the facility is in operation and open to the public; or
 - c. Within three (3) years of the completion date, the attraction shall obtain a top two (2) tier rating by a nationally accredited service and shall maintain a top two (2) tier rating through the term of the agreement;
 - (d) For a lodging facility project:
 1.
 - a. The eligible costs shall exceed five million dollars (\$5,000,000) unless the provisions of subdivision b. of this subparagraph apply.
 - b.
 - i. If the lodging facility is an integral part of a major convention or sports facility, the eligible costs shall exceed six million dollars (\$6,000,000); and
 - ii. If the lodging facility includes five hundred (500) or more guest rooms, the eligible costs shall exceed ten million dollars (\$10,000,000); and
 2. In any year, including the first year of operation, the lodging facility shall:
 - a. Be open to the public at least one hundred (100) days; and
 - b. Attract at least twenty-five percent (25%) of its visitors from among persons who are not residents of the Commonwealth; and
 - (e) An expansion of any tourism development project shall in all cases be treated as a new stand-alone project.
- (3) The incentives offered under the Kentucky Tourism Development Act shall be as follows:
- (a) An approved company may be granted a sales tax incentive based on the Kentucky sales tax imposed on sales generated by or arising at the tourism development project; and
 - (b)
 1. For a tourism development project other than a lodging facility project described in KRS 148.851(14)(e) or (f), ***or a tourism attraction project described in subparagraph 2. of this paragraph:***
 - a. A sales tax incentive shall be allowed to an approved company over a period of ten (10) years, except as provided in subparagraph 5.~~{4-}~~ of this paragraph; and
 - b. The sales tax incentive shall not exceed the lesser of the total amount of the sales tax liability of the approved company and its lessees or a percentage of the approved costs as specified by the agreement, not to exceed twenty-five percent (25%);
 2. ***For a tourism attraction project located in an enhanced incentive county at the time the eligible company becomes an approved company as provided in KRS 148.857(6):***
 - a. ***A sales tax incentive shall be allowed to the approved company over a period of ten (10) years; and***
 - b. ***The sales tax incentive shall not exceed the lesser of the total amount of the sales tax liability of the approved company and its lessees or a percentage of the approved costs as specified by the agreement, not to exceed thirty percent (30%);***
 3. For a lodging facility project described in KRS 148.851(14)(e) or (f):
 - a. A sales tax incentive shall be allowed to the approved company over a period of twenty (20) years; and

- b. The sales tax incentive shall not exceed the lesser of total amount of the sales tax liability of the approved company and its lessees or a percentage of the approved costs as specified by the agreement, not to exceed fifty percent (50%);
- 4.~~{3-}~~ Any unused incentives from a previous year may be carried forward to any succeeding year during the term of the agreement until the entire specified percentage of the approved costs has been received through sales tax incentives; and
- 5.~~{4-}~~ If the approved company is an entertainment destination center that has dedicated at least thirty million dollars (\$30,000,000) of the incentives provided under the agreement to a public infrastructure purpose, the agreement may be amended to extend the term of the agreement up to two (2) additional years if the approved company agrees to:
 - a. Reinvest in the original entertainment destination project one hundred percent (100%) of any incentives received during the extension that were outstanding at the end of the original term of the agreement; and
 - b. Report to the authority at the end of each fiscal year the amount of incentives received during the extension and how the incentives were reinvested in the original entertainment destination project.

➔SECTION 3. A NEW SECTION OF KRS 148.851 TO 148.860 IS CREATED TO READ AS FOLLOWS:

New applications shall not be accepted or considered before August 1, 2014, or after May 1, 2018, for the sales tax incentive provided in subsection (3)(b)2. of Section 2 of this Act. All projects with preliminary or final approval under KRS 148.851 to 148.860 on July 31, 2018, shall continue to be governed by KRS 148.851 to 148.860.

Signed by Governor April 10, 2014.

CHAPTER 105

(HB 542)

AN ACT relating to tax increment financing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 154.30-060 is amended to read as follows:

- (1) The Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas is hereby established.
- (2) State participation under this program shall be limited to the support of approved public infrastructure costs and costs associated with land preparation, demolition, and clearance determined to be necessary to support private investment or private development projects that benefit the public, where project economics are unable to support or secure necessary financing to undertake the public improvements, land preparation, demolition, and clearance.
- (3) As used in this section:
 - (a) "Mixed-use" means a project:
 - 1. That includes at least two (2) qualified uses; *or*
 - 2. *That meets the requirements established by paragraph (b)2.b. of this subsection;*
 - (b) 1. "Qualified use" means:
 - a.~~{1-}~~ Retail;
 - b.~~{2-}~~ Residential;
 - c.~~{3-}~~ Office;
 - d.~~{4-}~~ Restaurant; or

e.~~[5-]~~ Hospitality.

2.
 - a. *Except as otherwise provided in paragraph (b)2.b. of this subsection*, to be a qualified use~~[,]~~ the use must comprise at least twenty percent (20%) of the total finished square footage of the proposed project or represent twenty percent (20%) of the total capital investment; and
 - b. *In any location within the territory of a consolidated local government or an urban-county government, a project whose uses do not meet the requirements of paragraph (b)2.a. of this subsection may qualify as a mixed-use project if all of the following apply:*
 - i. *The project includes at least three (3) of the uses listed in paragraph (b)1. of this subsection;*
 - ii. *One (1) of those uses meets the requirements of paragraph (b)2.a. of this subsection; and*
 - iii. *The other uses, when combined, jointly comprise at least twenty percent (20%) of the total finished square footage of the proposed project or represent twenty percent (20%) of the total capital investment; and*
 - (c) "Retail" means an establishment predominantly engaged in the sale of tangible personal property subject to the tax imposed by KRS Chapter 139, but shall not include restaurants.
- (4) To be considered for state participation under this program, a project shall:
 - (a) Be located in an area that has three (3) or more of the conditions listed in KRS 65.7049(3)(a), or be a project described in KRS 65.7049(3)(b);
 - (b) Be a mixed-use project;
 - (c) Represent new economic activity in the Commonwealth;
 - (d) Result in a capital investment between twenty million dollars (\$20,000,000) and two hundred million dollars (\$200,000,000);
 - (e) Not include any retail establishment that exceeds twenty thousand (20,000) square feet of finished square footage;
 - (f) Include pedestrian amenities and public space; and
 - (g) Result in a net positive economic impact to the Commonwealth, taking into consideration any substantial adverse impact on existing Commonwealth businesses. The net positive impact shall be certified to the authority as required by KRS 154.30-030(6)(b).
 - (5) The following costs may be recovered pursuant to this section:
 - (a) Up to one hundred percent (100%) of approved public infrastructure costs; and
 - (b) Up to one hundred percent (100%) of expenses for land preparation, demolition, and clearance necessary for the development to occur.
 - (6) The commission shall review the application, the certification required by KRS 154.30-030, and supporting information as provided in KRS 154.30-030.
 - (7) The authority shall specifically identify the state taxes from which incremental revenues will be pledged. The authority may pledge up to eighty percent (80%) of the incremental revenues from the identified state tax revenues from the footprint of the project, provided that the maximum amount of incremental revenues that may be pledged for a project during the term of the tax incentive agreement from all approved state taxes shall not exceed the costs and expenses determined under subsection (5) of this section.
 - (8) As part of the approval process, the authority shall determine the following:
 - (a) The footprint of the project;
 - (b) That the proposed project meets the requirements established by subsection (4) of this section;
 - (c) The maximum amount of approved public infrastructure costs and expenses for land preparation, demolition, and clearance;

- (d) That the local revenues pledged to support the public infrastructure of the project and local revenues pledged to support the overall project are of a sufficient amount to warrant participation of the Commonwealth in the project;
 - (e) The termination date of the tax incentive agreement; and
 - (f) Any adjustments to be made to old revenues, in determining incremental revenues during each year of the term of the tax incentive agreement.
- (9) If state income taxes or local occupational licenses taxes are included for a project that includes office space, the authority shall consider the impact of pledging these taxes on the ability to utilize other economic development projects at a later date.
- (10) The pledge of state incremental tax revenues of the Commonwealth by the authority shall be implemented through the execution of a tax incentive agreement between the Commonwealth and the agency, city, or county in accordance with KRS 154.30-070.

Signed by Governor April 10, 2014.

CHAPTER 106

(SB 26)

AN ACT relating to the use of funds generated by horse racing, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 230.265 is amended to read as follows:

- (1) (a) There is hereby created a panel, to be known as the Kentucky Equine Drug Research Council, to advise the racing commission on the conduct of equine drug research and testing commissioned by the Kentucky Horse Racing Commission.
 - (b) The council shall consist of nine (9) members appointed by the Governor. It is recommended that the Governor appoint one (1) person from each of the following groups, organizations, or professions:
 - 1. A veterinarian, selected from a list of three (3) submitted by the Kentucky Association of Equine Veterinarians;
 - 2. A horseman, selected from a list of three (3) submitted by the Kentucky division of the Horsemen's Benevolent and Protective Association;
 - 3. A pharmacologist, selected from a list of three (3) submitted by the University of Kentucky;
 - 4. A Thoroughbred breeder, selected from a list of three (3) submitted by the Kentucky Thoroughbred Owners and Breeders, Inc.;
 - 5. A legislator, selected from a list of three (3) submitted by the Legislative Research Commission;
 - 6. A representative of a licensed racing association, chosen by the Governor;
 - 7. A member of the harness racing industry, selected from a list of three (3) submitted by the chairman of the Kentucky Horse Racing Commission;
 - 8. A member selected from a list of three (3) submitted by the Kentucky Harness Horsemen's Association; and
 - 9. A member of the Kentucky Horse Racing Commission, selected from a list of three (3) submitted by the chairman of the Kentucky Horse Racing Commission, to serve as chairman.
 - (c) The council shall meet at the call of the chairman, a majority of the council, or at the request of the racing commission. Members shall serve at the pleasure of their respective sponsoring organizations and shall receive no compensation for serving.
- (2) The Kentucky Equine Drug Research Council shall:

- (a) Review equine drug research and testing research being conducted at the University of Kentucky, or with state funds;
 - (b) Review and report to the racing commission on drug research and testing research being conducted elsewhere;
 - (c) Advise the racing commission and make recommendations for establishing an effective drug regulatory policy for Kentucky racing; and
 - (d) Report to the General Assembly any needed changes regarding the regulation of drugs in horse racing in the Commonwealth of Kentucky.
- (3) (a) The funds received by the racing commission pursuant to KRS 138.510 shall be used~~[in Kentucky]~~ for financing:
- 1. Drug research;~~[,]~~
 - 2. Testing research;~~[,]~~
 - 3. Equine medical research;~~[, and]~~
 - 4. Equine health research issues; ~~and~~~~[, or]~~
 - 5. Any regulatory or administrative activity of the racing commission that is related to the research and issues described in **subparagraphs 1. to 4. of this paragraph**~~[subsection]~~. Any expenditure under this subsection shall relate to the racing industry in Kentucky.
- (b) ***In authorizing expenditures, the council and the racing commission shall give funding priority to the activities described in this subsection which will take place, or are proposed to take place, in Kentucky over similar activities taking place outside Kentucky. However, expenditures under this subsection in furtherance of activities taking place outside Kentucky may be approved if the council and the racing commission determine that those expenditures will contribute to improvement in Kentucky's racing industry and to the development of a useful knowledge base relating to the subjects expressed in paragraph (a)1. to 5. of this subsection.***
- (c) The money received under this subsection shall be in addition to any funds appropriated to the racing commission for these purposes in the executive budget.

➔Section 2. KRS 230.400 is amended to read as follows:

- (1) There is hereby created a trust and revolving fund for the Kentucky Horse Racing Commission, designated as the Kentucky Thoroughbred development fund, consisting of money allocated to the fund under the provisions of KRS 138.510, together with other money contributed to or allocated to the fund from all other sources. Money to the credit of the Kentucky Thoroughbred development fund shall be distributed by the Treasurer for the purposes of this section upon authorization of the Kentucky Horse Racing Commission and upon approval of the secretary of the Finance and Administration Cabinet. Money from the Kentucky Thoroughbred development fund shall be allocated to each licensed association in an amount equal to the amount the association contributed to the fund. Money to the credit of the Kentucky Thoroughbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.
- (2) There is hereby established, under the general jurisdiction of the Kentucky Horse Racing Commission, a Kentucky Thoroughbred Development Fund Advisory Committee. The advisory committee shall consist of five (5) members, all of whom shall be residents of Kentucky, to be appointed by the chairman of the Kentucky Horse Racing Commission by July 1 of each year. The committee shall consist of two (2) Thoroughbred breeders recommended by the Kentucky Thoroughbred Owners and Breeders, Inc.; one (1) Thoroughbred owner recommended by the Kentucky division of the Horsemen's Benevolent and Protective Association; one (1) officer or director of a licensed association conducting Thoroughbred racing in Kentucky, recommended by action of all of the licensed associations conducting Thoroughbred racing in Kentucky; and one (1) member of the Kentucky Horse Racing Commission. If any member other than the racing commission member has not been recommended for appointment by July 1 of each year, the chairman of the Kentucky Horse Racing Commission shall make an appointment for the organization or organizations failing to recommend a member of the committee. The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all expenses incurred in the discharge of official business. The advisory committee shall select from its membership annually a chairman and a vice chairman.

- (3) (a) The Kentucky Thoroughbred Development Fund Committee shall advise and assist the Kentucky Horse Racing Commission in the development of the supplemental purse program provided herein for Kentucky bred thoroughbreds, shall make recommendations to the racing commission from time to time with respect to the establishment of guidelines, administrative regulations for the provision of supplemental purses, the amount thereof, the races for which the purses are to be provided and the conditions thereof, manner and method of payment of supplemental purses, registry of Thoroughbred stallions standing within the Commonwealth of Kentucky, registry of Kentucky bred Thoroughbreds for purposes of this section, nature and type of forms and reports to be employed and required in connection with the establishment, provision for, award and payment of supplemental purses, and with respect to all other matters necessary in connection with the carrying out of the intent and purposes of this section.
- (b) The Kentucky Horse Racing Commission shall employ qualified personnel as may be required to assist the racing commission and the advisory committee in carrying out the provisions of this section. These persons shall serve at the pleasure of the racing commission and compensation for these personnel shall be fixed by the racing commission. The compensation of these personnel and the necessary expenses incurred by the racing commission or by the committee in carrying out the provisions of this section shall be paid out of the Kentucky Thoroughbred development fund.
- (4) The Kentucky Horse Racing Commission, with the advice and assistance of the Kentucky Thoroughbred Development Fund Advisory Committee, shall use the Kentucky Thoroughbred development fund to promote, enhance, improve, and encourage the further and continued development of the Thoroughbred breeding industry in Kentucky by providing, out of the Kentucky Thoroughbred development fund, supplemental purses for designated stakes, handicap, allowance, **nonclaiming maiden races**, and **allowance optional claiming races for a claiming price of not less than twenty-five thousand dollars (\$25,000)**~~nonclaiming maiden races~~ contested at licensed Thoroughbred race meetings in Kentucky. **The Kentucky Horse Racing Commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the requirements, conditions, and procedures for**~~the~~ awarding and payment of ~~which~~ supplemental purses~~shall be conditioned upon the winning or placing~~ in designated races by Kentucky bred Thoroughbred horses.~~[Any supplemental purse provided for a designated race shall be apportioned among the winning and placing horses in the same proportion as the stake or purse provided for the race by the racing association. Winning or placing as used in this section shall include those horses finishing first, second, third, and fourth in the races.]~~ That portion of the supplemental purse provided for any designated race~~for a winning or placing finish~~ shall be awarded and paid to the owner of the horse~~so finishing~~ only if the horse is a Kentucky bred Thoroughbred duly registered with the official registrar. Any portion of the supplemental purse which is not awarded and paid over shall be returned to the Kentucky Thoroughbred development fund.
- (5) (a) For purposes of this section, the term Kentucky Thoroughbred stallion shall mean and include only a Thoroughbred stallion standing the entire breeding season in Kentucky and registered as a Kentucky Thoroughbred stallion with the official registrar of the Kentucky Thoroughbred development fund.
- (b) Except for Thoroughbred horses foaled prior to January 1, 1980, the term Kentucky bred Thoroughbreds for purposes of this section, shall mean and include only Thoroughbred horses sired by Kentucky Thoroughbred stallions foaled in Kentucky and registered as a Kentucky bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
- (c) Any Thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky bred Thoroughbred for purposes of this section if the horse was foaled in Kentucky and if the sire of the Thoroughbred was standing at stud within Kentucky at the time of conception of such Thoroughbred, provided the Thoroughbred is duly registered as a Kentucky bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
- (d) In order for an owner of a Kentucky sired Thoroughbred to be eligible to demand, claim, and receive a portion of a supplemental purse provided by the Kentucky Thoroughbred development fund, the Thoroughbred horse~~winning or placing~~ in a designated race for which a supplemental purse has been provided by the Kentucky Thoroughbred development fund must have been duly registered as a Kentucky bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund prior to entry in the race.
- (6) (a) Kentucky Thoroughbred Owners and Breeders, Inc., is hereby recognized and designated as the sole official registrar of the Kentucky Thoroughbred development fund for the purposes of registering Kentucky Thoroughbred stallions and Kentucky bred Thoroughbreds in **accordance**~~accord~~ with the terms of this section and any administrative regulations promulgated by the Kentucky Horse Racing

Commission. When a Kentucky bred Thoroughbred is registered with the official registrar, the registrar shall be authorized to stamp the Jockey Club certificate issued for the Thoroughbred with the seal of the registrar, certifying that the Thoroughbred is a duly qualified and registered Kentucky bred Thoroughbred for purposes of this section. The registrar may establish and charge, with the approval of the racing commission, reasonable registration fees for its services in the registration of Kentucky Thoroughbred stallions and in the registration of Kentucky bred Thoroughbreds. Registration records of the registrar shall be public records and open to public inspection at all normal business hours and times.

- (b) Any interested party aggrieved by the failure or refusal of the official registrar to register a stallion or Thoroughbred as a Kentucky stallion or as a Kentucky bred Thoroughbred shall have the right to file with the racing commission, within thirty (30) days of such failure or refusal of the registrar, petition seeking registration of the Thoroughbred. The racing commission shall promptly hear the matter de novo and issue its order directing the official registrar to register or not to register as it may be determined by the racing commission.
- (7) The Kentucky Horse Racing Commission shall promulgate administrative regulations as may be necessary to carry out the provisions and purposes of this section, including the promulgation of administrative regulations and forms as may be appropriate for the proper registration of Kentucky stallions and Kentucky bred Thoroughbreds with the official registrar, and shall administer the Kentucky bred Thoroughbred program created hereby in a manner best designed to promote and aid in the further development of the Thoroughbred breeding industry in Kentucky, to upgrade the quality of Thoroughbred racing in Kentucky, and to improve the quality of Thoroughbred horses bred in Kentucky.

➔Section 3. Whereas the Kentucky horse racing industry is a crucial part of the state economy and significant racing occurs early in the year, an emergency is declared to exist, and Section 2 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

CHAPTER 107

(SB 36)

AN ACT relating to the right of redemption.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 426.530 is amended to read as follows:

- (1) If real property sold in pursuance of a judgment or order of a court, other than an execution, does not bring two-thirds (2/3) of its appraised value, the defendant and his *or her* representatives may redeem it within ***six (6) months***~~a year~~ from the day of sale, by paying the original purchase money and ten percent (10%) per annum interest thereon, ***and any reasonable costs incurred by the purchaser after the sale for maintenance or repair of the property, including but not limited to utility expenses, insurance, association fees, taxes, and the costs to conform the property to the minimum standards of:***
 - (a) ***The local nuisance code as defined in KRS 82.700; and***
 - (b) ***Local ordinances as defined in KRS 65.8805.***
- (2) The defendant shall pay the redemption money to the clerk of the court in which the judgment was rendered or the order of sale was made. Upon payment by the defendant, the master commissioner shall convey the real property to the defendant.
- (3) When the right of redemption exists, the purchaser shall receive an immediate writ of possession and a deed containing a lien in favor of the defendant, reflecting the defendant's right to redeem during the statutory period.

Signed by Governor April 10, 2014.

CHAPTER 108

(SB 49)

AN ACT relating to youth employment in sports programs and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 339.210 is amended to read as follows:

As used in KRS 339.220 to 339.450:

- (1) "Gainful occupation" does not include employment in farm work or in domestic service in a private home, nor occasional employment by a householder in connection with the household and not in connection with the householder's business or occupation, such as grass cutting or carrying ashes or similar casual domestic tasks, nor the delivery of newspapers on regularly scheduled routes, nor to employment as an actor or performer in motion pictures or theatrical productions, or in radio or television productions, nor to employment of minors by their own parents or persons standing in the place of a parent in occupations other than manufacturing, mining, or those found by the commissioner of the Department of Workplace Standards to be particularly hazardous; *and*
- (2) *"Gainful occupation" does not include a minor who is at least twelve (12) years of age working as a referee, umpire, or official in a youth athletic program subject to the following:*
 - (a) *The minor is a referee, umpire, or official for an age bracket younger than the minor's own age;*
 - (b) *An adult representing the youth athletic program is on the premises where the athletic event is occurring; and*
 - (c) *The minor has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the child's employment as a referee, umpire, or official signed by the minor's parent or guardian.*

➔Section 2. Whereas youth referees, umpires, and officials are an integral part of youth athletics and necessary for the operation of youth athletic programs in Kentucky, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor April 10, 2014.

CHAPTER 109

(SB 66)

AN ACT relating to boating law enforcement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 235.310 is amended to read as follows:

- (1) The commissioner of the Department of Fish and Wildlife Resources shall designate officers and employees of the department to enforce the provisions of this chapter, and these officers when duly authorized by the commissioner shall have the general powers of a peace officer for the enforcement of other offenses against the Commonwealth. In enforcing the provisions of this chapter, these officers and all other peace officers of the Commonwealth and its subdivisions shall have the right to enter upon all waters of this state, either private or public, for the purpose of inspecting certificate of registration and boat numbering, ~~but and~~ shall *only* have the right to *stop or* enter upon ~~all~~ boats on such waters *if the officer has a reasonable and articulable suspicion based upon specific and articulable facts which, taken together with rational inferences from those facts, demonstrate that a violation of the Kentucky Revised Statutes or an administrative regulation promulgated under this chapter has occurred, with any subsequent search of the boat or persons on it being authorized only if supported by probable cause. The provisions of this section shall not apply to license*

inspections under KRS 150.090(5), but only as to those licenses and items specified in that section~~[for the purpose of examining their registration documents and inspect their marine sanitation device to determine if it is the proper kind for the water body where the boat is kept or operated and that the device is properly operating. To conduct the marine sanitation device inspection the department officers and employees may require a motorboat owner to flush a dye through the marine toilet in the presence of the department officers or employees or use other appropriate measures to inspect the device].~~ They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting, with or without process, any person found by them violating any of the provisions of this chapter or other offenses against the Commonwealth.

- (2) The officers designated in subsection (1) of this section shall be authorized to possess and use radio communication equipment capable of receiving and transmitting on state police radio frequency. The Department of Kentucky State Police shall cooperate with the department for the purpose of radio communication of these officers when any assistance is necessary.
- (3) ***The department may conduct periodic inspections of marine sanitation devices according to a regular inspection schedule to be determined by the department. To conduct the marine sanitation device inspection the department officers and employees may require a motorboat owner to flush a dye through the marine toilet in the presence of the department officers or employees or use other appropriate measures to inspect the device.***

➔Section 2. KRS 235.285 is amended to read as follows:

- (1) A personal watercraft may be used to tow individuals engaged in waterskiing or similar activities if it has adequate seating capacity and an observer on board to monitor the progress of the person being towed, or if it is equipped with a rearview mirror with a minimum field of vision of one hundred sixty (160) degrees mounted so that the operator can observe the activities of the person being towed.
- (2) A person shall not operate a personal watercraft on public waters unless every individual operating or riding on the personal watercraft is wearing a personal flotation device that is approved by the United States Coast Guard under 46 C.F.R. sec. 160, ***as it may be amended or renumbered.***
- (3) A personal watercraft that does not have self-circling capability shall not be operated on public waters unless:
 - (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch; and
 - (b) The lanyard is attached to the person, clothing, or personal flotation device of the operator.
- (4) A ~~vessel~~~~personal watercraft or motorboat~~ operated on public waters shall be operated at all times according to the ***provisions of this chapter and the administrative regulations promulgated hereunder***~~["Rules of the Road" in the Inland Navigation Rules, 33 C.F.R. pt. 83]. A vessel~~~~personal watercraft or motorboat~~ shall be operated at all times in a reasonable and prudent manner so as not to endanger human life, human physical safety, or property. A person shall not do any of the following while operating a ~~vessel~~~~personal watercraft or motorboat~~ on public waters:
 - (a) Weave through congested watercraft traffic in a way that endangers human life, human physical safety, or property;
 - (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or a water sport device in a way that endangers human life, human physical safety, or property;
 - (c) Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property;
 - (d) Cut between a boat and the individual or individuals being towed by the boat;
 - (e) Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property; or
 - (f) Steer a personal watercraft or motorboat toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety, or property.
- (5) A person shall not operate a personal watercraft on public waters at any time between sunset and the following sunrise.

- (6) A person shall not operate a ~~vessel [motorboat or personal watercraft]~~ within fifty (50) feet of a commercial motor vessel and its tow which is in operation on a waterway, except if the operator of the commercial motor vessel has given his or her consent.
- (7)
 - (a) A person under twelve (12) years of age shall not operate a personal watercraft or motorboat over ten (10) horsepower on the public waters of the Commonwealth.
 - (b) Effective January 1, 1999, a person twelve (12) years of age through seventeen (17) years of age shall not operate a personal watercraft or motorboat over ten (10) horsepower on the public waters of the Commonwealth unless the person is in possession of a safe boating certificate or is accompanied, on board, by a person eighteen (18) years of age or older or in possession of a safe boating certificate.
 - (c) While operating a motorboat or a personal watercraft over ten (10) horsepower on the public waters of the Commonwealth, nonresidents twelve (12) years of age through seventeen (17) years of age shall have in their possession a Kentucky safe boating certificate or a recognized and equivalent boat operator licensing or safe boating certificate from another state or country.
- (8) Subsections (1) to (6) of this section shall not apply to:
 - (a) A performer engaged in a professional exhibition; or
 - (b) A person participating in a regatta, a race, a marine parade, a tournament, or an exhibit that is held in compliance with administrative regulations adopted by the department.
- (9) The parent, legal guardian, or other adult who has direct supervision over a minor under the age of eighteen (18) shall not knowingly authorize or permit the minor to operate a motorboat or personal watercraft in violation of this section.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO READ AS FOLLOWS:

On or before October 31 of each year, the Department of Fish and Wildlife Resources shall submit a report to the Legislative Research Commission, for referral to the appropriate interim joint committee, detailing the continued training measures that the department has undertaken during the past year for law enforcement officers in the areas of enforcement policy and professionalism training to enhance the public's experience in interacting with the department's officers and in enjoying outdoor activities while maintaining a safe and lawful environment. The report shall also include any changes that the department implemented during the past year regarding its law enforcement practices and interactions with the public.

➔Section 4. This Act shall be known and may be cited as the Boater Freedom Act.

Signed by Governor April 10, 2014.

CHAPTER 110

(SB 98)

AN ACT relating to adult abuse, neglect, and exploitation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Employee" means a person who:*

1. *Is hired directly or through a contract by a vulnerable adult services provider who has duties that involve or may involve one-on-one contact with a patient, resident, or client; or*
2. *Is a volunteer who has duties that are equivalent to the duties of an employee providing direct services and the duties involve, or may involve, one-on-one contact with a patient, resident, or client;*

(b) *"Validated substantiated finding of adult abuse, neglect, or exploitation" means that the cabinet has:*

1. *Entered a final order concluding by a preponderance of the evidence that an individual has committed adult abuse, neglect, or exploitation against a different adult for whom the individual was providing care or services as an employee or otherwise with the expectation of compensation;*
 2. *The individual has been afforded an opportunity for an administrative hearing under procedures compliant with KRS Chapter 13B, and an appeal to the Circuit Court of the county where the abuse, neglect, or exploitation is alleged to have occurred or, if the individual consents, to the Franklin Circuit Court; and*
 3. *That any appeal, including the time allowed for filing an appeal, has concluded or expired; and*
- (c) *"Vulnerable adult service provider" means:*
1. *Adult day health care program centers as defined in KRS 216B.0441;*
 2. *Adult day training facilities;*
 3. *Assisted-living communities as defined in KRS 194A.700;*
 4. *Boarding homes as defined in KRS 216B.300;*
 5. *Group homes for individuals with an intellectual disability and developmentally disabled (ID/DD);*
 6. *Home health agencies as defined in KRS 216.935;*
 7. *Hospice programs or residential hospice facilities licensed under KRS Chapter 216B;*
 8. *Long-term-care hospitals as defined in 42 U.S.C. sec. 1395ww(d)(1)(B)(iv);*
 9. *Long-term-care facilities as defined in KRS 216.510;*
 10. *Personal services agencies as defined in KRS 216.710;*
 11. *Providers of home and community-based services authorized under KRS Chapter 205, including home and community based waiver services and supports for community living services; and*
 12. *State-owned and operated psychiatric hospitals.*
- (2) *A vulnerable adult services provider shall query the cabinet as to whether a validated substantiated finding of adult abuse, neglect, or exploitation has been entered against an individual who is a bona fide prospective employee of the provider. The provider may periodically submit similar queries as to its current employees and volunteers. The cabinet shall reply to either type of query only that it has or has not entered such a finding against the named individual.*
 - (3) *An individual may query the cabinet as to whether the cabinet's records indicate that a validated substantiated finding of adult abuse, neglect, or exploitation has been entered against him or her. The cabinet shall reply only that it has or has not entered such a finding against the named individual, although this limitation shall not be construed to prevent the individual who is the subject of the investigation from obtaining cabinet records under other law, including the Kentucky Open Records Act. An individual making a query under this subsection may direct that the results of the query be provided to an alternative recipient seeking to utilize the care or services of the querying individual.*
 - (4) *Every cabinet investigation of adult abuse, neglect, or exploitation committed by an employee or a person otherwise acting with the expectation of compensation shall be conducted in a manner affording the individual being investigated the level of due process required to qualify any substantiated finding as a validated substantiated finding of adult abuse, neglect, or exploitation.*
 - (5) *The cabinet shall promulgate administrative regulations to implement the provisions of this section. Included in these administrative regulations shall be:*
 - (a) *An error resolution process allowing an individual whose name is erroneously reported to have been the subject of a validated substantiated finding of adult abuse, neglect, or exploitation to request the correction of the cabinet's records; and*

- (b) *A designation of the process by which queries may be submitted in accordance with this section, which shall require that the queries be made using a secure methodology and only by providers and persons authorized to submit a query under this section.*
- (6) *If the cabinet does not respond to a query under subsection (2) of this section within twenty-four (24) hours and a vulnerable adult services provider hires or utilizes an employee provisionally, the provider shall not be subject to liability solely on the basis of hiring or utilizing the employee before having received the cabinet's response.*
- (7) *This section shall only apply to instances of abuse, neglect, or exploitation substantiated on or after the effective date of this Act, which shall be compiled into a central registry for the purpose of queries submitted under this section.*

Signed by Governor April 10, 2014.

CHAPTER 111

(SB 109)

AN ACT relating to the sale of tobacco related products to minors and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 438.305 is amended to read as follows:

As used in KRS 438.305 to 438.340, unless the context requires otherwise:

- (1) (a) *"Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.*
- (b) *"Alternative nicotine product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;*
- (2) "Manufacturer" means any person who manufactures or produces tobacco products within or without this Commonwealth;
- (3)~~(2)~~ "Nonresident wholesaler" means any person who purchases cigarettes or other tobacco products directly from the manufacturer and maintains a permanent location or locations outside this state at which Kentucky cigarette tax evidence is attached or from which Kentucky cigarette tax is reported and paid;
- (4)~~(3)~~ "Proof of age" means a driver's license or other documentary or written evidence that the individual is eighteen (18) years of age or older;
- (5)~~(4)~~ "Resident wholesaler" means any person who purchases at least seventy-five percent (75%) of all cigarettes or other tobacco products purchased by that person directly from the cigarette manufacturer on which the cigarette tax provided for in KRS 138.130 to 138.205 is unpaid, and who maintains an established place of business in this state at which the person attaches cigarette tax evidence or receives untaxed cigarettes;
- (6)~~(5)~~ "Sample" means a tobacco product, *alternative nicotine product, or vapor product* distributed to members of the general public at no cost;
- (7)~~(6)~~ "Subjobber" means any person who purchases tobacco products, on which the Kentucky cigarette tax has been paid, from a wholesaler licensed pursuant to KRS 138.195, and makes them available to a retail establishment for resale;~~[-]~~
- (8) (a) *"Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth.*
- (b) *"Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act; and*

- (9) (a) *"Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.*
- (b) *"Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.*

➔Section 2. KRS 438.310 is amended to read as follows:

- (1) No person shall sell or cause to be sold any tobacco product, ***alternative nicotine product, or vapor product*** at retail to any person under the age of eighteen (18), or solicit any person under the age of eighteen (18) to purchase any tobacco product, ***alternative nicotine product, or vapor product*** at retail.
- (2) Any person who sells tobacco products, ***alternative nicotine products, or vapor products*** at retail shall cause to be posted in a conspicuous place in his establishment a notice stating that it is illegal to sell tobacco products, ***alternative nicotine products, or vapor products*** to persons under age eighteen (18).
- (3) Any person selling tobacco products, ***alternative nicotine products, or vapor products*** shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of eighteen (18).
- (4) A person who violates subsection (1) or (2) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for a first violation and a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for any subsequent violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure.

➔Section 3. KRS 438.311 is amended to read as follows:

- (1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has not attained the age of eighteen (18) years to purchase or accept receipt of or to attempt to purchase or accept receipt of a tobacco product, ***alternative nicotine product, or vapor product***, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product, ***alternative nicotine product, or vapor product***. It shall not be unlawful for such a person to accept receipt of a tobacco product, ***alternative nicotine product, or vapor product*** from a family member, except if the child has been committed to the custody of the state under KRS Chapters 600 to 645, or from an employer when required in the performance of the person's duties.
- (2) Violation of this section shall be punishable by a fine of fifty dollars (\$50) and twenty (20) hours of community service work for a first offense within a one (1) year period, and a fine of two hundred dollars (\$200) and forty (40) hours of community service work for a second or subsequent offense within a one (1) year period.
- (3) This offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.
- (4) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but not make an arrest or take a child into custody, for a violation of this section. If a child fails to appear in court in response to a uniform citation issued pursuant to the section, the court may compel the attendance of the defendant in the manner specified by law.

➔Section 4. KRS 438.313 is amended to read as follows:

- (1) No wholesaler, retailer, or manufacturer of cigarettes,~~[-or]~~ tobacco products, ***alternative nicotine products, or vapor products*** may distribute cigarettes,~~[-or]~~ tobacco products, ***alternative nicotine products, or vapor products***, including samples thereof, free of charge or otherwise, to any person under the age of eighteen (18).
- (2) Any person who distributes cigarettes,~~[-or]~~ tobacco products, ***alternative nicotine products, or vapor products***, including samples thereof, free of charge or otherwise shall require proof of age from a prospective buyer or

recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of eighteen (18).

- (3) Any person who violates the provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.
- (4) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.

➔Section 5. KRS 438.315 is amended to read as follows:

- (1) The sale of tobacco products, ***alternative nicotine products, or vapor products*** dispensed through a vending machine is prohibited to any person under the age of eighteen (18) years.
- (2) The purchase of tobacco products, ***alternative nicotine products, or vapor products*** dispensed through a vending machine is prohibited to any person under the age of eighteen (18) years.
- (3) Except for vending machines located in factories or vending machines located in bars or taverns to which minors are not permitted access, ~~beginning one (1) year after July 15, 1994,~~ any vending machine from which tobacco products, ***alternative nicotine products, or vapor products*** are dispensed shall be located in the line of sight of the cashier for the retail establishment.
- (4) Any owner of a retail establishment violating this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.
- (5) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.

➔Section 6. KRS 438.325 is amended to read as follows:

- (1) Each owner of a retail establishment selling or distributing tobacco products, ***alternative nicotine products, or vapor products*** shall notify each individual employed in the retail establishment as a retail sales clerk that the sale of tobacco products, ***alternative nicotine products, or vapor products*** to any person under the age of eighteen (18) years and the purchase of tobacco products, ***alternative nicotine products, or vapor products*** by any person under the age of eighteen (18) years ~~is~~^{are} prohibited.
- (2) Each owner of a retail establishment selling or distributing tobacco products, ***alternative nicotine products, or vapor products*** shall notify each individual employed in the retail establishment as a retail sales clerk that proof of age is required from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of eighteen (18).
- (3) The notice to employees that is required in subsection (1) of this section shall be provided before the person commences work as a retail sales clerk, or, in the case of a person employed as a retail sales clerk on ***the effective date of this Act*** ~~July 15, 1994,~~ within thirty (30) days of that date. The employee shall signify receipt of the notice required by this section by signing a form that states as follows:

"I understand that under the law of the Commonwealth of Kentucky it is illegal to sell or distribute tobacco products, ***alternative nicotine products, or vapor products*** to persons under the age of eighteen (18) years and that it is illegal for persons under the age of eighteen (18) years to purchase tobacco products, ***alternative nicotine products, or vapor products***."

- (4) The owner of the retail establishment shall maintain the signed notice that is required pursuant to subsection (3) of this section in a place and in a manner so as to be easily accessible to any employee of the Department of Alcoholic Beverage Control or the Department of Agriculture conducting an inspection of the retail establishment for the purpose of monitoring compliance in limiting the sale or distribution of tobacco products,

alternative nicotine products, or vapor products to persons under the age of eighteen (18) as provided in KRS 438.305 to 438.340.

- (5) Any owner of the retail establishment violating subsections (1) to (4) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control in a civil enforcement procedure.

➔Section 7. KRS 438.330 is amended to read as follows:

- (1) The Department of Alcoholic Beverage Control and the Department of Agriculture shall carry out annually-conducted random, unannounced inspections of retail establishments where tobacco products, ***alternative nicotine products, or vapor products*** are sold or distributed for the purpose of enforcing the provisions of KRS 438.305 to 438.340. The inspections shall be conducted to the extent necessary to assure that the Commonwealth remains in compliance with Public Law 102-321 and applicable federal regulations. The Department of Alcoholic Beverage Control and the Department of Agriculture shall also ensure that targeted inspections are conducted at those retail establishments where, and at those times when, persons under the age of eighteen (18) years are most likely to purchase tobacco products, ***alternative nicotine products, or vapor products***. Persons under the age of eighteen (18) years may be used to test compliance with the provisions of KRS 438.305 to 438.340 only if the testing is conducted under the direct supervision of the Department of Alcoholic Beverage Control, sheriff, or chief of police, or their employees, and written parental consent has been obtained. The Department of Alcoholic Beverage Control shall prepare annually, for submission by the Governor to the Secretary of the United States Department of Health and Human Services, the report required by Section 1926 of Subpart 1 of Part B of Title XIX of the Federal Public Health Service Act.
- (2) The Department of Alcoholic Beverage Control shall develop and implement the survey sampling methodologies to carry out the inspections as described in this section.

➔Section 8. KRS 438.335 is amended to read as follows:

The Department of Agriculture shall carry out the provisions of KRS 438.305 to 438.340 as they relate to educating the public and sellers of tobacco products, ***alternative nicotine products, or vapor products*** about provisions and penalties of KRS 438.305 to 438.340. The Department of Agriculture shall be entitled to the revenue produced by one-twentieth of one cent (\$0.0005) of the three-cent (\$0.03) per pack revenue collected by the Department of Revenue from the state excise tax on the sale of cigarettes as imposed by KRS 138.140 and to keep fifty percent (50%) of any fines collected under KRS 438.305 to 438.340 to offset the costs of these education efforts.

➔Section 9. KRS 438.350 is amended to read as follows:

- (1) No person under the age of eighteen (18) shall possess or use tobacco products, ***alternative nicotine products, or vapor products***.
- (2) Any tobacco product, ***alternative nicotine product, or vapor product*** found in the possession of a person under the age of eighteen (18) and in plain view of the law enforcement officer shall be confiscated by the law enforcement officer making the charge.
- (3) This section shall not apply to persons exempted as provided by KRS 438.311 and 438.330.
- (4) ***The terms "alternative nicotine product," "tobacco product," and "vapor product," shall have the same meaning as in Section 1 of this Act.***

➔Section 10. Whereas it is incumbent upon the Commonwealth of Kentucky to protect the health, safety, and welfare of the young people living within its borders, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

CHAPTER 112

(SB 124)

AN ACT relating to drugs and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 218A.010 is amended to read as follows:

- (1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
 - (a) A practitioner or by his or her authorized agent under his or her immediate supervision and pursuant to his or her order; or
 - (b) The patient or research subject at the direction and in the presence of the practitioner;
- (2) "Anabolic steroid" means any drug or hormonal substance chemically and pharmacologically related to testosterone that promotes muscle growth and includes those substances listed in KRS 218A.090(5) but does not include estrogens, progestins, and antisteroids;
- (3) "Cabinet" means the Cabinet for Health and Family Services;
- (4) "Child" means any person under the age of majority as specified in KRS 2.015;
- (5) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical and geometric isomers, and salts of isomers;
- (6) "Controlled substance" means methamphetamine, or a drug, substance, or immediate precursor in Schedules I through V and includes a controlled substance analogue;
- (7) (a) "Controlled substance analogue," except as provided in paragraph (b) of this subsection, means a substance:
 1. The chemical structure of which is substantially similar to the structure of a controlled substance in Schedule I or II; and
 2. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or
 3. With respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.(b) Such term does not include:
 1. Any substance for which there is an approved new drug application;
 2. With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent conduct with respect to such substance is pursuant to such exemption; or
 3. Any substance to the extent not intended for human consumption before the exemption described in subparagraph 2. of this paragraph takes effect with respect to that substance;
- (8) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;
- (9) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery;
- (10) "Dispenser" means a person who lawfully dispenses a Schedule II, III, IV, or V controlled substance to or for the use of an ultimate user;
- (11) "Distribute" means to deliver other than by administering or dispensing a controlled substance;
- (12) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of administration available as a single unit;
- (13) "Drug" means:

- (a) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
- (b) Substances intended for use in the diagnosis, care, mitigation, treatment, or prevention of disease in man or animals;
- (c) Substances (other than food) intended to affect the structure or any function of the body of man or animals; and
- (d) Substances intended for use as a component of any article specified in this subsection.

It does not include devices or their components, parts, or accessories;

- (14) "Good faith prior examination," as used in KRS Chapter 218A and for criminal prosecution only, means an in-person medical examination of the patient conducted by the prescribing practitioner or other health-care professional routinely relied upon in the ordinary course of his or her practice, at which time the patient is physically examined and a medical history of the patient is obtained. "In-person" includes telehealth examinations. This subsection shall not be applicable to hospice providers licensed pursuant to KRS Chapter 216B;
- (15) "Hazardous chemical substance" includes any chemical substance used or intended for use in the illegal manufacture of a controlled substance as defined in this section or the illegal manufacture of methamphetamine as defined in KRS 218A.1431, which:
 - (a) Poses an explosion hazard;
 - (b) Poses a fire hazard; or
 - (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- (16) "Heroin" means a substance containing any quantity of heroin, or any of its salts, isomers, or salts of isomers;
- (17) "Immediate precursor" means a substance which is the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance or methamphetamine, the control of which is necessary to prevent, curtail, or limit manufacture;
- (18) "Intent to manufacture" means any evidence which demonstrates a person's conscious objective to manufacture a controlled substance or methamphetamine. Such evidence includes but is not limited to statements and a chemical substance's usage, quantity, manner of storage, or proximity to other chemical substances or equipment used to manufacture a controlled substance or methamphetamine;
- (19) "Isomer" means the optical isomer, except as used in KRS 218A.050(3) and 218A.070(1)(d). As used in KRS 218A.050(3), the term "isomer" means the optical, positional, or geometric isomer. As used in KRS 218A.070(1)(d), the term "isomer" means the optical or geometric isomer;
- (20) "Manufacture," except as provided in KRS 218A.1431, means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container except that this term does not include activities:
 - (a) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice;
 - (b) By a practitioner, or by his or her authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or
 - (c) By a pharmacist as an incident to his or her dispensing of a controlled substance in the course of his or her professional practice;
- (21) "Marijuana" means all parts of the plant *Cannabis* sp., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation which contains any quantity of these substances. The term "marijuana" does not include:
 - (a) Industrial hemp as defined in KRS 260.850;

- (b) The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine; or*
 - (c) For persons participating in a clinical trial or in an expanded access program, a drug or substance approved for the use of those participants by the United States Food and Drug Administration;*
- (22) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only, means an accounting of a patient's medical background, including but not limited to prior medical conditions, prescriptions, and family background;
- (23) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only, means a lawful order of a specifically identified practitioner for a specifically identified patient for the patient's health-care needs. "Medical order" may or may not include a prescription drug order;
- (24) "Medical record," as used in KRS Chapter 218A and for criminal prosecution only, means a record, other than for financial or billing purposes, relating to a patient, kept by a practitioner as a result of the practitioner-patient relationship;
- (25) "Methamphetamine" means any substance that contains any quantity of methamphetamine, or any of its salts, isomers, or salts of isomers;
- (26) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - (a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
 - (b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a) of this subsection, but not including the isoquinoline alkaloids of opium;
 - (c) Opium poppy and poppy straw;
 - (d) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and
 - (g) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in paragraphs (a) to (f) of this subsection;
- (27) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under KRS 218A.030, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;
- (28) "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds;
- (29) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;
- (30) "Physical injury" has the same meaning it has in KRS 500.080;
- (31) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- (32) "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy;
- (33) "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, optometrist as authorized in KRS 320.240, advanced practice registered nurse as authorized under KRS 314.011, or other person licensed, registered, or otherwise permitted by state or federal law to acquire, distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state. "Practitioner" also includes a physician, dentist, podiatrist, veterinarian, or advanced practice registered nurse authorized under KRS 314.011 who is a resident of and actively practicing in a state other than Kentucky and who is licensed and has prescriptive authority for controlled substances under the

professional licensing laws of another state, unless the person's Kentucky license has been revoked, suspended, restricted, or probated, in which case the terms of the Kentucky license shall prevail;

- (34) "Practitioner-patient relationship," as used in KRS Chapter 218A and for criminal prosecution only, means a medical relationship that exists between a patient and a practitioner or the practitioner's designee, after the practitioner or his or her designee has conducted at least one (1) good faith prior examination;
- (35) "Prescription" means a written, electronic, or oral order for a drug or medicine, or combination or mixture of drugs or medicines, or proprietary preparation, signed or given or authorized by a medical, dental, chiropractic, veterinarian, optometric practitioner, or advanced practice registered nurse, and intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
- (36) "Prescription blank," with reference to a controlled substance, means a document that meets the requirements of KRS 218A.204 and 217.216;
- (37) "Presumptive probation" means a sentence of probation not to exceed the maximum term specified for the offense, subject to conditions otherwise authorized by law, that is presumed to be the appropriate sentence for certain offenses designated in this chapter, notwithstanding contrary provisions of KRS Chapter 533. That presumption shall only be overcome by a finding on the record by the sentencing court of substantial and compelling reasons why the defendant cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety;
- (38) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance;
- (39) "Recovery program" means an evidence-based, nonclinical service that assists individuals and families working toward sustained recovery from substance use and other criminal risk factors. This can be done through an array of support programs and services that are delivered through residential and nonresidential means;
- (40) "Salvia" means *Salvia divinorum* or Salvinorin A and includes all parts of the plant presently classified botanically as *Salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, derivative, mixture, or preparation of that plant, its seeds, or its extracts, including salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of that plant, its seeds, or extracts. The term shall not include any other species in the genus *salvia*;
- (41) "Second or subsequent offense" means that for the purposes of this chapter an offense is considered as a second or subsequent offense, if, prior to his or her conviction of the offense, the offender has at any time been convicted under this chapter, or under any statute of the United States, or of any state relating to substances classified as controlled substances or counterfeit substances, except that a prior conviction for a nontrafficking offense shall be treated as a prior offense only when the subsequent offense is a nontrafficking offense. For the purposes of this section, a conviction voided under KRS 218A.275 or 218A.276 shall not constitute a conviction under this chapter;
- (42) "Sell" means to dispose of a controlled substance to another person for consideration or in furtherance of commercial distribution;
- (43) "Serious physical injury" has the same meaning it has in KRS 500.080;
- (44) "Synthetic cannabinoids or piperazines" means any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, that contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any compound in the following structural classes:
 - (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, and AM-2201;
 - (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted

in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include but are not limited to JWH-167, JWH-250, JWH-251, and RCS-8;

- (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include but are not limited to AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;
 - (d) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to CP 47,497 and its C8 homologue (cannabicyclohexanol);
 - (e) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to JWH-175, JWH-184, and JWH-185;
 - (f) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;
 - (g) Naphthylmethylindenes: Any compound containing a 1-(1-naphthylmethyl)indene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include but are not limited to JWH-176;
 - (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-tetramethylcyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not further substituted in the tetramethylcyclopropyl ring to any extent. Examples of this structural class include but are not limited to UR-144 and XLR-11;
 - (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent. Examples of this structural class include but are not limited to AB-001 and AM-1248; or
 - (j) Any other synthetic cannabinoid or piperazine which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law;
- (45) "Synthetic cathinones" means any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law (not including bupropion or compounds listed under a different schedule) structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one (1) or more of the following ways:
- (a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents. Examples of this class include but are not limited to 3,4-Methylenedioxycathinone (bk-MDA);

- (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include but are not limited to 2-methylamino-1-phenylbutan-1-one (buphedrone);
 - (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure. Examples of this class include but are not limited to Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP); or
 - (d) Any other synthetic cathinone which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with state or federal law;
- (46) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic cathinones;
- (47) "Telehealth" has the same meaning it has in KRS 311.550;
- (48) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained in the plant, or in the resinous extractives of the plant *Cannabis*, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
- (a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;
 - (b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and
 - (c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;
- (49) "Traffic," except as provided in KRS 218A.1431, means to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or sell a controlled substance;
- (50) "Transfer" means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution; and
- (51) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

➔Section 2. In honor of her courage, as a reflection of her parents' love, and in recognition of the hope embodied in this legislation, this Act shall be known and may be cited as the Clara Madeline Gilliam Act.

➔Section 3. Whereas the substance identified by this bill is of vital importance to some of Kentucky's most vulnerable citizens, for whom time is of the essence, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 10, 2014.

CHAPTER 113

(SB 144)

AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 100.211 is amended to read as follows:

- (1) ***For the purposes of this section, "administratively complete" means that a proposal for a zoning map amendment is accurate and complete by meeting all the applicable requirements of this chapter and any other applicable administrative regulatory requirements or approvals formally required by the local legislative body or applicable state law.***
- (2) (a) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question.
- (b) ~~Regardless of the origin of~~ The proposed amendment~~, it~~ shall be referred to the planning commission before adoption. The planning commission shall:
 - 1. ~~then~~ Hold at least one (1) public hearing after notice as required by this chapter; and

2. Make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved.
- (c) *1. The planning commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed amendment.*
2. *The originator of the proposed map amendment may waive the sixty (60) day requirement for the recommendation.*
 3. *If the planning commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.*
- (d) *Notwithstanding the provisions of paragraph (c) of this subsection:*
1. *The planning commission of a consolidated local government shall make its recommendation within one hundred twenty (120) days of the date of the receipt of the administratively complete proposed amendment.*
 2. *The originator of the proposed map amendment may waive the one hundred twenty (120) day requirement for the recommendation.*
 3. *If the planning commission of a consolidated local government fails to make a recommendation upon the proposal within one hundred twenty (120) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the legislative body of the consolidated local government without a recommendation of approval or disapproval.*
- (e) *Notwithstanding the provisions of paragraph (c) of this subsection:*
1. *The legislative body of the jurisdiction that created the planning commission may, via ordinance, extend the provisions of paragraph (c) of this subsection to either ninety (90) or one hundred twenty (120) days; or*
 2. *The legislative bodies which are members of a joint planning commission may, via ordinances passed separately, extend the provisions of paragraph (c) of this subsection to either ninety (90) or one hundred twenty (120) days.*
- (f) The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.
- (g) A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.
- (h) It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the fiscal court or legislative body without a recommendation of approval or disapproval due to a tie vote.
- (i) Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.
- ~~(3)(2)}~~ A proposal to amend the text of any zoning regulation which must be voted upon by the legislative body or fiscal court may originate with the planning commission of the unit or with any fiscal court or legislative body which is a member of the unit. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the

proposed amendment. It shall take an affirmative vote of a majority of the fiscal court or legislative body to adopt the proposed amendment.

- (4)(3) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map; provided that:
- (a) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and
 - (b) When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
- (5)(4) When a property owner proposes to amend the zoning map of any planning unit other than a planning unit containing a city of the first class or a consolidated local government, the provisions of KRS 100.212 shall apply in addition to the requirements and procedures prescribed in subsection (4)(3) of this section.
- (6)(5) When a property owner proposes to amend the zoning map of any planning unit comprising any portion of a county containing a city of the first class or a consolidated local government, the provisions of KRS 100.214 shall apply in addition to the requirements and procedures prescribed in subsection (4)(3) of this section.
- (7)(6) In addition to the public notice requirements prescribed in subsection (4)(3) of this section, when the planning commission, fiscal court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first-class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.
- (8)(7) The fiscal court or legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.

➔Section 2. KRS 100.237 is amended to read as follows:

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

- (1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- (2)
 - (a) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
 - (b) *If the applicant submits a modified plan to the relevant regulatory authorities in order to comply with all of the requirements of building, housing, and other regulations that expands the applicant's conditional use beyond the previously established geographic boundaries of the original conditional use permit, then the expanded conditional use shall be reviewed by the board. This review shall be limited to an examination solely of the expanded geographic boundaries of the modified plan. The board may deny the applicant's conditional use permit for the expanded geographic area.*
 - (c) *The applicant shall have the duty of informing the board of modifications made in accordance with paragraph (b) of this subsection, within fourteen (14) days of their submission. The applicant's failure to provide the board with notification shall be grounds for the board to revoke the conditional use permit, after a hearing before the board.*

- (3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- (4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (5) Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
- (6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected within any county containing a city of the first class or a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
 - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
 - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

Signed by Governor April 10, 2014.

CHAPTER 114

(SB 208)

AN ACT relating to industrial hemp.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 260.857 is amended to read as follows:

- (1) The Kentucky Industrial Hemp Commission is created and is attached to the University of Kentucky Agricultural Experiment Station for administrative purposes.
- (2) The membership of the commission shall consist of at least the following members:
 - ~~[(a) The Speaker of the House of Representatives or the Speaker's designee;]~~
 - ~~[(b) The President of the Senate or the President's designee;]~~
 - ~~[(c) The chair of the Senate Agriculture Committee;]~~
 - ~~[(d) The chair of the House Agriculture and Small Business Committee;]~~
 - ~~(a)~~~~[(e)]~~ The Commissioner of the Department of Agriculture or the Commissioner's designee;
 - ~~(b)~~~~[(f)]~~ The commissioner of the Department of Kentucky State Police or the commissioner's designee;
 - ~~(c)~~~~[(g)]~~ The executive director of the Governor's Office of Agricultural Policy or the executive director's designee;
 - ~~(d)~~~~[(h)]~~ The dean of the University of Kentucky College of Agriculture or the dean's designee;
 - ~~(e)~~~~[(i)]~~ One (1) member representing each of the following institutions choosing to participate in the commission:
 1. Eastern Kentucky University;
 2. Kentucky State University;
 3. Morehead State University;
 4. Murray State University;
 5. Northern Kentucky University;
 6. University of Louisville; and
 7. Western Kentucky University;
 - ~~(f)~~~~[(j)]~~ The president of the Kentucky Hemp Growers Cooperative Association;
 - ~~(g)~~~~[(k)]~~ The president of the Kentucky Sheriffs' Association or the association president's designee;
 - ~~(h)~~~~[(l)]~~ The president of the Kentucky Association of Chiefs of Police or the association president's designee;
 - ~~(i)~~~~[(m)]~~ Six (6) members, three (3) appointed by the Speaker of the House and three (3) by the President of the Senate, representing the following interests:
 1. Kentucky farmers with an interest in growing industrial hemp;
 2. Retailers of industrial hemp products;
 3. Wholesalers of industrial hemp products; and
 4. Manufacturers of industrial hemp products; and
 - ~~(j)~~~~[(n)]~~ Two (2) at-large members on a recommendation of the chair and approved by a majority of the members of the commission.
- (3) (a) Except as provided in paragraph (b) of this subsection, members appointed pursuant to subsection (2)~~(i)~~~~[(m)]~~ and ~~(j)~~~~[(n)]~~ of this section shall serve a term of four (4) years, and may be reappointed.
- (b) The term of office of each member appointed pursuant to subsection (2)~~(i)~~~~[(m)]~~ and ~~(j)~~~~[(n)]~~ of this section, who is serving on the commission on June 25, 2013, shall expire on December 31, 2013. Upon

the expiration of a member's term of office pursuant to this paragraph, that position shall be filled by appointment as provided in this section.

Signed by Governor April 10, 2014.

CHAPTER 115

(SB 213)

AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 244.290 is amended to read as follows:

- (1)
 - (a) A premises that is licensed to sell distilled spirits or wine at retail shall be permitted to remain open during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city of the first, second, third, or fourth class or an urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city of the first, second, third, or fourth class adopts an ordinance that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open.
 - (b) This subsection shall only apply in a territory where prohibition is no longer in effect in whole or in part.
 - (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county containing a city of the first, second, third, or fourth class shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city of the first, second, third, or fourth class within that county; or
 2. Impose an action upon a city of the first, second, third, or fourth class within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first or second class in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as provided in KRS 243.050, a premise for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:
 - (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city of the first, second, third, or fourth class or an urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city of the first, second, third, or fourth class, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any county containing a city of the first, second, or third class or any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:
 - (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage income from the dining facilities from the sale of alcohol.

- (5) *In any county containing a licensed small farm winery that is permitted to sell alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the small farm winery on Sunday may be permitted if:*
- (a) *The legislative body of the county approves by local ordinance the sale of alcoholic beverages on Sunday in strict accordance with the sales permitted by Section 3 of this Act on the licensed premises of a small farm winery from 1 p.m. until the prevailing time for that locality; or*
 - (b) *A limited sale precinct election on the issue of Sunday sales is approved after meeting the requirements of Section 2 of this Act.*
- (6) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a quota retail drink license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- ~~(7)(6)~~ Any city of the fourth class or county containing a city of the fourth class which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 243.072, may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
- (a) The special Sunday retail drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 243.072; and
 - (b) The licensed retailers selling distilled spirits and wine by the drink have applied to the state director and meet all other legal requirements for obtaining a special Sunday retail drink license.
- ~~(8)(7)~~ Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government, consolidated local government, charter county government, or unified local government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government, consolidated local government, charter county government, or unified local government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government, consolidated local government, charter county government, or unified local government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *If the sale of alcoholic beverages is permitted at a licensed small farm winery located in a wet territory, a limited sale precinct election may be held to authorize the sale of alcoholic beverages on Sunday at the small farm winery.*
- (b) *The election shall be held in the same manner as prescribed by KRS 242.020 to 242.040 and 242.060 to 242.120.*
- (c) *The petition seeking a limited sale precinct election under this section shall state, "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages on Sunday at a small farm winery located in (name of territory) between the hours of 1 p.m. and (the prevailing local time for that locality)?'"*
- (d) *If the precinct contains a licensed small farm winery, the proposition to be voted on in the limited sale precinct election shall state, "Are you in favor of the sale of alcoholic beverages on Sunday at a licensed small farm winery or wineries located in (name of territory) between the hours of 1 p.m. and (the prevailing time for that locality)?"*
- (2) *Notwithstanding KRS 242.030, a limited sale precinct election to authorize Sunday sales at a small farm winery may be held less than three (3) years after a local option election held in accordance with KRS 242.124 to authorize the sale of wine at that small farm winery.*

➔Section 3. KRS 243.155 is amended to read as follows:

- (1) Any in-state or out-of-state small farm winery may apply for a small farm winery license. In addition to all other licensing requirements, an applicant for a small farm winery license shall submit with its application a copy of the small farm winery's federal basic permit and proof documenting its annual wine production. An out-of-state winery shall submit additional documentation evidencing its resident state. As part of the application process, an out-of-state winery shall publish its notice of intent, as required by KRS 243.360, in the

Kentucky newspaper of highest circulation. The department shall promulgate administrative regulations establishing the form the documentation of proof of production shall take.

- (2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:
 - (a) Manufacture wines and bottle wines produced by that small farm winery;
 - (b) Bottle wines produced by another small farm winery;
 - (c) Serve on the premises or at small farm winery off-premise retail sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small farm winery or its off-premise retail site is located in wet territory;
 - (d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;
 - (e) Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;
 - (f) Consume on the premises wine produced by the small farm winery or a licensed small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is located in wet territory; and
 - (g) Ship to a customer wine produced by a small farm winery if:
 1. The wine is shipped by licensed common carrier; and
 2. The amount of wine shipped is limited to two (2) cases per customer per order.
 - (3) If a licensed small farm winery is located in a dry or moist territory, KRS 242.230 to 242.430 shall apply, unless a limited local option election is held in accordance with KRS 242.124. If the proposition under KRS 242.124 is approved, a licensed small farm winery within the precinct may sell wine in accordance with subsection (2) of this section.
 - (4) ***If the requirements of subsection (5) of Section 1 of this Act relating to Sunday sales on the licensed premises of a small farm winery are met, a small farm winery within that territory may sell alcoholic beverages on Sunday only in accordance with this section between the hours of 1 p.m. until the prevailing time for that locality.***
 - (5) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small farm winery license holder may also hold an NQ2 retail drink license and an NQ4 retail malt beverage drink license if the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise designed to promote viticulture, enology, and tourism.
 - ~~(6)~~~~(5)~~ This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small farm winery, except as expressly stated in this section.
 - ~~(7)~~~~(6)~~ Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
 - ~~(8)~~~~(7)~~ Upon the approval of the department, a small farm winery license may be renewed after the licensee submits to the department the winery's federal basic permit and proof of its annual wine production.
- ➔Section 4. KRS 243.260 is amended to read as follows:
- (1) A special temporary license may be issued in wet territory to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the board a necessity therefor exists. This license shall authorize the licensee to exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.

- (2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, reception, reunions, or similar occasions.
- (3) The holder of a special temporary license may sell, serve, and deliver distilled spirits, wine, or malt beverages by the drink, for consumption at the event only in:
 - (a) *Those cities or counties where quota retail drink licenses may be issued under KRS 243.230; or*
 - (b) *A city or county that has enacted an economic hardship ordinance under KRS 243.072[of the first, second, or third class, or a county containing a city of the first, second, or third class, or a city of the fourth class approving retail distilled spirits and wine sales under KRS 242.127 and 242.129].*
- (4) The holder of a special temporary license may only sell, serve, and deliver wine or malt beverages by the drink, for consumption at an event located in all other cities and counties not identified in subsection (3) of this section.
- (5) A special temporary license shall not be issued for an event held in moist territory where only limited alcoholic beverages drink sales have been approved through a moist local option election.

➔SECTION 5. A NEW SECTION OF KRS 244.602 TO 244.606 IS CREATED TO READ AS FOLLOWS:

- (1) *No brewer or importer of malt beverages shall:*
 - (a) *Require or request a distributor to pay or convey to the brewer or importer; nor*
 - (b) *Accept any sum of money;**in exchange for the right to distribute the product or products of the brewer or importer in a designated territory.*
- (2) *Nothing in this section shall prohibit a brewer or importer of malt beverages from requesting a distributor to pay or contribute any sum of money for or toward the cost of marketing the product or products of the brewer or importer so long as the money contributed by the distributor is spent by the brewer or importer in a manner and at such times as agreed to in writing by the brewer or importer and the distributor.*

Signed by Governor April 10, 2014.

CHAPTER 116

(SB 228)

AN ACT relating to underground facility protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 367.4917 is amended to read as follows:

- (1) An excavator who fails to comply with any provision of KRS 367.4911, or an operator who fails to comply with any provision of KRS 367.4909, shall be guilty of endangering underground facilities and may be subject to a fine of two hundred and fifty dollars (\$250) for the first offense, no more than one thousand dollars (\$1,000) for the second offense within one (1) year, and no more than three thousand dollars (\$3,000) for the third and any subsequent offense.
- (2) A protection notification center that fails to comply with any provision of KRS 367.4913 shall be subject to a fine of one thousand dollars (\$1,000) for each offense.
- (3) A person that knowingly provides false notice to a utility notification center of an emergency as defined in KRS 367.4903 shall be subject to a fine of one thousand dollars (\$1,000) for each offense.
- (4) *Any person who violates any provision of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, that involves damage to a facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material shall be subject to a fine not to exceed one thousand dollars (\$1,000) for each offense. The penalties of this*

subsection are not in conflict with and are in addition to civil damages for personal injury or property damage.

- (5) (a) All fines recovered for a violation of this section shall be paid to the general fund of the state, county, ~~or~~ city, *or fire protection agency* which issued the citation.
- (b) In the event that more than one (1) government agency was involved, the court shall direct an apportionment of the fines.

Signed by Governor April 10, 2014.

CHAPTER 117

(HB 235)

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The State/Executive Branch Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and budget units of the state government, and any and all other activities of the government of the Commonwealth, are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

(2) **Tobacco Settlement Funds:** Appropriations identified as General Fund (Tobacco) in Part I, Operating Budget, of this Act are representative of the amounts provided in Part X, Phase I Tobacco Settlement, of this Act and are not to be appropriated in duplication.

A. GENERAL GOVERNMENT

Budget Units

1. OFFICE OF THE GOVERNOR

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	1,912,500	1,912,500
General Fund	-0-	5,527,600	5,629,800
Restricted Funds	-0-	111,100	111,100
Federal Funds	150,000	1,350,800	1,350,800
TOTAL	150,000	8,902,000	9,004,200

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$1,912,500 in each fiscal year for the Early Childhood Advisory Council.

2. OFFICE OF STATE BUDGET DIRECTOR

	2014-15	2015-16
General Fund	3,133,400	3,195,400

Restricted Funds	139,600	242,300
TOTAL	3,273,000	3,437,700

3. STATE PLANNING FUND

	2014-15	2015-16
General Fund	150,800	150,800

4. HOMELAND SECURITY

	2014-15	2015-16
General Fund	233,000	236,600
Restricted Funds	2,040,700	2,408,400
Federal Funds	4,857,600	4,857,600
Road Fund	260,100	262,500
TOTAL	7,391,400	7,765,100

(1) Enhanced 911 Emergency Services: Included in the above Restricted Funds appropriation is \$600,000 in fiscal year 2014-2015 and \$1,000,000 in fiscal year 2015-2016 for enhanced 911 emergency services.

5. DEPARTMENT OF VETERANS' AFFAIRS

	2014-15	2015-16
General Fund	17,798,500	17,984,100
Restricted Funds	40,914,000	50,544,900
TOTAL	58,712,500	68,529,000

(1) Weekend and Holiday Premium Pay Incentive: The Kentucky Veterans' Centers are authorized to continue the weekend and holiday premium pay incentive for the 2014-2016 fiscal biennium.

(2) Congressional Medal of Honor Recipients - Travel and Per Diem: The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

(3) Debt Service: Included in the above General Fund appropriation is \$84,500 in fiscal year 2014-2015 and \$169,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) Brain Injury Alliance of Kentucky and the Epilepsy Foundation of Kentuckiana Funding: Included in the above General Fund appropriation is \$100,000 in each fiscal year for grants to the Brain Injury Alliance of Kentucky and \$100,000 in each fiscal year for grants to the Epilepsy Foundation of Kentuckiana to be used solely for the purpose of working with veterans who have experienced brain trauma and their families.

(5) Veterans' Service Organization Funding: Included in the above General Fund appropriation is \$200,000 in each fiscal year for grants to Veterans' Service Organization programs.

6. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

	2014-15	2015-16
General Fund (Tobacco)	31,101,600	12,221,200
Restricted Funds	843,800	553,500
TOTAL	31,945,400	12,774,700

(1) Kentucky Agricultural Finance Corporation: Notwithstanding KRS 247.978(2), the total amount of principal which a qualified applicant may owe the Kentucky Agricultural Finance Corporation at any one time shall not exceed \$5,000,000.

(2) Tobacco Settlement Funds - Allocations: Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the

individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(3) Agricultural Development Appropriations: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$19,350,000 in fiscal year 2014-2015 and \$9,850,000 in fiscal year 2015-2016 for the counties account as specified in KRS 248.703(1)(a).

(4) Appropriation of Unexpended Tobacco Debt Service: Any unexpended balance from the fiscal year 2014-2015 or the fiscal year 2015-2016 General Fund (Tobacco) debt service appropriation in the Finance and Administration Cabinet, Debt Service budget unit, shall continue and be appropriated to the Governor's Office for Agricultural Policy.

7. KENTUCKY INFRASTRUCTURE AUTHORITY

	2014-15	2015-16
General Fund	1,337,300	1,563,800
Restricted Funds	37,381,000	42,405,500
Federal Funds	29,369,000	29,381,900
TOTAL	68,087,300	73,351,200

(1) Debt Service: Included in the above General Fund appropriation is \$226,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Local Government Economic Development Funds: Included in the above General Fund appropriation is \$370,000 in each fiscal year of the biennium from the Local Government Economic Development Fund to support services provided to coal-producing counties.

8. MILITARY AFFAIRS

	2014-15	2015-16
General Fund	9,347,000	9,330,700
Restricted Funds	44,743,800	45,234,900
Federal Funds	43,154,800	43,232,200
TOTAL	97,245,600	97,797,800

(1) Kentucky National Guard: There is appropriated from the General Fund the necessary funds to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's declaration of emergency pursuant to KRS Chapter 39A, and the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) Disaster or Emergency Aid Funds: There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures in this Act, which are required to match federal aid for which the state would be eligible in the event of a presidentially declared disaster or emergency. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(3) Debt Service: Included in the above General Fund appropriation is \$43,500 in fiscal year 2014-2015 and \$130,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) Residential Youth at Risk Program: Included in the above Restricted Funds appropriation is \$400,000 in each fiscal year to support the Bluegrass Challenge Academy and \$400,000 in each fiscal year to support the Appalachian Youth Challenge Academy.

(5) National Guard Memorial: Included in the above General Fund appropriation is \$300,000 in fiscal year 2014-2015 for a grant to the National Guard Foundation of Kentucky to support the National Guard Memorial.

9. COMMISSION ON HUMAN RIGHTS

2013-14

2014-15

2015-16

General Fund	-0-	1,703,200	1,738,800
Federal Funds	83,400	245,000	245,000
TOTAL	83,400	1,948,200	1,983,800

10. COMMISSION ON WOMEN

	2014-15	2015-16
General Fund	226,400	232,000

11. DEPARTMENT FOR LOCAL GOVERNMENT

	2014-15	2015-16
General Fund	8,467,800	8,487,600
Restricted Funds	1,299,900	1,299,900
Federal Funds	41,131,100	41,051,600
TOTAL	50,898,800	50,839,100

(1) Support of the 12 Multi-County Regional Industrial Park Authorities: Included in the above Restricted Funds appropriation is \$200,000 in each fiscal year in support of the 12 multi-county regional industrial park authorities. Funds shall be distributed equally to the 12 multi-county regional industrial park authorities for marketing and maintenance of the industrial parks and the procurement of property and casualty insurance on the parks.

(2) Area Development District Funding: Included in the above General Fund appropriation is \$2,325,600 in each fiscal year for the Joint Funding Administration Program in support of the Area Development Districts.

(3) Mary Kendall Homes and Gateway Juvenile Diversion: Included in the above General Fund appropriation is \$275,000 in each fiscal year for the support of the Mary Kendall Homes and \$275,000 in each fiscal year for the support of Gateway Juvenile Diversion.

(4) Food Pantry: Included in the above General Fund appropriation is \$50,000 in fiscal year 2014-2015 for a grant to the Woodford County Fiscal Court to support a food pantry.

12. LOCAL GOVERNMENT ECONOMIC ASSISTANCE FUND

	2014-15	2015-16
General Fund	50,207,700	48,690,000

13. LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND

	2014-15	2015-16
General Fund	28,945,400	28,426,200

(1) Coal Severance Tax Collections Calculations and Transfers: The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director for coal severance tax collections during the biennium, distributed in accordance with KRS 42.450 to 42.495.

(2) Osteopathic Medicine Scholarship Program: The transfer of moneys from the General Fund to the Local Government Economic Development Fund shall be made after the transfer to the Osteopathic Medicine Scholarship Program has been made pursuant to KRS 164.7891(11) and (12) in the amount of \$872,500 in each fiscal year within the Kentucky Higher Education Assistance Authority.

(3) Pharmacy Scholarships: The transfer of moneys from the General Fund to the Local Government Economic Development Fund shall be made after the transfer to the Coal County Pharmacy Scholarship Program has been made pursuant to KRS 164.7890(11) in the amount of \$800,000 in each fiscal year within the Kentucky Higher Education Assistance Authority.

(4) Trover Clinic Grant: Notwithstanding KRS 42.4582 and 42.4585, the quarterly calculation and transfer of the funds shall be made only after each quarterly installment of the annual appropriation of \$1,000,000 in each fiscal year has been credited to the Trover Clinic Grant within the Department for Local Government.

(5) School Facilities Construction Commission - 2002-2004: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government

Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$4,617,900 in each fiscal year is appropriated as General Fund moneys to the School Facilities Construction Commission budget unit to provide debt service to support previously authorized bonds authorized in 2003 Ky. Acts ch. 156.

(6) Water and Sewer Resources Development Fund for Coal-Producing Counties - 2002-2004:

Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$4,091,400 in each fiscal year is appropriated as General Fund moneys to the Finance and Administration Cabinet, Debt Service budget unit, to provide debt service to support previously authorized bonds for the Water and Sewer Resources Development Fund for Coal-Producing Counties authorized in 2003 Ky. Acts ch. 156.

(7) KIA Infrastructure for Economic Development Fund for Coal-Producing Counties - 2004-2006:

Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$6,472,700 in each fiscal year is appropriated as General Fund moneys to the Finance and Administration Cabinet, Debt Service budget unit, to provide debt service to support a portion of the previously authorized bonds for the KIA Infrastructure for Economic Development Fund for Coal-Producing Counties authorized in 2005 Ky. Acts ch. 173.

(8) Infrastructure for Economic Development Fund for Coal-Producing Counties - 2006-2008:

Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$8,562,300 in each fiscal year is appropriated as General Fund moneys to the Finance and Administration Cabinet, Debt Service budget unit, to provide debt service to support previously authorized bonds for the Infrastructure for Economic Development Fund for Coal-Producing Counties authorized in 2006 Ky. Acts ch. 252.

(9) Infrastructure for Economic Development Fund for Coal-Producing Counties - 2008-2010:

Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$7,538,000 in each fiscal year is appropriated as General Fund moneys to the Finance and Administration Cabinet, Debt Service budget unit, to provide debt service to support previously authorized bonds for the Infrastructure for Economic Development Fund for Coal-Producing Counties authorized in 2008 Ky. Acts ch. 127.

(10) Read to Achieve: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$2,100,000 in each fiscal year is appropriated as General Fund moneys to the Learning and Results Services budget unit for the Read to Achieve Program within the Department of Education.

(11) Robinson Scholars Program: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$1,000,000 in each fiscal year is appropriated as General Fund moneys to the University of Kentucky budget unit for the Robinson Scholars Program.

(12) Kentucky Infrastructure Authority: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$370,000 in each fiscal year is appropriated as General Fund moneys to the Kentucky Infrastructure Authority budget unit.

(13) Department for Local Government: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$669,700 in each fiscal year is appropriated as General Fund moneys to the Department for Local Government budget unit.

(14) Mining Engineering Scholarship Program: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$300,000 in each fiscal year is appropriated as General Fund moneys to the University of Kentucky budget unit for the Mining Engineering Scholarship Program.

(15) School Technology in Coal Counties: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$1,750,000 in each fiscal year is appropriated as General Fund moneys to the Operations and Support Services budget unit within the Department of Education for the purpose of enhancing education technology in local school districts within coal-producing counties.

(16) Mine Safety: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$3,219,800 in each fiscal year is appropriated as General Fund moneys to the Office of Mine Safety and Licensing, Natural Resources budget unit. Notwithstanding KRS 351.140, the number of mandatory mine safety inspections to be carried out by the Office of Mine Safety and Licensing shall be equal to the number of mine safety inspections required annually by the Mine Safety and Health Administration.

(17) Save the Children: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$500,000 in each fiscal year is appropriated as General Fund moneys to the Department of Education budget unit for the Save the Children Program.

(18) Regional Strategic Development Fund: Notwithstanding KRS 42.4592, funds totaling \$2,000,000 in each fiscal year shall be provided for the Regional Strategic Development Fund from the portion of the Single County Fund allocated to counties in Eastern Kentucky.

(19) Operation Unite: Notwithstanding KRS 42.4588, funds totaling \$2,000,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Office of Drug Control Policy, Justice Administration budget unit, for Operation Unite in relation to the Federal Task Force on Drug Abuse.

(20) Energy Research and Development Fund: (a) Notwithstanding KRS 42.4588, \$1,584,500 in fiscal year 2014-2015 and \$1,423,800 in fiscal year 2015-2016 year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Energy Development and Independence budget unit. These funds shall be used, except as specified in paragraph (b) of this subsection, for research and commercialization projects, including clean coal, new combustion technology, thin-seam coal extraction safety, tracking and communication devices, coal slurry disposal, synthetic natural gas produced from coal through gasification processes, and the development of alternative transportation fuels produced by processes that convert coal or biomass resources or extract oil from oil shale, and other coal research and shall be targeted solely to Kentucky's Local Government Economic Development Fund-eligible counties. The Department for Energy Development and Independence shall coordinate its efforts with those of Kentucky's universities and related Kentucky Community and Technical College System programs in order to maximize Kentucky's opportunities for federal funding and receive research grants and awards from federal and other sources of funding for the development of clean coal technology, coal-to-liquid-fuel conversion, alternate transportation fuels, and biomass energy resources.

(b) Included in the Restricted Funds appropriation in paragraph (a) of this subsection is \$1,000,000 in each fiscal year which shall not be expended unless matched with federal or private funds for the purpose of supporting research and development activities at the University of Kentucky Center for Applied Energy Research.

(21) Support of the 12 Multi-County Regional Industrial Park Authorities: Notwithstanding KRS 42.4588, funds totaling \$200,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Department for Local Government budget unit to be distributed equally to the 12 multi-county regional industrial park authorities located in coal counties to be used for marketing and maintenance of the industrial parks and for procurement of property and casualty insurance on the parks.

(22) Shaping Our Appalachian Region (SOAR) Administrative Costs: Notwithstanding KRS 42.4588, funds totaling \$200,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Department for Local Government budget unit for administrative expenses relating to the Shaping Our Appalachian Region initiative.

(23) Debt Service: All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from coal severance tax-supported funding program accounts to other accounts of the General Fund.

(24) Coal County College Completion Scholarship Program: Notwithstanding KRS 42.4588, \$2,000,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Coal County College Completion Scholarship Program within the Kentucky Higher Education Assistance Authority.

(25) Parameters for County Flexibility: (a) Notwithstanding KRS 42.4588(2), Local Government Economic Development Fund allocations, except as provided in paragraph (b) of this subsection, may be used to support nonrecurring investments in public health and safety, economic development, public infrastructure, information technology development and access, public water and wastewater development, and insurance with the concurrence of both the respective fiscal court and the Department for Local Government or the Kentucky Infrastructure Authority, as appropriate.

(b) Grants from funds provided for in KRS 42.4592(1)(c) shall be used only for the purposes provided for in KRS 42.4588(2).

(26) Distribution of Funds: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to the Local Government Economic Development Fund, Multi-County Fund, shall be made only after each quarterly installment of an additional \$3,856,200 in fiscal year 2014-2015 and \$3,077,200 in fiscal year 2015-2016 is distributed pursuant to KRS 42.4592(a) and (b).

(27) Division of Oil and Gas: Notwithstanding KRS 42.4588, funds totaling \$25,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Division of Oil and Gas within the Department for Natural Resources for an update of the Best Practices Manual.

14. AREA DEVELOPMENT FUND

	2014-15	2015-16
General Fund	473,600	473,600

(1) Appropriation Limit: Notwithstanding KRS 48.185, funds recommended from the General Fund for the Area Development Fund shall be limited to these amounts.

(2) Area Development District Flexibility: Notwithstanding KRS 42.350(2) and provided that sufficient funds are maintained in the Joint Funding Agreement program to meet the match requirements for the Economic Development Administration grants, Community Development Block Grants, Appalachian Regional Commission grants, or any federal program where the Joint Funding Agreement funds are utilized to meet non-federal match requirements, an area development district with authorization from its Board of Directors may request approval to transfer funding between the Area Development Fund and the Joint Funding Agreement program from the Commissioner of the Department for Local Government. Joint Funding Agreement grants from the Community Economic Development Block Grant program and the Appalachian Regional Commission shall be matched on an equal, dollar-for-dollar basis.

15. EXECUTIVE BRANCH ETHICS COMMISSION

	2014-15	2015-16
General Fund	455,000	463,200
Restricted Funds	76,300	77,000
TOTAL	531,300	540,200

16. SECRETARY OF STATE

	2014-15	2015-16
General Fund	1,634,500	1,662,800
Restricted Funds	1,717,100	1,750,100
Federal Funds	80,400	277,000
TOTAL	3,432,000	3,689,900

(1) Use of Restricted Funds: Notwithstanding KRS 14.140(1) and (3), the above Restricted Funds may be used for the continuation of current activities within the Office of the Secretary of State.

17. BOARD OF ELECTIONS

	2014-15	2015-16
General Fund	4,027,100	4,047,200
Restricted Funds	246,000	246,000

Federal Funds	5,211,300	5,211,200
TOTAL	9,484,400	9,504,400

(1) Help America Vote Act of 2002: Amounts above those appropriated that are necessary to match Federal Funds from the Help America Vote Act shall be deemed a necessary government expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) Cost of Elections: Notwithstanding KRS 116.145, the State Board of Elections shall set a rate for the fee for new voter registration paid to the county clerks within the available appropriated resources. The State Board of Elections shall also set a fixed rate for the expenses outlined in KRS 117.343 within the available appropriated resources. Notwithstanding KRS 117.345(2), the State Board of Elections shall set a rate for the expenses outlined in KRS 117.345(2) for precincts with a voting machine within the available appropriated resources, not to exceed \$300 per precinct per election. These rates and all assumptions as to the number of precincts, registered voters, and new voter registrations shall be communicated to the Secretary of the Finance and Administration Cabinet and the State Budget Director by November 1, 2014, for fiscal year 2014-2015 and by November 1, 2015, for fiscal year 2015-2016.

Costs associated with special elections, KRS 117.345(2) costs associated with additional precincts with a voting machine, KRS 117.343 costs for additional registered voters, and KRS 116.145 costs for additional new registered voters shall be deemed a necessary government expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Any reimbursements authorized as a necessary government expense according to the above provisions shall be at the same rates as those established by the State Board of Elections as provided in the preceding paragraph.

18. REGISTRY OF ELECTION FINANCE

	2014-15	2015-16
General Fund	1,200,900	1,220,800

19. ATTORNEY GENERAL

	2014-15	2015-16
General Fund	10,438,600	10,622,700
Restricted Funds	16,929,200	16,945,300
Federal Funds	3,725,500	3,870,300
TOTAL	31,093,300	31,438,300

(1) Expert Witnesses: In addition to such funds as may be appropriated, the Office of the Attorney General may request from the Finance and Administration Cabinet, as a necessary government expense, such funds as may be necessary for expert witnesses. Upon justification of the request, the Finance and Administration Cabinet shall provide up to \$275,000 for the 2014-2016 fiscal biennium for this purpose to the Office of the Attorney General from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). The Department of Insurance shall provide the Office of the Attorney General any available information to assist in the preparation of a rate hearing pursuant to KRS 304.17A-095. Expenditures under this subsection shall be reported to the Interim Joint Committee on Appropriations and Revenue by August 1 of each year.

(2) Annual and Sick Leave Service Credit: Notwithstanding any statutory or regulatory restrictions to the contrary, any former employee of the Unified Prosecutorial System who has been appointed to a permanent full-time position under KRS Chapter 18A shall be credited annual and sick leave based on service credited under the Kentucky Retirement Systems solely for the purpose of computation of sick and annual leave. This provision shall only apply to any new appointment or current employee as of July 1, 1998.

(3) Legal Services Contracts: The Office of the Attorney General may present proposals to state agencies specifying legal work that is presently accomplished through personal service contracts that indicate the Office of the Attorney General's capacity to perform the work at a lesser cost. State agencies may agree to make arrangements with the Office of the Attorney General to perform the legal work and compensate the Office of the Attorney General for the legal services. Notwithstanding KRS Chapter 45A, the Office of the Attorney General may contract with outside law firms on a contingency basis.

(4) Compensatory Leave Conversion to Sick Leave: If the Office of the Attorney General determines that internal budgetary pressures warrant further austerity measures, the Attorney General may institute a policy to

suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave.

(5) Operations of the Office of the Attorney General: Notwithstanding KRS 367.478(2), 367.805(3), and 367.905(5), funds may be expended in support of the operations of the Office of the Attorney General.

(6) Funds Recovered Through Litigation: Pursuant to KRS 48.005, funds recovered by the Attorney General through litigation on behalf of the Commonwealth shall be transferred to the General Fund Surplus Account (KRS 48.700). The Attorney General may only retain funds for reasonable litigation costs and required consumer restitution.~~[The Attorney General shall file with the presiding officer of the court a copy of the controlling statute governing disposition of the funds and request that an Order issue in conformity with the statute.]~~

(7) Child Sexual Abuse License Plate Revenue: Notwithstanding KRS 186.162, the Transportation Cabinet shall review the costs related to the distribution of child victims' license plates. Any revenue received from the sale or renewal of those plates in excess of actual costs shall be transferred to the Child Victims' Trust Fund on an annual basis.

(8) Settlement Funds: In each fiscal year, the Attorney General shall transfer \$1,000,000 of the settlement funds resulting from the suit against Merck Sharp & Dohme Corporation and the suit against GlaxoSmithKline to the Kentucky Agency for Substance Abuse Policy.

20. UNIFIED PROSECUTORIAL SYSTEM

(1) Prosecutors Advisory Council Administrative Functions: The Prosecutors Advisory Council shall approve compensation for employees of the Unified Prosecutorial System subject to the appropriations in this Act.

a. Commonwealth's Attorneys

	2014-15	2015-16
General Fund	44,536,800	45,444,800
Restricted Funds	1,657,900	1,714,300
Federal Funds	46,000	48,800
TOTAL	46,240,700	47,207,900

b. County Attorneys

	2014-15	2015-16
General Fund	38,653,400	39,640,500
Restricted Funds	379,000	437,200
Federal Funds	566,900	566,900
TOTAL	39,599,300	40,644,600

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2014-15	2015-16
General Fund	83,190,200	85,085,300
Restricted Funds	2,036,900	2,151,500
Federal Funds	612,900	615,700
TOTAL	85,840,000	87,852,500

21. TREASURY

	2014-15	2015-16
General Fund	1,778,300	1,818,600
Restricted Funds	1,238,400	1,275,900
Road Fund	250,000	250,000
TOTAL	3,266,700	3,344,500

(1) Unclaimed Property Fund: Included in the above Restricted Funds appropriation is \$1,238,400 in fiscal year 2014-2015 and \$1,275,900 in fiscal year 2015-2016 from the Unclaimed Property Fund to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

22. AGRICULTURE

	2014-15	2015-16
General Fund (Tobacco)	600,000	600,000
General Fund	16,382,600	16,690,900
Restricted Funds	10,024,700	10,104,700
Federal Funds	5,495,900	5,495,700
TOTAL	32,503,200	32,891,300

(1) Use of Restricted Funds: Notwithstanding KRS 217.570 and 217B.580, funds may be expended in support of the operations of the Department of Agriculture.

(2) Purchase of Agricultural Conservation Easement (PACE) Program: The Purchase of Agricultural Conservation Easement (PACE) board may contract directly with land surveyors, real estate appraisers, and other licensed professionals as necessary. The Department of Agriculture may receive funds from local and private sources to match Federal Funds for the PACE program.

(3) County Fair Grants: Included in the above General Fund appropriation is \$500,000 in each fiscal year to support capital improvement grants to the Local Agricultural Fair Aid Program.

(4) Farms to Food Banks: Included in the above General Fund (Tobacco) appropriation is \$600,000 in each fiscal year to support the Farms to Food Banks program to benefit both Kentucky farmers and the needy by providing fresh, locally grown produce to food pantries.

23. AUDITOR OF PUBLIC ACCOUNTS

	2014-15	2015-16
General Fund	4,681,800	4,775,300
Restricted Funds	8,082,100	8,221,400
TOTAL	12,763,900	12,996,700

(1) Auditor's Scholarships: Notwithstanding KRS 43.200, no funding is provided for Auditor's scholarships.

(2) Audit Services Contracts: No state agency shall enter into any contract with a nongovernmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within 30 days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

(3) Compensatory Leave Conversion to Sick Leave: If the Auditor of Public Accounts determines that internal budgetary pressures warrant further austerity measures, the State Auditor may institute a policy to suspend payment of 50-hour blocks of compensatory time for those employees who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave.

24. PERSONNEL BOARD

	2014-15	2015-16
Restricted Funds	845,900	856,000

(1) Personnel Board Operating Assessment: Each agency of the Executive Branch with employees covered by KRS Chapter 18A shall be assessed each fiscal year the amount required for the operation of the Personnel Board. The agency assessment shall be determined by the Secretary of the Finance and Administration Cabinet based on the authorized full-time positions of each agency on July 1 of each year of the biennium. The Secretary of the Finance and Administration Cabinet shall collect the assessment.

25. KENTUCKY RETIREMENT SYSTEMS

2014-15	2015-16
---------	---------

Restricted Funds	40,930,800	41,306,800
------------------	------------	------------

(1) Dependent Subsidy for Retirees - Kentucky Employee Retirement System: From July 1, 2014, through June 30, 2016, in addition to the benefits conferred under KRS 61.702, the Kentucky Retirement Systems Board of Trustees shall have the authority to make the recipients of a nonhazardous monthly retirement allowance eligible for the dependent subsidy as provided under the terms established by the State Group Health Insurance Program. The dependent subsidy conferred to recipients of a nonhazardous monthly retirement allowance shall not be considered as a benefit protected by the inviolable contract provisions of KRS 16.652, 61.692, and 78.852. If the Board of Trustees makes the recipients of a nonhazardous monthly retirement allowance eligible for the dependent subsidy, the Board shall submit a report to the Interim Joint Committee on Appropriations and Revenue stating the cost of such action and providing the effect on the actuarial unfunded liability of the health trust.

(2) Dependent Subsidy for Retirees - County Employees Retirement System: From July 1, 2014, through June 30, 2016, in addition to the benefits conferred under KRS 61.702, the Kentucky Retirement Systems Board of Trustees shall have the authority to make the recipients of a nonhazardous monthly retirement allowance eligible for the dependent subsidy as provided under the terms established by the State Group Health Insurance Program. The dependent subsidy conferred to recipients of a nonhazardous monthly retirement allowance shall not be considered as a benefit protected by the inviolable contract provisions of KRS 16.652, 61.692, and 78.852. If the Board of Trustees makes the recipients of a nonhazardous monthly retirement allowance eligible for the dependent subsidy, the Board shall submit a report to the Interim Joint Committee on Appropriations and Revenue stating the cost of such action and providing the effect on the actuarial unfunded liability of the health trust.

26. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2014-15	2015-16
Restricted Funds	552,100	558,500

b. Certification of Alcohol and Drug Counselors

	2014-15	2015-16
Restricted Funds	82,200	82,200

c. Applied Behavior Analysis Licensing

	2014-15	2015-16
Restricted Funds	16,000	16,000

d. Architects

	2014-15	2015-16
Restricted Funds	435,900	442,700

e. Certification for Professional Art Therapists

	2014-15	2015-16
Restricted Funds	11,200	11,200

f. Auctioneers

	2014-15	2015-16
Restricted Funds	389,000	393,400

g. Barbering

	2014-15	2015-16
Restricted Funds	322,000	327,100

h. Chiropractic Examiners

	2014-15	2015-16
Restricted Funds	317,800	323,300

i. Dentistry

	2014-15	2015-16
Restricted Funds	894,300	903,000
j. Licensed Diabetes Educators		
	2014-15	2015-16
Restricted Funds	1,000	1,000
k. Licensure and Certification for Dietitians and Nutritionists		
	2014-15	2015-16
Restricted Funds	73,900	73,900
l. Embalmers and Funeral Directors		
	2014-15	2015-16
Restricted Funds	402,900	409,200
m. Licensure for Professional Engineers and Land Surveyors		
	2014-15	2015-16
Restricted Funds	1,311,800	1,328,600
n. Certification of Fee-Based Pastoral Counselors		
	2014-15	2015-16
Restricted Funds	3,600	3,600
o. Registration for Professional Geologists		
	2014-15	2015-16
Restricted Funds	106,900	106,900
p. Hairdressers and Cosmetologists		
	2014-15	2015-16
Restricted Funds	1,374,700	1,397,400
q. Specialists in Hearing Instruments		
	2014-15	2015-16
Restricted Funds	81,100	81,100
r. Interpreters for the Deaf and Hard of Hearing		
	2014-15	2015-16
Restricted Funds	38,200	38,200
s. Home Inspectors		
	2014-15	2015-16
Restricted Funds	83,800	83,800
t. Examiners and Registration of Landscape Architects		
	2014-15	2015-16
Restricted Funds	65,100	66,600
u. Licensure of Marriage and Family Therapists		
	2014-15	2015-16
Restricted Funds	116,400	116,400
v. Licensure for Massage Therapy		

	2014-15	2015-16
Restricted Funds	168,600	168,600
w. Medical Imaging and Radiation Therapy		
	2014-15	2015-16
Restricted Funds	393,100	393,600
x. Medical Licensure		
	2014-15	2015-16
Restricted Funds	2,940,400	2,972,500
y. Nursing		
	2014-15	2015-16
Restricted Funds	6,201,300	6,270,400
z. Licensure for Nursing Home Administrators		
	2014-15	2015-16
Restricted Funds	61,100	61,100
aa. Licensure for Occupational Therapy		
	2014-15	2015-16
Restricted Funds	146,600	146,600
ab. Ophthalmic Dispensers		
	2014-15	2015-16
Restricted Funds	55,200	55,200
ac. Optometric Examiners		
	2014-15	2015-16
Restricted Funds	207,000	209,400
ad. Pharmacy		
	2014-15	2015-16
Restricted Funds	1,638,800	1,661,400
ae. Physical Therapy		
	2014-15	2015-16
Restricted Funds	469,000	499,400
af. Podiatry		
	2014-15	2015-16
Restricted Funds	38,900	38,200
ag. Private Investigators		
	2014-15	2015-16
Restricted Funds	101,500	101,500
ah. Licensed Professional Counselors		
	2014-15	2015-16
Restricted Funds	184,900	184,900
ai. Prosthetics, Orthotics, and Pedorthics		

	2014-15	2015-16
Restricted Funds	46,200	46,200
aj. Examiners of Psychology		
	2014-15	2015-16
Restricted Funds	236,400	236,400
ak. Real Estate Appraisers		
	2014-15	2015-16
Restricted Funds	757,000	766,300
al. Real Estate Commission		
	2014-15	2015-16
Restricted Funds	2,105,800	2,200,900
am. Respiratory Care		
	2014-15	2015-16
Restricted Funds	206,700	210,000
an. Social Work		
	2014-15	2015-16
Restricted Funds	276,100	279,300
ao. Speech-Language Pathology and Audiology		
	2014-15	2015-16
Restricted Funds	170,100	170,100
ap. Veterinary Examiners		
	2014-15	2015-16
Restricted Funds	277,600	277,600
TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS		
	2014-15	2015-16
Restricted Funds	23,362,200	23,713,700
27. KENTUCKY RIVER AUTHORITY		
	2014-15	2015-16
General Fund	251,200	255,500
Restricted Funds	5,460,500	3,271,800
TOTAL	5,711,700	3,527,300
(1) Water Withdrawal Fees: The water withdrawal fees imposed by the Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding KRS 151.710(10), Tier I water withdrawal fees shall be used to support the operations of the Authority and for contractual services for water supply and quality studies.		
28. SCHOOL FACILITIES CONSTRUCTION COMMISSION		
	2014-15	2015-16
General Fund	99,634,000	108,580,000

(1) Debt Service: Included in the above General Fund appropriation is \$525,000 in fiscal year 2014-2015 and \$8,239,000 in fiscal year 2015-2016 for new debt service to support bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Urgent Need School Trust Fund: The Urgent Need School Trust Fund is established in the Finance and Administration Cabinet for the purpose of assisting school districts that have urgent and critical construction needs. The Urgent Need School Trust Fund shall be administered by the School Facilities Construction Commission. The fund may receive state appropriations, contributions, and grants from any source which shall be credited to the trust fund and invested until needed. All interest earned on the fund shall be retained in the trust fund.

(3) Additional Offers of Assistance: Notwithstanding KRS 157.611 to 157.640, 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission is authorized to make an additional \$100,000,000 in offers of assistance during the 2014-2016 biennium in anticipation of debt service availability during the 2016-2018 biennium. No bonded indebtedness based on the above amount is to be incurred during the 2014-2016 biennium.

(4) Private Donations Facilities Match Program: The School Facilities Construction Commission (SFCC) shall conduct a study to determine the need for establishing a private donations facilities match program. The SFCC shall report its findings to the Interim Joint Committee on Appropriations and Revenue by July 1, 2015.

(5) Urgent Needs School Assistance: (a) If a local school district has an A1 school considered in the listing of the ten schools in the poorest condition in the state according to the Parsons/MGT Report of November 2011 and verified by the Kentucky Department of Education on March 7, 2014, has levied a five cents equivalent tax levy beyond the five cents equivalent tax rate required by KRS 157.440(1)(b), has received state equalization funds, utilized available offers of assistance from the School Facilities Commission and is unable to cash fund or to sufficiently support the required annual debt service for replacement of the school, the School Facilities Construction Commission is authorized to make additional offers of assistance in an amount necessary to close the gap between the available local resources and the amount needed for replacement of the school.

(b) If the school district utilizes the equalization funds appropriated in paragraph (a) of this subsection to support a bond issue for construction purposes, equalization funds shall be provided for 20 years or until the bonds are retired, whichever is less.

(c) If a school district receives an allotment under paragraph (a) of this subsection and subsequently, as the result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the Commonwealth an amount equal to that received pursuant to paragraph (a) of this subsection. If the litigation or insurance receipts are less than the amount received pursuant to paragraph (a) of this subsection, the district shall reimburse the Commonwealth an amount equal to that received as a result of litigation or insurance less the district's costs and legal fees in securing the judgment or payment. Any funds received in this manner shall be deposited in the Budget Reserve Trust Fund Account (KRS 48.705).

29. TEACHERS' RETIREMENT SYSTEM

	2014-15	2015-16
General Fund	326,772,500	299,318,400
Restricted Funds	12,183,500	12,196,600
TOTAL	338,956,000	311,515,000

(1) State Medical Insurance Fund Financing: Notwithstanding KRS 161.420 and 161.550, a portion of the state employer contribution in a sufficient amount shall be allocated to the Teachers' Retirement System Medical Insurance Fund instead of the State Accumulation Fund.

(2) Dependent Subsidy for Retirees under age 65: Notwithstanding KRS 161.675(4)(a) and (b), from July 1, 2014, through June 30, 2016, for all retirees under the age of 65 who participate in the Kentucky Group Health Insurance Program through the Kentucky Teachers' Retirement System, the Kentucky Teachers' Retirement System Board of Trustees shall have the authority to pay the same dependent subsidy that Executive Branch agencies pay for their active employees who have similar coverage. The dependent subsidy is not subject to KRS 161.714. If the Board of Trustees provides the dependent subsidy, the Board shall submit a report to the Interim Joint Committee on Appropriations and Revenue stating the cost of such action and providing the effect on the actuarial unfunded liability of the system.

(3) Debt Service: Included in the above General Fund appropriation is \$120,693,300 in fiscal year 2014-2015 and \$116,436,600 in fiscal year 2015-2016 for debt service on previously issued bonds.

(4) Unfunded Liability: It is the intent of the General Assembly in future biennial budget bills to pledge lesser debt service funding requirements for bonds previously issued for the Kentucky Teachers' Retirement System to reduce the unfunded pension liability.

(5) **Administrative Costs:** In accordance with KRS 161.420, in each fiscal year an amount not greater than four percent of the receipts of the state accumulation fund shall be set aside in the expense fund or expended for the administration of the retirement system.

(6) **Amortization of Sick Leave:** Included in the above General Fund appropriation is \$4,527,300 in fiscal year 2014-2015 and \$9,448,000 in fiscal year 2015-2016 to provide the cost of amortizing the requirements of KRS 161.155, relating to sick leave, for members retiring during the 2014-2016 biennium.

(7) **Contribution for Retiree Medical Insurance:** Included in the above General Fund appropriation is an additional \$11,500,000 in fiscal year 2014-2015 and \$22,600,000 in fiscal year 2015-2016 to support the state's contribution for the cost of retiree health insurance for members not eligible for Medicare, who have retired since July 1, 2010, pursuant to KRS 161.550.

30. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

	2014-15	2015-16
General Fund	5,026,400	5,026,400

(1) **Funding Sources for Appropriations Not Otherwise Classified:** Funds required to pay the costs of items included within Appropriations Not Otherwise Classified are appropriated. Any required expenditure over the above amounts is to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

The above appropriation is for the payment of Attorney General Expense, Board of Claims Award, Guardian Ad Litem, Prior Year Claims, Unredeemed Checks Refunded, Involuntary Commitments - ICF/MR, Frankfort in Lieu of Taxes, Frankfort Cemetery, Police Officer, Firefighter, and National Guard and Reserve Survivor Benefits, Medical Malpractice Liability Insurance Reimbursement, and Blanket Employee Bonds.

(2) **Repayment of Awards or Judgments:** Funds are appropriated from the General Fund for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under \$5,000 shall be paid from funds available for the operations of the agency.

(3) **Guardian Ad Litem Fees:** Included in the above appropriation is funding for fees to be paid to each guardian ad litem appointed by the court pursuant to KRS 311.732. The fee shall be fixed by the court and shall not exceed \$500.

(4) **Reissuance of Uncashed Checks:** Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with KRS 41.370.

(5) **Police Officer, Firefighter, and Active Duty National Guard and Reserve Survivor Benefits:** Funds are appropriated for payment of benefits for state and local police officers, firefighters, and active duty National Guard and Reserve members in accordance with KRS 61.315 and 95A.070.

31. JUDGMENTS

	2014-15	2015-16
General Fund	-0-	-0-

(1) **Payment of Judgments and Carry Forward of General Fund Appropriation Balance:** Notwithstanding KRS 45A.275, the above appropriation is for the payment of judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board and, where applicable, shall be subject to KRS Chapter 45, and for the payment of medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.892 and 164.941, and for the payment of judgments, audit adjustments, and excess billings to federal programs related to transfers from statewide internal service funds to the General Fund authorized in prior appropriations acts. Funds required to pay the costs of items included within the Judgments are appropriated, and any required expenditure over the above amounts is to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

TOTAL - GENERAL GOVERNMENT

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	33,614,100	14,733,700

General Fund	-0-	683,024,800	665,706,500
Restricted Funds	-0-	250,607,500	264,917,300
Federal Funds	233,400	135,234,300	135,589,000
Road Fund	-0-	510,100	512,500
TOTAL	233,400	1,102,990,800	1,081,459,000

B. ECONOMIC DEVELOPMENT CABINET

Budget Units

1. ECONOMIC DEVELOPMENT

	2014-15	2015-16
General Fund	19,151,800	35,146,600
Restricted Funds	2,711,200	2,749,600
Federal Funds	-0-	5,100,000
TOTAL	21,863,000	42,996,200

(1) **Funding for Commercialization and Innovation:** Notwithstanding KRS 154.12-278, interest income earned on the balances in the High-Tech Construction/Investment Pool and loan repayments received by the High-Tech Construction/Investment Pool shall be used to support the Office of Entrepreneurship and are appropriated in addition to amounts appropriated above.

(2) **Debt Service:** Included in the above General Fund appropriation is \$892,000 in fiscal year 2015-2016 for debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Lapse and Carry Forward of General Fund Appropriation Balance for Bluegrass State Skills Corporation:** Notwithstanding KRS 45.229, the General Fund appropriation balance for Bluegrass State Skills Corporation training grants for fiscal year 2013-2014 and fiscal year 2014-2015 shall not lapse and shall carry forward. The amount available to the Corporation for disbursement in each fiscal year shall be limited to the unexpended training grant allotment balance at the end of fiscal year 2013-2014 combined with the additional training grant allotment amounts for each fiscal year of the 2014-2016 biennium, less any disbursements. If the required disbursements exceed the Bluegrass State Skills Corporation training grants allotment balance, notwithstanding KRS 154-12.278, Restricted Funds may be expended for training grants, and funds in an amount not to exceed \$2,000,000 shall be appropriated from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(4) **Kentucky Innovation and Commercialization Center Program:** The Kentucky Innovation and Commercialization Center Program authorized in KRS 154.12-305 shall remain open for the 2014-2016 fiscal biennium. Included in the above General Fund appropriation are sufficient funds to support 12 Innovation and Commercialization Centers.

(5) **Northern Kentucky Waterfront Development:** Included in the above General Fund appropriation is \$150,000 in each fiscal year to be used by the cities of Bellevue, Covington, Dayton, Ft. Thomas, Ludlow, and Newport on projects or activities related to the development of Riverfront Commons. These funds shall be expended for the benefit of a geographic corridor approximately 12 miles long and one-half mile deep along the left bank of the Ohio River in Northern Kentucky in the communities of Bellevue, Covington, Dayton, Ft. Thomas, Ludlow, and Newport. The project shall include the area from the mouth of the Licking River to the Veterans' (Fourth Street) Bridge. No funding shall be used by or distributed to Southbank Partners or any of its employees.

C. DEPARTMENT OF EDUCATION

Budget Units

1. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2014-15	2015-16
General Fund	2,972,270,700	3,009,490,600

(1) Common School Fund Earnings: Accumulated earnings for the Common School Fund shall be transferred in each fiscal year to the SEEK Program.

(2) Allocation of SEEK Funds: Notwithstanding KRS 157.360(2)(c), the above General Fund and Federal Funds appropriations to the base SEEK Program are intended to provide a base guarantee of \$3,911 per student in average daily attendance in fiscal year 2014-2015 and \$3,981 per student in average daily attendance in fiscal year 2015-2016 as well as to meet the other requirements of KRS 157.360. In accordance with KRS 157.390(3), \$100 of the base per pupil guarantee shall be for capital outlay purposes.

Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose, except as provided in this Act. The total appropriation for the SEEK Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 to 157.440. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, upon the written request of the Commissioner of Education and with the approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the cited sections of the Kentucky Revised Statutes, but any increase of the total appropriation to the SEEK Program is subject to Part III, General Provisions, of this Act and KRS Chapter 48. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, allotments to local school districts may be reduced in accordance with KRS 157.430. ~~Notwithstanding KRS 45.229, any unexpended SEEK funds shall not lapse and shall be transferred to the Kentucky Teachers' Retirement System to be applied to the system's unfunded liability.~~

(3) Local School District Certified and Classified Employee Pay Increases: Notwithstanding KRS 157.420(2), local school districts shall provide all certified and classified staff a salary or compensation increase of not less than one percent in fiscal year 2014-2015, and an additional salary or compensation increase of not less than two percent in fiscal year 2015-2016. The salary increase for certified staff shall be in addition to the normal rank and step increase attained by certified personnel employed by local school districts. Classified staff employed by a local board of education that work less than full-time shall receive a pro rata share of the salary increase based on terms of their employment.

(4) Base SEEK Allotments: Notwithstanding KRS 157.420(2), included in the above General Fund appropriation is \$2,069,514,800 in fiscal year 2014-2015 and \$2,103,805,900 in fiscal year 2015-2016 for the base SEEK Program as defined by KRS 157.360. Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. Notwithstanding KRS 157.360(2)(c), included in the appropriation for the base SEEK Program is \$214,752,800 in each fiscal year for pupil transportation.

(5) Tier I Component: Included in the above General Fund appropriation is \$170,476,000 in fiscal year 2014-2015 and \$168,116,200 in fiscal year 2015-2016 for the Tier I component as established by KRS 157.440.

(6) Vocational Transportation: Included in the above General Fund appropriation is \$2,416,900 in each fiscal year for vocational transportation.

(7) Secondary Vocational Education: Included in the above General Fund appropriation is \$22,866,900 in fiscal year 2014-2015 and \$22,881,900 in fiscal year 2015-2016 to provide secondary vocational education in state-operated vocational schools.

(8) Teachers' Retirement System Employer Match: Included in the above General Fund appropriation is \$372,278,100 in fiscal year 2014-2015 and \$380,489,300 in fiscal year 2015-2016 to enable local school districts to provide the employer match for qualified employees as provided for by KRS 161.550.

(9) Salary Supplements for Nationally Certified Teachers: Notwithstanding KRS 157.395, included in the above General Fund appropriation is \$2,750,000 in each fiscal year for the purpose of providing salary supplements for public school teachers attaining certification by the National Board for Professional Teaching Standards. Notwithstanding the provisions of KRS 157.395, if the appropriation is insufficient to provide the mandated salary supplement for teachers who have obtained this certification, the Department of Education is authorized to pro rata reduce the supplement.

(10) Final SEEK Calculation: Notwithstanding KRS 157.410, on or before March 1 of each year, the Commissioner of Education shall determine the exact amount of the public common school fund to which each district is entitled, and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter.

(11) SEEK Adjustment Factors: Funds allocated for the SEEK base and its adjustment factors that are not needed for the base or a particular adjustment factor may be allocated to other adjustment factors, if funds for that adjustment factor are not sufficient.

(12) Facilities Support Program of Kentucky/Equalized Nickel Levies: Included in the above General Fund appropriation is \$76,315,900 in fiscal year 2014-2015 and \$73,953,700 in fiscal year 2015-2016 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620.

(13) Growth Levy Equalization Funding: Included in the above General Fund appropriation is \$16,823,600 in fiscal year 2014-2015 and \$16,659,300 in fiscal year 2015-2016 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620, for districts meeting the eligibility requirements of KRS 157.621(1) and (4).

(14) Retroactive Equalized Facility Funding: Included in the above General Fund appropriation is \$10,753,400 in fiscal year 2014-2015 and \$10,741,700 in fiscal year 2015-2016 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(2) and (4). In addition, a local board of education that levied a tax rate subject to recall by January 1, 2014, in addition to the five cents levied pursuant to KRS 157.440(1)(b) and that committed the receipts to debt service, new facilities, or major renovations of existing facilities shall be eligible for equalization funds from the state at 150 percent of the statewide average per pupil assessment. Revenue to generate the five cent equivalent levy may be obtained from levies on property, motor vehicles, or the taxes authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 if the levy was dedicated to facilities funding at the time of the levy. The equalization funds shall be used as provided in KRS 157.440(1)(b). For the 2014-2016 fiscal biennium, school districts that levied the tax rate subject to recall prior to September 1, 2012, and began collecting the tax in fiscal year 2012-2013 shall be equalized at 100 percent of the calculated equalization funding, and school districts that levied the tax rate subject to recall after September 1, 2012, and began collecting the tax in the following fiscal year shall be equalized at 25 percent of the calculated equalization funding in each fiscal year. It is the intent of the 2014 General Assembly that any local school district receiving partial equalization under this subsection in the 2014-2016 fiscal biennium shall receive full calculated equalization in the 2016-2018 fiscal biennium and thereafter.

(15) Equalized Facility Funding: Included in the above General Fund appropriation is \$6,271,500 in fiscal year 2014-2015 and \$6,096,100 in fiscal year 2015-2016 to provide equalized facility funding pursuant to KRS 157.420 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(3) and (4).

(16) BRAC Equalized Facility Funding: Included in the above General Fund appropriation is \$1,719,100 in fiscal year 2014-2015 and \$1,658,800 in fiscal year 2015-2016 to provide equalized facility funding to school districts meeting the eligibility requirements of KRS 157.621(1)(c) pursuant to KRS 157.440 and 157.620.

(17) Instructional Days: Notwithstanding KRS 158.070, the school term for fiscal year 2014-2015 and fiscal year 2015-2016 shall include the equivalent of 177 six-hour instructional days. Districts may exceed 177 six-hour instructional days.

(18) Hold-Harmless Guarantee: A modified hold-harmless guarantee is established in fiscal biennium 2014-2016 which provides that every local school district shall receive at least the same amount of Support Education Excellence in Kentucky (SEEK) state funding per pupil as was received in fiscal year 1991-1992. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, and allotments to local school districts are reduced in accordance with KRS 157.430, allocations to school districts subject to this provision shall not be reduced.

(19) Equalization Funding for Critical Construction Needs Schools: (a) Included in the above General Fund appropriation is \$5,331,800 in fiscal year 2014-2015 and \$5,168,000 in fiscal year 2015-2016 to provide equalization funding for school districts that have school facilities classified as Category 5 on May 18, 2010, by the Department of Education; Sheldon Clark High School in Martin County, which has been determined to be structurally unsound by a certified engineer; Magoffin County Schools, which have serious space limitations as a result of tornado damage; Carlisle County Elementary School, which is the A1 school determined to be in the poorest condition in the state according to the Parsons/MGT Report of November 2011; and school districts that have levied an additional five cents equivalent tax rate for debt service, new construction, and major renovation beyond the five cents equivalent tax rate required by KRS 157.440(1)(b), except as provided in paragraph (c) of this subsection. Equalization shall be provided at 150 percent of the statewide average per pupil assessment beginning in the fiscal year following the fiscal year in which the levy is imposed. This levy shall be subject to the recall provisions of KRS 132.017. Local school districts that have schools rated in poor condition in the Parsons/MGT Report of November 2011 are encouraged to levy an additional five cents equivalent tax rate for debt service, new construction, and major

renovation beyond the five cents equivalent tax rate required by KRS 157.440(1)(b), except as provided in paragraph (c) of this subsection in anticipation of receiving equalization funding during the 2016-2018 fiscal biennium.

(b) If the total revenue generated in the 2014-2016 fiscal biennium by the additional five cents equivalent tax levy, the equalization funds, and any escrowed or additional offers of assistance from the School Facilities Construction Commission is insufficient to cash fund the project or to sufficiently support the required annual debt service for the entirety of the capital project, the school district shall be awarded additional funds equal to the amount of annual debt service necessary to complete the project in its entirety. Any funds included in paragraph (a) of this subsection not necessary to provide equalization in each fiscal year shall be used for this purpose. If the total funds appropriated in paragraph (a) of this subsection are insufficient, the School Facilities Construction Commission is authorized to make additional offers of assistance not to exceed the debt service for \$7,300,000 for Carlisle County, not to exceed the debt service for \$5,000,000 for Magoffin County, and not to exceed the debt service for \$14,000,000 for Martin County.

(c) If the school district utilizes the equalization funds appropriated in paragraph (a) of this subsection to support a bond issue for construction purposes, equalization funds shall be provided for 20 years or until the bonds are retired, whichever is less.

(d) If a school district receives an allotment under paragraph (a) of this subsection and subsequently, as the result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the Commonwealth an amount equal to that received pursuant to paragraph (a) of this subsection. If the litigation or insurance receipts are less than the amount received pursuant to paragraph (a) of this subsection, the district shall reimburse the Commonwealth an amount equal to that received as a result of litigation or insurance less the district's costs and legal fees in securing the judgment or payment. Any funds received in this manner shall be deposited in the Budget Reserve Trust Fund Account (KRS 48.705).

2. OPERATIONS AND SUPPORT SERVICES

	2014-15	2015-16
General Fund	48,761,000	52,905,600
Restricted Funds	8,199,700	8,275,500
Federal Funds	328,484,800	328,656,500
TOTAL	385,445,500	389,837,600

(1) **Employment of Personnel:** Notwithstanding KRS 18A.115, the Department of Education may fill, through memoranda of agreement, not more than 50 percent of its existing authorized positions below the division director level with individuals employed as school administrators and educators in Kentucky.

(2) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Kentucky Board of Education shall continue to have sole authority to determine the employees of the Department of Education who are exempt from the classified service and to set those employees' compensation comparable to the competitive market.

(3) **School Technology in Coal Counties:** Notwithstanding KRS 42.4588(2) and (4), included in the above General Fund appropriation is \$1,750,000 in each fiscal year from the Local Government Economic Development Fund for the purpose of enhancing education technology in local school districts within coal-producing counties. The Commissioner of Education shall use the appropriation in this subsection to continue the Coal County Computing Program in conjunction with the Cabinet for Economic Development through its Department of Commercialization and Innovation.

(4) **Debt Service:** Included in the above General Fund appropriation is \$61,000 in fiscal year 2014-2015 and \$183,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) **Education Technology Program:** Included in the above General Fund appropriation is \$19,299,500 in fiscal year 2014-2015 and \$22,999,500 in fiscal year 2015-2016 for the Kentucky Education Technology System. Included in this appropriation is \$800,000 in fiscal year 2015-2016 for the Statewide IT Academy.

3. LEARNING AND RESULTS SERVICES

	2014-15	2015-16
General Fund	985,063,800	1,030,848,400

Restricted Funds	24,577,600	25,634,300
Federal Funds	559,363,000	559,730,700
TOTAL	1,569,004,400	1,616,213,400

(1) Kentucky Education Technology System: The School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(2) Family Resource and Youth Services Centers: Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in fiscal year 2014-2015 and in fiscal year 2015-2016 to the Cabinet for Health and Family Services consistent with KRS 156.496. The Cabinet for Health and Family Services is authorized to use, for administrative purposes, no more than three percent of the total funds transferred from the Department of Education for the Family Resource and Youth Services Centers. If a certified person is employed as a director or coordinator of a Family Resource and Youth Services Center, that person shall retain his or her status as a certified employee of the school district.

If 70 percent or more of the funding level provided by the state is utilized to support the salary of the director of a center, that center shall provide a report to the Cabinet for Health and Family Services identifying the salary of the director. The Cabinet for Health and Family Services shall transmit any reports received from Family Resource and Youth Services Centers pursuant to this paragraph to the Legislative Research Commission.

(3) Health Insurance: Included in the above General Fund appropriation is \$672,662,900 in fiscal year 2014-2015 and \$686,116,200 in fiscal year 2015-2016 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage.

(4) Program Flexibility: Notwithstanding KRS 157.3175(3) and (4) and 160.345(8) with regard to the state allocation for Professional Development, Extended School Services, Instructional Resources, and Safe Schools, local school districts shall be provided additional flexibility in the utilization of these funds. Local school districts shall continue to address the governing statutes and serve the intended student population but may utilize funds from these programs for general operating expenses in each year of the biennium. Local school districts that utilize these funds for general operating expenses shall report to the Kentucky Department of Education and the Interim Joint Committee on Education on an annual basis the amount of each program funding utilized for general operating expenses.

(5) Publishing Requirements: Notwithstanding KRS 160.463 and 424.220, public availability of the school district's complete annual financial statement and the school report card shall be made by publishing the documents in the newspaper of the largest general circulation in the county, electronically on the Internet, or by printed copy at a prearranged site at the main branch of the public library within the school district. If publication on the Internet or by printed copy at the public library is chosen, the superintendent shall be directed to publish notification in the newspaper of the largest circulation in the county as to the location where the document can be viewed by the public. The notification shall include the address of the library or the electronic address of the Web site on the Internet where the documents can be viewed.

(6) Coordination With Head Start: Each local district shall work with Head Start and other existing preschool programs to avoid duplication of services and programs, to avoid supplanting federal funds, and to maximize Head Start funds in order to serve as many four-year-old children as possible, and shall maintain certification from the Head Start director that the Head Start Program is fully utilized. If a local district fails to comply with the requirements of this subsection, the Commissioner of Education shall withhold preschool funding for an amount equal to the number of Head Start-eligible children served in the district who would have been eligible to be served by Head Start under the full utilization certification required under this subsection. The Commissioner of Education shall resolve any disputes and make a determination of the district's compliance with the full utilization requirement. Notwithstanding KRS 157.3175(1)(a) and (b) and 157.3175(4)(b), the Department of Education shall implement entrance age requirements for preschool beginning in the 2014-2015 school year to align with the new school entrance age requirements pursuant to KRS 158.030.

(7) Commonwealth School Improvement Fund: Notwithstanding KRS 158.805, the Commissioner of Education shall be authorized to use the Commonwealth School Improvement Fund to provide support services to schools or to meet federal requirements.

(8) Use of Local District Capital Funds: Notwithstanding KRS 157.420(4) and (6), 157.440, and 157.621, a local board of education may submit a request to the Commissioner of Education to utilize any capital funds, regardless of the source, for general operating expenses in each fiscal year without forfeiting the district's eligibility

to participate in the School Facilities Construction Commission Program. Prior to August 1, 2014, the Kentucky Board of Education shall approve guidelines to be followed in considering such requests from local boards of education.

(9) Surplus Property: Notwithstanding KRS 45.777, any funds received by the Commonwealth from the disposal of any surplus property at the Kentucky School for the Blind, the Kentucky School for the Deaf, and the FFA Leadership Training Center shall be deposited in a separate restricted account for each facility and shall not be expended without appropriation authority granted by the General Assembly.

(10) Residential Youth-at-Risk Programs: (a) Students enrolled in the Bluegrass Challenge Academy and the Appalachian Youth Challenge Academy shall be included in the student count used for determining the amount of state funding allocated to a local school district through the Support Education Excellence in Kentucky (SEEK) Program.

(b) Students who are accepted for enrollment in either of the academies shall, on the first day of attendance at the academy, enroll in the county school district in which the academy is located. These students will be enrolled in the local school district for attendance purposes only. The attendance records of these students shall not be included in the Superintendent's Annual Attendance Report, and the local school district shall have no responsibility for these students.

(c) Each academy shall report student attendance to the local school district on a quarterly basis. The local school district shall calculate the amount of SEEK funds generated by the students enrolled in the academy in the district and shall transmit these funds to the academy on a semiannual basis.

(d) No later than July 1, 2014, the Commissioner of Education shall develop procedures for local school districts to follow to accomplish the requirements of paragraphs (b) and (c) of this subsection.

(11) Advisory Council for Gifted and Talented Education: Notwithstanding KRS 158.648(1), a member of the State Advisory Council for Gifted and Talented Education may be reappointed but shall not serve more than three consecutive terms. Notwithstanding KRS 158.648(1), a member of the Kentucky Association for Gifted Education shall be a voting member of the State Advisory Council for Gifted and Talented Education.

(12) Allocation of Safe School Funds: Notwithstanding KRS 158.446, the Center for School Safety shall develop and implement allotment policies for all moneys received for the purposes of KRS 158.440, 158.441, 158.442, 158.445, and 158.446.

(13) Allocations to School-Based Decision Making Councils: Notwithstanding KRS 160.345(6), for fiscal years 2014-2015 and 2015-2016, a local board of education may reduce the allocations to individual schools within the district as outlined in 702 KAR 3:246, secs. 6, 7, and 8. The allocation under 702 KAR 3:246, sec. 6, shall not be less than \$100 per pupil in average daily attendance.

(14) Kentucky School for the Blind and Kentucky School for the Deaf: Included in the above General Fund appropriation is \$6,549,400 in fiscal year 2014-2015 and \$6,672,700 in fiscal year 2015-2016 for the Kentucky School for the Blind and \$9,633,900 in fiscal year 2014-2015 and \$9,815,300 in fiscal year 2015-2016 for the Kentucky School for the Deaf.

(15) Learning and Results Services Programs: Notwithstanding KRS 156.265, included in the above General Fund appropriation are the following allocations for the 2014-2016 fiscal biennium~~[-but no portion of these funds shall be utilized for state level administrative purposes]:~~

- (a) \$1,236,000 in each fiscal year for the ACT and WorkKeys testing;
- (b) \$72,300 in each fiscal year for the Appalachian Learning Disabled Tutoring Program;
- (c) \$525,100 in each fiscal year for the Blind/Deaf Residential Travel Program;
- (d) \$1,225,600 in each fiscal year for the Collaborative Center for Literacy Development;
- (e) \$1,358,800 in each fiscal year for the Commonwealth School Improvement Fund;
- (f) \$1,936,400 in each fiscal year for the Community Education Program;
- (g) \$576,100 in each fiscal year for the Dropout Prevention Program;
- (h) \$424,100 in each fiscal year for the Elementary Arts and Humanities Program;
- (i) \$451,400 in each fiscal year for the Every1 Reads Program;

- (j) \$19,105,900 in fiscal year 2014-2015 and \$25,510,700 in fiscal year 2015-2016 for the Extended School Services Program;
- (k) \$52,148,300 in each fiscal year for the Family Resource and Youth Services Centers Program;
- (l) \$227,900 in each fiscal year for the Georgia Chaffee Teenage Parent Program;
- (m) \$6,622,300 in each fiscal year for the Gifted and Talented Program;
- (n) \$328,800 in each fiscal year for the Leadership and Mentor Fund;
- (o) \$1,483,700 in each fiscal year for the Local School District Life Insurance;
- (p) \$5,353,600 in each fiscal year for the Mathematics Achievement Fund;
- (q) \$339,200 in each fiscal year for the Middle School Academic Center;
- (r) \$71,315,300 in fiscal year 2014-2015 and \$90,113,200 in fiscal year 2015-2016 for the Preschool Program;
- (s) \$8,848,800 in fiscal year 2014-2015 and \$11,927,700 in fiscal year 2015-2016 for the Professional Development Program;
- (t) \$720,300 in each fiscal year for the Teacher's Professional Growth Fund;
- (u) \$16,999,000 in each fiscal year for the Read to Achieve Program;
- (v) \$7,267,800 in fiscal year 2014-2015 and \$10,378,300 in fiscal year 2015-2016 for the Safe Schools Program;
- (w) \$941,400 in each fiscal year for the Save the Children/Rural Literacy Program;
- (x) \$3,646,200 in each fiscal year for the School Food Services;
- (y) \$10,096,500 in each fiscal year for the State Agency Children Program;
- (z) \$1,400,800 in each fiscal year for the Teacher Academies Program;
- (aa) \$16,700,000 in each fiscal year for Instructional Resources;
- (ab) \$1,338,200 in each fiscal year for the Teacher Recruitment and Retention Program-Educator Quality and Diversity;
- (ac) \$700,300 in each fiscal year for the Virtual Learning Program;
- (ad) \$534,300 in each fiscal year for the Writing Program;
- (ae) \$100,000 in each fiscal year for the Lexington Hearing and Speech Center,
- (af) \$100,000 in each fiscal year for the Heuser Hearing and Language Academy;
- (ag) \$100,000 in each fiscal year for the Visually Impaired Preschool Services program; and
- (ah) \$800,000 in fiscal year 2014-2015 and \$1,200,000 in fiscal year 2015-2016 for AdvanceKentucky.

(16) Participation in the Education Technology Program by Area Vocational Education Centers: Area Vocational Education Centers shall be fully eligible to participate in the Kentucky Education Technology System. Notwithstanding KRS 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission, in consultation with the Kentucky Board of Education and the Department of Education, shall develop administrative regulations which identify a methodology by which the average daily attendance for Area Vocational Education Centers may be equated to the average daily attendance of other local school districts in order that they may receive their respective distributions of these funds. The School Facilities Construction Commission shall include Area Vocational Education Centers in any offers of assistance to local school districts for technology assistance during the 2014-2016 fiscal biennium.

(17) Transfer of State-Operated Secondary Vocational Education and Technology Centers: (a) Notwithstanding KRS 151B.035, 151B.040, 151B.045, 151B.050, 151B.055, and 151B.070, effective at the beginning of fiscal year 2014-2015, a local board of education may submit a request to the Executive Director of the Office of Career and Technical Education to assume authority for the management and control of a state-operated secondary vocational education and technology center. Upon agreement between the Executive Director of the Office of Career and Technical Education and the local board of education for the transfer of a state-operated secondary vocational education and technology center, all personnel, equipment, and supplies shall be transferred to the local

board of education and shall only be utilized for the operation of the locally operated vocational center. The transfer of management and control of the secondary area vocational education and technology center shall be considered a permanent transfer to the local district.

(b) A certified employee who is affected by a transfer to the local board of education under paragraph (a) of this subsection shall be granted a one year limited contract by the local board of education and shall be employed on the local district salary schedule. A classified employee shall be guaranteed employment equal to his or her present status for at least one complete school term. A transferred employee shall be provided the benefits of comparable employees in the district and shall be subject to all rules and policies of the local board of education, including but not limited to disciplinary and personnel actions that are the same as those that may be exercised by the district for any other employee in the district during a contract period.

(c) A transferred employee who has accrued annual leave and compensatory time shall be paid a lump sum for the accrued time at the effective date of the transfer by the Office of Career and Technical Education. The employee shall be granted credit for accrued sick leave up to the maximum allowed for transfers for teachers between school districts. Sick leave credit shall be awarded to a classified employee based on the local board policy. Any excess sick leave that a classified or certified employee has earned that the district will not accept in the transfer may be requested to be held in escrow by the appropriate state personnel system under KRS Chapter 18A or 151B, and the sick leave balance shall be restored to the employee if the employee returns to a state government position.

(d) An employee who is to be transferred to a local board of education under provisions of this subsection but who chooses not to accept a one-year limited contract with the board shall be separated from the state system and the employee's position shall be abolished. The employee may apply for any state position for which the employee is qualified but shall not be granted priority over other applicants for a position because the employee's position was abolished due to a transfer of the vocational education and technology center. An employee who refuses a contract with the local board shall be provided a lump-sum payment for accrued annual leave and compensatory time, and the employee's sick leave balance shall be placed in escrow by the appropriate state personnel system under KRS Chapter 18A or 151B. The sick leave balance shall be restored to the employee if the employee returns to a state government position.

(e) A certified employee, other than a principal, who has earned continuing status in the state certified personnel system under KRS Chapter 151B may be granted tenure under the provisions of KRS 161.740(1)(c). A principal may be granted tenure as a teacher, but the provisions relating to demotion of the principal under KRS 161.765 shall apply.

(f) An employee of the Office of Career and Technical Education who is transferred to the local school district and who occupies a position covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System.

(g) General Fund moneys previously appropriated to the Office of Career and Technical Education for support of the transferred state-operated vocational technical school shall be appropriated to the Kentucky Department of Education for support of the local board of education center operations effective at the beginning of fiscal year 2014-2015. In addition, the local board of education shall receive 100 percent of the Support Education Excellence in Kentucky (SEEK) Program funds from the Kentucky Department of Education that are generated from students enrolled in the center.

(18) Transfer of Locally Operated Secondary Vocational Education and Technology Centers: (a) Effective at the beginning of fiscal year 2014-2015, a local board of education that has operated a career and technical center for at least five years may submit a request to the Executive Director of the Office of Career and Technical Education to relinquish authority for the management and control of the career and technical center to the Office of Career and Technical Education. Upon agreement between the Executive Director of the Office of Career and Technical Education and the local board of education for the transfer of a locally operated career and technical center, the local board of education shall transfer all personnel, equipment, and supplies to the Office of Career and Technical Education.

(b) A certified employee who is affected by a transfer to the Office of Career and Technical Education under paragraph (a) of this subsection shall be granted the same status by the Office of Career and Technical Education as he or she had at the close of employment with the local board of education and shall be employed on the state salary schedule. A classified employee shall be guaranteed employment equal to his or her status in the local school district for at least one complete school term. A transferred employee shall be provided the benefits of comparable employees in the Office of Career and Technical Education and shall be subject to all rules and policies of the Office of Career and Technical Education, including but not limited to disciplinary and personnel actions that

are the same as those that may be exercised by the Office for any other employee of the Commonwealth during a contract period.

(c) A certified employee shall be granted credit for accrued sick leave by the Office of Career and Technical Education up to the maximum allowed for transfers for teachers between school districts. The Office of Career and Technical Education shall award sick leave credit to a classified employee based on the sick leave accumulated in the local district. Any excess sick leave that a classified or certified employee earned that had been held in escrow by the appropriate state personnel system under KRS Chapter 18A or 151B when transfer was made to the local board of education shall be restored to the employee.

(d) An employee who is to be transferred to the Office of Career and Technical Education under the provisions of this subsection but who chooses not to accept employment with the Commonwealth shall be separated from the local board of education and the employee's position shall be abolished. The employee may apply for any local board of education or state position for which the employee is qualified but shall not be granted priority over other applicants for a position because the employee's position was abolished due to a transfer of the area vocational education and technical center.

(e) A certified employee, other than a principal, who has earned continuing status in the local school district under KRS 161.740(1), shall be granted continuing status under the provisions of KRS 151B.055. A principal may be granted continuing status as a teacher, but the provisions relating to demotion under KRS 151B.055(8) shall apply.

(f) An employee of a local board of education who is transferred to the Office of Career and Technical Education and who occupies a position covered by the Kentucky Teachers' Retirement System shall remain in the Kentucky Teachers' Retirement System.

(g) General Fund moneys previously appropriated to a local board of education for support of the career and technical center shall be appropriated to the Office of Career and Technical Education. In addition, the Office of Career and Technical Education shall receive 100 percent of the Support Education Excellence in Kentucky (SEEEK) Program funds from the Kentucky Department of Education that are generated from students enrolled in the career and technical center.

(19) Regional Collaborative Career Academy: (a) Included in the above appropriation is \$250,000 in fiscal year 2014-2015 for planning for the establishment of a Regional Collaborative Career Academy. This academy is a collaborative effort of the Carroll County Schools, Gallatin County Schools, Henry County Schools, Owen County Schools, and Trimble County Schools. Funds will be distributed to the school district selected to serve as the fiscal agent.

(b) The funds shall be utilized by the five districts to develop a governance, financing, and staffing structure for the collaborative school; to consult with parents, students, and regional employers to develop career pathway programs of study linked to regional, high-growth, high-demand job sectors; to develop a curriculum framework; and to establish targets for increasing the number of students within their districts who meet Kentucky's College and Career Readiness benchmarks and who pursue postsecondary education and industry certification.

(c) The districts shall consult with the Kentucky Department of Education's Office of Career and Technical Education throughout the planning process to ensure plans for the collaborative school are aligned with state statutes and regulations and the Office's plans for improving Career and Technical Education throughout Kentucky.

(d) The districts shall coordinate with the Kentucky Department of Education, the Kentucky Council on Postsecondary Education, the Kentucky Community and Technical College System, the Kentucky Cabinet for Education and Workforce Development, and the Kentucky Cabinet for Economic Development to establish a Regional Advisory Committee that includes the school district superintendents, industry partners, community college and university representatives, economic developers, regional Workforce Investment Boards, elected representatives of their communities, parents, and students.

(e) The districts shall convene the Regional Advisory Committee to advise them on development of the Collaborative Career Academy; to align program offerings with employer and workforce needs; to ensure the career pathway programs offered lead to work-based learning and postsecondary study; and to provide ongoing consultation and evaluation.

(f) The districts may utilize the funds appropriated to obtain assistance with plan development and coordination of the Regional Advisory Committee and other planning activities.

(g) The five districts shall provide quarterly, written progress reports to the Kentucky Department of Education and present a report on utilization of the funds and the plans developed to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Education no later than December 1, 2014.

(20) College/Career Readiness: Included in the above General Fund appropriation is \$3,000,000 in each fiscal year for additional staffing at vocational/technical schools.

(21) Teach for America: Included in the above General Fund appropriation is \$250,000 in each fiscal year for Teach for America.

(22) Funding for Employer Health and Life Insurance: If the costs for health insurance or life insurance coverage for employees of local school districts exceed the levels of appropriated funds, any unexpended Support Education Excellence in Kentucky appropriations may be used to offset the unbudgeted costs. Any transfer shall be subject to the approval of the Governor upon the written recommendation of the State Budget Director pursuant to the written request of the Commissioner of Education. The per-month, per-employee administrative assessment shall be remitted to the Personnel Cabinet by the Department of Education from the General Fund appropriation for local school district health and life insurance. Any necessary transfer under this subsection shall be before any transfer to the Kentucky Teachers' Retirement System pursuant to Part I, C., 1., (2) of this Act.

TOTAL - DEPARTMENT OF EDUCATION

	2014-15	2015-16
General Fund	4,006,095,500	4,093,244,600
Restricted Funds	32,777,300	33,909,800
Federal Funds	887,847,800	888,387,200
TOTAL	4,926,720,600	5,015,541,600

D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2014-15	2015-16
General Fund	4,434,100	4,750,100
Restricted Funds	5,131,300	5,398,300
Federal Funds	659,800	340,500
TOTAL	10,225,200	10,488,900

(1) Governor's Scholars Program: Included in the above General Fund appropriation is \$1,968,600 in fiscal year 2014-2015 and \$1,970,400 in fiscal year 2015-2016 for the Governor's Scholars Program.

(2) Kentucky Center for Education and Workforce Statistics: Included in the above General Fund appropriation is \$250,000 in fiscal year 2015-2016 to support the Kentucky Center for Education and Workforce Statistics (KCEWS).

2. PROPRIETARY EDUCATION

	2014-15	2015-16
Restricted Funds	272,300	283,100

3. DEAF AND HARD OF HEARING

	2014-15	2015-16
General Fund	861,300	883,200
Restricted Funds	1,109,200	1,109,200
TOTAL	1,970,500	1,992,400

4. KENTUCKY EDUCATIONAL TELEVISION

2013-14	2014-15	2015-16
----------------	----------------	----------------

General Fund	-0-	13,037,900	13,245,000
Restricted Funds	930,500	1,451,000	1,451,000
TOTAL	930,500	14,488,900	14,696,000

5. ENVIRONMENTAL EDUCATION COUNCIL

	2014-15	2015-16
Restricted Funds	239,900	242,400

(1) **Environmental Education Council:** Notwithstanding KRS 224.43-505(2)(b), the Council may use interest received to support the operations of the Council.

6. LIBRARIES AND ARCHIVES

a. General Operations

	2013-14	2014-15	2015-16
General Fund	-0-	6,118,300	6,217,500
Restricted Funds	777,900	3,482,700	2,279,700
Federal Funds	-0-	2,148,000	2,225,400
TOTAL	777,900	11,749,000	10,722,600

b. Direct Local Aid

	2014-15	2015-16
General Fund	6,325,900	6,325,900
Restricted Funds	895,700	895,700
Federal Funds	556,600	514,500
TOTAL	7,778,200	7,736,100

(1) **Per Capita Grants:** Notwithstanding KRS 171.201(2)(b), the department shall distribute the per capita grants within the available appropriated amounts.

(2) **Local Records Grant Program:** Notwithstanding KRS 142.010(5), included in the above General Fund appropriation are amounts for the Local Records Grant Program.

(3) **Collaboration with Public Entities:** The Department for Libraries and Archives shall collaborate with Kentucky's public colleges, universities, and libraries to explore alternatives to meet the archival needs of the Commonwealth.

(4) **Public Libraries Facilities Construction:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for the Public Libraries Facilities Construction Fund. Notwithstanding the provisions of KRS 171.027 and 725 KAR 2:015, local public libraries that currently own property, have debt service obligations, or are actively engaged in a construction project and have not been able to secure assistance from this fund due to lack of available funds shall be permitted to apply for grant funds during the 2014-2016 fiscal biennium.

TOTAL - LIBRARIES AND ARCHIVES

	2013-14	2014-15	2015-16
General Fund	-0-	12,444,200	12,543,400
Restricted Funds	777,900	4,378,400	3,175,400
Federal Funds	-0-	2,704,600	2,739,900
TOTAL	777,900	19,527,200	18,458,700

7. OFFICE FOR THE BLIND

	2014-15	2015-16
General Fund	1,385,100	1,413,700

Restricted Funds	1,176,100	1,093,800
Federal Funds	7,242,700	7,377,400
TOTAL	9,803,900	9,884,900

(1) Accessible Electronic Information Service Program: Included in the above General Fund appropriation is \$40,000 in each fiscal year for the Accessible Electronic Information Service Program.

8. EMPLOYMENT AND TRAINING

	2014-15	2015-16
Restricted Funds	30,158,300	30,158,300
Federal Funds	1,123,935,300	1,127,507,300
TOTAL	1,154,093,600	1,157,665,600

9. VOCATIONAL REHABILITATION

	2014-15	2015-16
General Fund	11,585,200	11,709,100
Restricted Funds	3,140,000	3,301,700
Federal Funds	44,567,600	45,251,900
TOTAL	59,292,800	60,262,700

(1) Interpreter Services: Included in the above General Fund appropriation is \$431,100 in each fiscal year to provide accessibility services for deaf and hard of hearing students in postsecondary education institutions.

10. EDUCATION PROFESSIONAL STANDARDS BOARD

	2014-15	2015-16
General Fund	7,307,100	7,361,300
Restricted Funds	1,722,900	750,100
Federal Funds	201,400	205,300
TOTAL	9,231,400	8,316,700

(1) Employment of Leadership Personnel: Notwithstanding KRS 18A.005 to 18A.200, the Education Professional Standards Board shall have the sole authority to determine the employees of the Education Professional Standards Board staff who are exempt from the classified service and to set their compensation comparable to the competitive market.

(2) Kentucky Teacher Internship Program: Notwithstanding KRS 161.030(7), the Education Professional Standards Board shall set the minimum number of hours for the activities set forth in KRS 161.030(7), subject to the availability of appropriations.

(3) Kentucky Principal Internship Program: Notwithstanding KRS 161.027, no funds are provided in the above appropriations for the operational costs of the Kentucky Principal Internship Program.

TOTAL - EDUCATION AND WORKFORCE DEVELOPMENT CABINET

	2013-14	2014-15	2015-16
General Fund	-0-	51,054,900	51,905,800
Restricted Funds	1,708,400	48,779,400	46,963,300
Federal Funds	-0-	1,179,311,400	1,183,422,300
TOTAL	1,708,400	1,279,145,700	1,282,291,400

E. ENERGY AND ENVIRONMENT CABINET

Budget Units

1. SECRETARY

	2014-15	2015-16
General Fund	3,290,600	3,244,400
Restricted Funds	1,193,600	1,298,300
Federal Funds	1,075,100	1,046,400
TOTAL	5,559,300	5,589,100

(1) **Administrative Support:** Any entities administratively attached to the Energy and Environment Cabinet may receive support from the appropriate budgetary unit(s) of the cabinet.

2. ENVIRONMENTAL PROTECTION

	2014-15	2015-16
General Fund	21,417,700	21,846,400
Restricted Funds	69,683,300	70,010,200
Federal Funds	23,702,400	23,230,900
Road Fund	316,400	320,900
TOTAL	115,119,800	115,408,400

(1) **Municipal Solid Waste Landfill Inspectors:** Notwithstanding KRS 224.43-320, no funds are provided in the above appropriations for the assignment of full-time inspectors to each municipal solid waste landfill operating in the Commonwealth.

(2) **Debt Service:** Included in the above General Fund appropriation is \$27,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Kentucky Pride Program:** Included in the above Restricted Funds appropriation is \$14,750,000 in each fiscal year for the Kentucky Pride Program.

3. NATURAL RESOURCES

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	6,000,000	-0-
General Fund	742,600	32,882,900	33,579,600
Restricted Funds	-0-	16,431,700	16,342,400
Federal Funds	-0-	56,091,300	56,453,100
TOTAL	742,600	111,405,900	106,375,100

(1) **Emergency Forest Fire Suppression:** Not less than \$240,000 of the above General Fund appropriation for each fiscal year shall be set aside for emergency forest fire suppression. There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of \$240,000. Fire suppression costs in excess of \$240,000 annually shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Mine Safety:** Notwithstanding KRS 42.4592, included in the above General Fund appropriation is \$3,219,800 in each fiscal year from the Local Government Economic Development Fund for the Office of Mine Safety and Licensing. Notwithstanding KRS 351.140, the number of mandatory mine safety inspections to be carried out by the Office of Mine Safety and Licensing shall be equal to the number of mine safety inspections required annually by the Mine Safety and Health Administration.

(3) **Conservation Districts:** Included in the above General Fund appropriation is \$950,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts.

(4) **Forestry Tree Nurseries:** Included in the above Restricted Funds appropriation is \$250,000 in each fiscal year for the Department of Natural Resources' tree nursery programs in Morgan County and Marshall County.

(5) Division of Oil and Gas: Notwithstanding KRS 42.4588, included in the above Restricted Funds appropriation is \$25,000 in each fiscal year for the Division of Oil and Gas within the Department for Natural Resources for an update of the Best Practices Manual.

4. ENERGY DEVELOPMENT AND INDEPENDENCE

	2014-15	2015-16
General Fund	1,344,000	1,356,600
Restricted Funds	2,549,500	1,847,400
Federal Funds	622,000	580,200
TOTAL	4,515,500	3,784,200

(1) Energy Research and Development: (a) Notwithstanding KRS 42.4588, included in the above Restricted Funds appropriation is \$1,584,500 in fiscal year 2014-2015 and \$1,423,800 in fiscal year 2015-2016, which shall be used, except as specified in paragraph (b) of this subsection, for research and commercialization projects including clean coal, new combustion technology, thin-seam coal extraction safety, tracking and communication devices, coal slurry disposal, synthetic natural gas produced from coal through gasification processes, and the development of alternative transportation fuels produced by processes that convert coal or biomass resources or extract oil from oil shale, and other coal research and shall be targeted solely to Kentucky's Local Government Economic Development Fund-eligible counties. The Department for Energy Development and Independence shall coordinate its efforts with those of Kentucky's universities and related Kentucky Community and Technical College System programs in order to maximize Kentucky's opportunities for federal funding and receive research grants and awards from federal and other sources of funding for the development of clean coal technology, coal-to-liquid-fuel conversion, alternate transportation fuels, and biomass energy resources.

(b) Included in the Restricted Funds appropriation in paragraph (a) of this subsection is \$1,000,000 in each fiscal year which shall not be expended unless matched with federal or private funds for the purpose of supporting research and development activities at the University of Kentucky Center for Applied Energy Research.

5. KENTUCKY NATURE PRESERVES COMMISSION

	2014-15	2015-16
General Fund	1,061,700	1,086,400
Restricted Funds	369,900	357,400
Federal Funds	55,000	56,200
TOTAL	1,486,600	1,500,000

6. PUBLIC SERVICE COMMISSION

	2014-15	2015-16
General Fund	17,000,000	17,000,000
Restricted Funds	223,100	223,100
Federal Funds	227,700	236,900
TOTAL	17,450,800	17,460,000

(1) Debt Service: Included in the above General Fund appropriation is \$589,000 in each fiscal year for debt service for previously issued bonds.

(2) Lapse of General Fund Appropriation Balance: Notwithstanding KRS 278.150(3), \$7,213,600 in fiscal year 2014-2015 and \$7,068,000 in fiscal year 2015-2016 shall lapse to the credit of the General Fund.

(3) Water Districts and Water Associations: A water district created pursuant to KRS Chapter 74 and a water association formed under KRS Chapter 273 that undertakes a waterline extension or improvement project shall not be required to obtain a certificate of public convenience and necessity, notwithstanding KRS 278.020(1), if the water district or water association is a Class A or B utility as defined in the Uniform System of Accounts established by the Public Service Commission, pursuant to KRS 278.220, as the system of accounts prescribed for utilities in Kentucky, and either: (a) The water line extension or improvement project will not cost in excess of \$500,000; or (b) The water district or water association will not, as a result of the water line extension or improvement project, incur

obligations requiring Public Service Commission approval pursuant to KRS 278.300. In either case, the water district or water association shall not, as a result of the water line extension or improvement project, increase rates to its customers.

TOTAL - ENERGY AND ENVIRONMENT CABINET

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	6,000,000	-0-
General Fund	742,600	76,996,900	78,113,400
Restricted Funds	-0-	90,451,100	90,078,800
Federal Funds	-0-	81,773,500	81,603,700
Road Fund	-0-	316,400	320,900
TOTAL	742,600	255,537,900	250,116,800

F. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2014-15	2015-16
General Fund	9,794,100	10,416,900
Restricted Funds	33,301,200	35,014,200
Federal Funds	3,177,000	3,177,000
Road Fund	422,900	429,000
TOTAL	46,695,200	49,037,100

(1) Debt Service: Included in the above General Fund appropriation is \$1,271,500 in fiscal year 2014-2015 and \$3,083,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) State Motor Vehicle Fleet: The Secretary of the Finance and Administration Cabinet shall restrict permanently assigned vehicles to only Constitutional Officers, the Court of Justice, Executive Cabinet Secretaries, law enforcement, or for other public safety purposes. A report listing the recipients of permanently assigned vehicles from the State Motor Vehicle Fleet shall be submitted to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(3) Kentucky State University Health Initiative Trust Fund: Included in the above General Fund appropriation is \$50,000 in fiscal year 2014-2015 for the Kentucky State University health initiative trust fund.

(4) Rupp Arena/Lexington Convention Center: Included in the above General Fund appropriation is \$1,500,000 in fiscal year 2014-2015 for the Rupp Arena/Lexington Convention Center project. The Lexington-Fayette Urban County Government shall provide a cash match of \$1,500,000 prior to any funds being disbursed. These funds are provided for expenses including architect and engineering fees, preconstruction planning, development, and other appropriate costs associated with the project. This permits all parties involved to finalize a viable financing plan. It is the intent of the General Assembly to advance this project when all financing components of the project are identified, secured, and in the public domain. There are sufficient dollars in the Budget Reserve Trust Fund Account (KRS 48.705) to support debt service on any such project authorized by the General Assembly during the 2014-2016 fiscal biennium.

2. CONTROLLER

	2014-15	2015-16
General Fund	5,914,100	5,984,000
Restricted Funds	8,855,000	9,082,400
TOTAL	14,769,100	15,066,400

(1) Social Security Contingent Liability Fund: Any expenditures that may be required by KRS 61.470 are hereby deemed necessary government expenses and shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

3. DEBT SERVICE

	2014-15	2015-16
General Fund (Tobacco)	30,570,000	30,657,000
General Fund	425,439,600	424,920,500
TOTAL	456,009,600	455,577,500

(1) General Fund (Tobacco) Debt Service Lapse: Notwithstanding Part X (4) of this Act, \$2,179,500 in fiscal year 2014-2015 and \$2,179,500 in fiscal year 2015-2016 shall lapse.

4. FACILITIES AND SUPPORT SERVICES

	2014-15	2015-16
General Fund	5,618,900	6,129,300
Restricted Funds	42,084,600	42,398,800
TOTAL	47,703,500	48,528,100

(1) Debt Service: Included in the above General Fund appropriation is \$274,000 in fiscal year 2014-2015 and \$673,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. COUNTY COSTS

	2014-15	2015-16
General Fund	15,897,000	15,897,000
Restricted Funds	1,702,500	1,702,500
TOTAL	17,599,500	17,599,500

(1) County Costs: Funds required to pay county costs are appropriated and additional funds may be allotted from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) by the Secretary of the Finance and Administration Cabinet, subject to the conditions and procedures provided in this Act.

(2) Reimbursement to Sheriffs' Offices for Court Security Services: Notwithstanding KRS 64.092(6), the sheriff or other law enforcement officer serving a Circuit or District Court shall be compensated at the rate of \$9 per hour of service.

6. COMMONWEALTH OFFICE OF TECHNOLOGY

	2014-15	2015-16
Restricted Funds	137,028,000	137,504,500
Federal Funds	1,991,000	1,991,000
TOTAL	139,019,000	139,495,500

(1) Computer Services Fund Receipts: The Secretary of the Finance and Administration Cabinet shall provide a listing of fee receipts from the Executive, Judicial, and Legislative Branches of government itemized by appropriation units, cost allocation methodology, and a report detailing the rebate of excess fee receipts to the agencies to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

7. REVENUE

	2014-15	2015-16
General Fund (Tobacco)	250,000	250,000
General Fund	86,332,200	87,642,700

Restricted Funds	14,064,800	11,479,500
Road Fund	2,912,800	2,970,600
TOTAL	103,559,800	102,342,800

(1) **Operations of Revenue:** Notwithstanding KRS 132.672, 134.552(2), 136.652, and 365.390(2), funds may be expended in support of the operations of the Department of Revenue.

8. PROPERTY VALUATION ADMINISTRATORS

	2014-15	2015-16
General Fund	42,342,900	43,555,500

(1) **Management of Expenditures:** Notwithstanding KRS 132.590 and 132.597, the property valuation administrators are authorized to take necessary actions to manage expenditures within the appropriated amounts contained in this Act.

TOTAL - FINANCE AND ADMINISTRATION CABINET

	2014-15	2015-16
General Fund (Tobacco)	30,820,000	30,907,000
General Fund	591,338,800	594,545,900
Restricted Funds	237,036,100	237,181,900
Federal Funds	5,168,000	5,168,000
Road Fund	3,335,700	3,399,600
TOTAL	867,698,600	871,202,400

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2014-15	2015-16
General Fund	28,450,600	29,028,600
Restricted Funds	13,865,600	16,900,200
Federal Funds	50,572,900	42,809,700
TOTAL	92,889,100	88,738,500

(1) **Human Services Transportation Delivery:** Notwithstanding KRS 281.014, the Kentucky Works Program shall not participate in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee.

(2) **Debt Service:** Included in the above General Fund appropriation is \$105,000 in fiscal year 2014-2015 and \$315,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Federally Funded Positions:** Notwithstanding KRS 18A.010(2) and any provisions of this Act to the contrary, direct service units of the Office of Inspector General, Department for Income Support, Commission for Children with Special Health Care Needs, Department for Community Based Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, and the Department for Public Health shall be authorized to establish and fill such positions that are 100 percent federally funded for salary and fringe benefits.

(4) **Reallocation of Appropriations Among Budget Units:** The Secretary of the Cabinet for Health and Family Services shall operate the Cabinet within the appropriations for the Cabinet authorized in this Act. The Secretary may request a revision or reallocation among the departments and offices of the Cabinet up to ten percent of the General Fund or Restricted Funds appropriations contained in Part I, Operating Budget, of this Act for fiscal years 2014-2015 and 2015-2016 for approval by the State Budget Director. No request shall relate to moneys in a fiduciary fund account. A request shall explain the need and use for the transfer authority under this subsection.

2. COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE

NEEDS

	2014-15	2015-16
General Fund	5,401,500	5,587,200
Restricted Funds	6,970,800	6,970,800
Federal Funds	4,566,100	4,566,100
TOTAL	16,938,400	17,124,100

3. MEDICAID SERVICES**a. Medicaid Administration**

	2014-15	2015-16
General Fund	33,314,500	33,398,600
Restricted Funds	16,770,300	17,400,000
Federal Funds	77,311,300	77,709,900
TOTAL	127,396,100	128,508,500

(1) Transfer of Excess Administrative Funds for Medicaid Benefits: If any portion of the above General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, the amount may be used for Medicaid Benefits in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

- (a) Establish a new program;
- (b) Expand the services of an existing program; or
- (c) Increase rates or payment levels in an existing program.

Any transfer authorized under this subsection shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) Medicaid Service Category Expenditure Information: No Medicaid managed care contract shall be valid and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Cabinet for Health and Family Services shall be made, unless the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

b. Medicaid Benefits

	2013-14	2014-15	2015-16
General Fund	-0-	1,525,524,400	1,578,193,200
Restricted Funds	55,911,100	500,154,700	466,936,000
Federal Funds	751,450,800	5,914,098,100	6,217,178,100
TOTAL	807,361,900	7,939,777,200	8,262,307,300

(1) Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45.229, any General Fund appropriation unexpended in fiscal year 2013-2014 and fiscal year 2014-2015 shall not lapse but shall be carried forward into the next fiscal year.

(2) Disproportionate Share Hospital Program: Hospitals shall report indigent inpatient and outpatient care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate Share Hospital payments shall equal the maximum amounts established by federal law. Notwithstanding KRS 205.641, the disproportionate share factor for hospitals in fiscal years 2014-2015 and 2015-

2016 shall be the same disproportionate share factor for the hospitals established as the final fiscal year 2013-2014 disproportionate share factor. In the interim, based upon the Center for Medicare and Medicaid Services' revised rules for the Disproportionate Share Hospital Program, the hospitals shall work with the Cabinet for Health and Family Services to develop or select a method for determining the hospital share factor.

(3) Hospital Indigent Patient Billing: Hospitals shall not bill patients for services if the services have been reported to the Cabinet and the hospital has received disproportionate share payments for the specific services.

(4) Provider Tax Information: Any provider who posts a sign or includes information on customer receipts or any material distributed for public consumption indicating that it has paid provider tax shall also post, in the same size typeset as the provider tax information, the amount of payment received from the Department for Medicaid Services during the same period the provider tax was paid. Providers who fail to meet this requirement shall be excluded from the Disproportionate Share Hospital and Medicaid Programs. The Cabinet for Health and Family Services shall include this provision in facilities' annual licensure inspections.

(5) Intergovernmental Transfers (IGTs): Any funds received through an Intergovernmental Transfer (IGT) agreement between the Department for Medicaid Services and other governmental entities, in accordance with a federally approved State Plan amendment, shall be used to provide for the health and welfare of the citizens of the Commonwealth through the provision of Medicaid Benefits. Revenues from IGTs are contingent upon agreement by the parties. The Secretary of the Cabinet for Health and Family Services shall make the appropriate interim appropriations increase requests pursuant to KRS 48.630.

(6) Medicaid Budget Analysis Reports: The Department for Medicaid Services shall submit a quarterly budget analysis report to the Interim Joint Committee on Appropriations and Revenue no later than 75 days after the quarter's end. The report shall provide monthly detail of actual expenditures, eligibles, and average monthly cost per eligible by eligibility category along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for all categories of noneligible-specific expenditures such as Supplemental Medical Insurance premiums, Kentucky Patient Access to Care, nonemergency transportation, drug rebates, cost settlements, and Disproportionate Share Hospital payments by type of hospital. The report shall compare the actual expenditure experience with those underlying the enacted or revised enacted budget and explain any significant variances which may occur.

(7) Medicaid Benefits Budget Deficit: If Medicaid Benefits expenditures are projected to exceed available funds, the Secretary of the Cabinet for Health and Family Services may recommend that reimbursement rates, optional services, eligibles, or programs be reduced or maintained at levels existing at the time of the projected deficit in order to avoid a budget deficit. The projected deficit shall be confirmed by the Office of State Budget Director. No service, eligible, or program reductions shall be implemented by the Cabinet for Health and Family Services without written notice of such action to the Interim Joint Committee on Appropriations and Revenue and the State Budget Director. Such actions taken by the Cabinet for Health and Family Services shall be reported, upon request, at the next meeting of the Interim Joint Committee on Appropriations and Revenue.

(8) Transfer of Medicaid Benefits Funds: Any portion of the General Fund appropriation in either fiscal year that is deemed to be necessary for the administration of the Medicaid program may be transferred from the Medicaid Benefits budget unit to the Medicaid Administration budget unit in accordance with statutes governing the functions and activities of the Department for Medicaid Services. The Secretary shall recommend any proposed transfer to the State Budget Director for approval prior to transfer. Such action shall be reported by the Cabinet for Health and Family Services to the Interim Joint Committee on Appropriations and Revenue.

(9) Critical Access Hospitals: Beginning with the effective date of this Act through June 30, 2016, no acute care hospital shall convert to a critical access hospital unless the hospital has either received funding for a feasibility study from the Kentucky State Office of Rural Health or filed a written request by January 1, 2014, with the Kentucky State Office of Rural Health requesting funding for conducting a feasibility study.

(10) Medicaid Copayments: Notwithstanding KRS 205.6312, the Department for Medicaid Services may impose copayments for services rendered to Medicaid recipients not to exceed the amounts permitted by federal law.

(11) KCHIP Premium Suspension: Notwithstanding KRS 205.6485(1)(c), KCHIP premiums are suspended for the 2014-2016 biennium.

(12) Medicaid Managed Care Organization Reporting: Except as provided by KRS 61.878, all records and correspondence relating to Kentucky Medicaid, revenues derived from Kentucky Medicaid funds, and expenditures utilizing Kentucky Medicaid funds of a Medicaid managed care company operating within the Commonwealth shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All records and

correspondence relating to Medicaid specifically prohibited from disclosure by the federal Health Insurance Portability and Accountability Act privacy rules shall not be provided under this Act.

No later than 60 days after the end of a quarter, each Medicaid managed care company operating within the Commonwealth shall prepare and submit to the Department for Medicaid Services sufficient information to allow the department to meet the following requirements 90 days after the end of the quarter. The Department shall forward to the Legislative Research Commission Budget Review Office a quarterly report detailing monthly actual expenditures by service category, monthly eligibles, and average monthly cost per eligible for Medicaid and the Kentucky Children's Health Insurance Program (KCHIP) along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for other categories such as pharmacy rebates and reinsurance. Finally, the Department shall include in this report the most recent information or report available regarding the amount withheld to meet Department of Insurance reserve requirements, and any distribution of moneys received or retained in excess of these reserve requirements.

(13) Appeals: An appeal from denial of a service or services provided by a Medicaid managed care organization for medical necessity, or denial, limitation, or termination of a health care service in a case involving a medical or surgical specialty or subspecialty, shall, upon request of the recipient, authorized person, or provider, include a review by a board-eligible or board-certified physician in the appropriate specialty or subspecialty area; except in the case of a health care service rendered by a chiropractor or optometrist, in which case, the denial shall be made respectively by a chiropractor or optometrist duly licensed in Kentucky as specified in KRS 304.17A-607(1)(b). The physician reviewer shall not have participated in the initial review and denial of service and shall not be the provider of service or services under consideration in the appeal.

(14) Waiver Slots: Included in the above appropriation are the necessary funds to support the phase-in of the following additional waiver slots:

(a) Supports for Community Living - 200 additional slots in fiscal year 2014-2015 and 240 additional slots in fiscal year 2015-2016 for a total of 440 new slots added over the 2014-2016 fiscal biennium;

(b) Acquired Brain Injury - 90 additional acute care slots and 60 additional long-term care slots for a total of 150 additional slots in fiscal year 2014-2015 and 93 additional acute care slots and 60 additional long-term care slots for a total of 153 additional slots in fiscal year 2015-2016 for a total of 303 new slots added over the 2014-2016 fiscal biennium; and

(c) Michelle P - 250 additional slots in each fiscal year for a total of 500 new slots added over the 2014-2016 fiscal biennium.

(15) Medicaid Pharmacy: Notwithstanding KRS 205.6312(4), a pharmacy provider participating in the Medical Assistance Program or a pharmacy provider serving Kentucky Medicaid recipients through a Medicaid Managed Care Organization shall not be required to serve an eligible recipient if the recipient does not make the required copayment at the time of service. An exception to this provision shall be an encounter when a recipient presents a condition which could result in harm to the recipient if left untreated, in which case the pharmacist shall dispense a 72-hour emergency supply of the required medicine. The recipient may then return to the pharmacy with the necessary copayment to obtain the remainder of the prescription. Only one dispensing fee shall be paid by the Cabinet for the provision of both the emergency supply and the remainder of the prescription. The Medicaid Managed Care Organization shall determine its policies with respect to dispensing fees.

(16) Evaluation of Indigent Care: The Cabinet for Health and Family Services ~~and the University of Louisville~~ shall ~~collaborate to~~ conduct an annual study of the effect of the reduction in contributions to the Quality and Charity Care Trust on the delivery of indigent care in Jefferson County. The Cabinet for Health and Family Services ~~and the University of Louisville~~ shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue by June 1 of each fiscal year.

TOTAL - MEDICAID SERVICES

	2013-14	2014-15	2015-16
General Fund	-0-	1,558,838,900	1,611,591,800
Restricted Funds	55,911,100	516,925,000	484,336,000
Federal Funds	751,450,800	5,991,409,400	6,294,888,000
TOTAL	807,361,900	8,067,173,300	8,390,815,800

4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL

DISABILITIES

	2014-15	2015-16
General Fund (Tobacco)	891,400	891,400
General Fund	202,604,500	194,854,000
Restricted Funds	227,448,600	227,701,500
Federal Funds	38,661,300	36,877,500
TOTAL	469,605,800	460,324,400

(1) Disproportionate Share Hospital Funds: Mental health disproportionate share funds are budgeted at the maximum amounts permitted by Section 1923(f) of the Social Security Act. Upon publication in the Federal Register of the Annual Institutions for Mental Disease (IMD) Disproportionate Share Hospital (DSH) limit, 92.3 percent of the federal IMD DSH limit goes to the state-operated mental hospitals.

(2) Lease Payments for Eastern State Hospital: Included in the above General Fund appropriation is \$10,928,800 in fiscal year 2014-2015 and \$10,927,500 in fiscal year 2015-2016 to make lease payments to the Lexington-Fayette Urban County Government to retire its debt for the construction of the new facility.

(3) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$891,400 in each fiscal year for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems.

(4) Regional Mental Health/Mental Retardation Boards Retirement Cost Increase: Included in the above General Fund appropriation is a total of \$24,825,700 in each fiscal year for Regional Mental Health/Mental Retardation Boards to assist them with employer contributions for the Kentucky Employees Retirement System. Of that amount, \$19,638,200 is to fully fund the increase in employer contribution rates in both fiscal years for those Regional Mental Health/Mental Retardation Boards that are currently participating in the Kentucky Employees Retirement System. In July and January of each year the Department for Behavioral Health, Intellectual and Developmental Disabilities shall obtain the total creditable compensation reported by each Regional Mental Health/Mental Retardation Board to the Kentucky Retirement System and utilize that number to determine how much of this total appropriation shall be distributed to each Regional Mental Health/Mental Retardation Board. Payments to the Mental Health/Mental Retardation Boards shall be made on September 1 and April 1 of each fiscal year.

5. PUBLIC HEALTH

	2014-15	2015-16
General Fund (Tobacco)	14,066,300	13,383,800
General Fund	68,820,000	71,111,300
Restricted Funds	97,016,400	97,160,000
Federal Funds	199,916,700	186,493,400
TOTAL	379,819,400	368,148,500

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$9,000,000 in each fiscal year for the Health Access Nurturing Development Services Program, \$1,000,000 in each fiscal year for Healthy Start initiatives, \$80,000 in each fiscal year for Folic Acid Program, \$1,000,000 in each fiscal year for Early Childhood Mental Health, \$500,000 in each fiscal year for Early Childhood Oral Health, and \$2,486,300 in fiscal year 2014-2015 and \$1,803,800 in fiscal year 2015-2016 for Smoking Cessation.

(2) Local and District Health Department Retirement Cost Increase: Included in the above General Fund appropriation is a total of \$17,909,700 in each fiscal year for Local and District Health Departments to assist them with employer contributions for the Kentucky Employees Retirement System. Of that amount, \$14,615,600 is to fully fund the increase in employer contribution rates in both fiscal years. In July and January of each year the Department for Public Health shall obtain the total creditable compensation reported by each Local and District Health Department Board to the Kentucky Retirement System and utilize that number to determine how much of this total appropriation shall be distributed to each Department. Payments to the Departments shall be made on September 1 and April 1 of each fiscal year.

(3) Debt Service: Included in the above General Fund appropriation is \$212,500 in fiscal year 2014-2015 and \$425,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) Local and District Health Department Payments: The Department for Public Health shall not interfere with the ability of a local or district health department to receive reimbursement for services provided. The Department for Public Health shall submit to the Department for Medicaid Services and the Medicaid Managed Care Organizations all requests for payment for services received from a local or district health department.

(5) Diabetes Services: Included in the above General Fund appropriation is \$2,600,000 in each fiscal year for continuation of base services through Local and District Health Departments.

6. HEALTH POLICY

	2014-15	2015-16
General Fund	448,000	455,400
Restricted Funds	809,800	818,300
TOTAL	1,257,800	1,273,700

(1) Health Facility Licensing: Notwithstanding any statute to the contrary, the document required under KRS 216B.015(28) shall contain a utilization-based need methodology which accounts for all sites of service in the review of applications proposing the establishment of a health facility to be licensed under 902 KAR 20:106.

7. FAMILY RESOURCE CENTERS AND VOLUNTEER SERVICES

	2014-15	2015-16
General Fund	1,466,400	1,479,300
Restricted Funds	41,300	-0-
Federal Funds	3,069,100	3,069,100
TOTAL	4,576,800	4,548,400

(1) Family Resource Centers and Volunteer Services: Included in the above General Fund appropriation is an additional \$1,000,000 in each fiscal year for operational costs.

8. INCOME SUPPORT

	2014-15	2015-16
General Fund	8,225,700	8,225,700
Restricted Funds	15,980,600	16,130,800
Federal Funds	78,417,200	80,108,900
TOTAL	102,623,500	104,465,400

9. COMMUNITY BASED SERVICES

	2014-15	2015-16
General Fund (Tobacco)	8,715,000	8,715,000
General Fund	391,634,800	414,581,400
Restricted Funds	150,258,000	152,685,700
Federal Funds	492,199,000	502,117,700
TOTAL	1,042,806,800	1,078,099,800

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$8,715,000 in each fiscal year for the Early Childhood Development Program.

(2) Contracted Entities Retirement Cost Increase: Included in the above General Fund appropriation is \$532,500 in each fiscal year for domestic violence shelters, \$104,700 in each fiscal year for rape crisis centers, and \$199,700 in each fiscal year for child advocacy centers to fully fund the increase in employer contribution rates for the Kentucky Employees Retirement System.

(3) **Child Care Restoration:** Included in the above General Fund appropriation is \$38,682,500 in fiscal year 2014-2015 and \$58,132,000 in fiscal year 2015-2016 to restore Child Care Assistance Program services.

(4) **Relative Placement Support Benefit:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for start-up costs associated with placing children with non-parental relatives.

(5) **Domestic Violence Shelters:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for operational costs.

(6) **Rape Crisis Centers:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for operational costs.

(7) **Private Child Caring Agencies Reimbursement Rates:** Included in the above appropriation is \$3,000,000 in General Fund moneys, \$2,186,700 in Restricted Funds, and \$490,200 in Federal Funds in each fiscal year to increase reimbursement rates to private child caring agencies for residential services provided to children leveled IV and leveled V, beginning July 1, 2014.

(8) **Private Child Placing Agencies Reimbursement Rates:** Included in the above appropriation is \$5,000,000 in General Fund moneys, \$3,644,500 in Restricted Funds, and \$817,000 in Federal Funds in each fiscal year to increase reimbursement rates for private child placing agencies for therapeutic foster care services provided to children in the level of care system to support a reduction of children in residential care and increase community-based treatment in more home-like settings beginning July 1, 2014.

(9) **Family and Children's Place:** Included in the above General Fund appropriation is \$50,000 in each fiscal year to continue current services at Family and Children's Place in Louisville, Kentucky.

(10) **Early Intervention Services:** Included in the above General Fund appropriation is \$100,000 in each fiscal year to the Madison County Fiscal Court for early intervention services.

10. AGING AND INDEPENDENT LIVING

	2014-15	2015-16
General Fund	44,702,900	45,252,100
Restricted Funds	2,869,300	2,489,300
Federal Funds	24,829,300	24,829,300
TOTAL	72,401,500	72,570,700

(1) **Local Match Requirements:** Notwithstanding KRS 205.460, entities contracting with the Cabinet for Health and Family Services to provide essential services under KRS 205.455 and 205.460 shall provide local match equal to or greater than the amount in effect during fiscal year 2013-2014. Local match may include any combination of materials, commodities, transportation, office space, personal services, or other types of facility services or funds. The Secretary of the Cabinet for Health and Family Services shall prescribe the procedures to certify the local match assurance.

11. HEALTH BENEFIT EXCHANGE

	2014-15	2015-16
Restricted Funds	14,021,200	23,404,900
Federal Funds	19,916,200	3,483,400
TOTAL	33,937,400	26,888,300

(1) **Kentucky Access Program:** Any trailing claims for the Kentucky Access Program during the 2014-2016 fiscal biennium shall be deemed a necessary governmental expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	23,672,700	22,990,200
General Fund	-0-	2,310,593,300	2,382,166,800

Restricted Funds	55,911,100	1,046,206,600	1,028,597,500
Federal Funds	751,450,800	6,903,557,200	7,179,243,100
TOTAL	807,361,900	10,284,029,800	10,612,997,600

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. JUSTICE ADMINISTRATION

	2014-15	2015-16
General Fund (Tobacco)	1,700,200	1,241,100
General Fund	11,095,700	11,210,300
Restricted Funds	3,893,500	3,814,600
Federal Funds	11,135,600	11,135,600
TOTAL	27,825,000	27,401,600

(1) **Operation Unite:** Included in the above Restricted Funds appropriation is \$2,000,000 in each fiscal year for Operation Unite.

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$1,700,200 in fiscal year 2014-2015 and \$1,241,100 in fiscal year 2015-2016 for the Office of Drug Control Policy.

(3) **Kentucky Legal Education Opportunity Program:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for the Kentucky Legal Education Opportunity Program. All Kentucky law schools may participate in the program, but the summer institute shall be held on the campus of the University of Kentucky.

(4) **Madisonville Medical Examiner's Office:** Included in the above General Fund appropriation is \$327,200 in each fiscal year for the operation of the Madisonville Medical Examiner's Office. The office shall not be relocated or closed during the 2014-2016 biennium.

(5) **Court Appointed Special Advocates:** Included in the above General Fund appropriation is \$25,000 in fiscal year 2014-2015 for Court Appointed Special Advocates in Hardin County.

(6) **Public Safety First Programs:** Included in the appropriations for the Justice and Public Safety Cabinet is \$1,100,000 in each fiscal year for Public Safety First programs. Expenditure of these funds may be from a combination of any of the following appropriation units: Justice Administration, State Police, Corrections Management, Adult Correctional Institutions, and Community Services and Local Facilities.

2. CRIMINAL JUSTICE TRAINING

	2014-15	2015-16
Restricted Funds	52,052,000	51,900,000
Federal Funds	188,000	140,000
TOTAL	52,240,000	52,040,000

(1) **Kentucky Law Enforcement Foundation Program Fund:** Included in the above Restricted Funds appropriation is \$50,847,900 in fiscal year 2014-2015 and \$50,687,100 in fiscal year 2015-2016 for the Kentucky Law Enforcement Foundation Program Fund.

(2) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$3,100 in each fiscal year for each participant for training incentive payments.

(3) **Training Incentive Stipends Expansion to Other Peace Officers:** Notwithstanding KRS 15.410, 15.420(2), 15.440(1), 15.460(1), and 15.470(2) and (4), included in the above Restricted Funds appropriation is sufficient funding for a \$3,100 annual training incentive stipend and associated fringe benefit costs for Kentucky state troopers, Kentucky State Police arson investigators, Kentucky State Police hazardous device investigators, Kentucky State Police legislative security specialists, and Kentucky vehicle enforcement officers from the Kentucky Law Enforcement Foundation Program Fund.

3. JUVENILE JUSTICE

	2013-14	2014-15	2015-16
General Fund	-0-	81,507,800	83,322,700
Restricted Funds	980,000	10,490,200	10,161,300
Federal Funds	-0-	11,705,800	11,705,800
TOTAL	980,000	103,703,800	105,189,800

(1) **Local Prevention Programs:** Included in the above General Fund appropriation is \$100,000 in each fiscal year for distribution to local juvenile delinquency prevention programs.

(2) **Leasing Authority:** The Department of Juvenile Justice is hereby authorized to lease the former Laurel County Regional Juvenile Detention Center to a qualified provider of mental health services. The leasing process shall be in compliance with all appropriate statutes, administrative regulations, and procurement policies.

4. STATE POLICE

	2013-14	2014-15	2015-16
General Fund	7,225,400	74,315,600	75,788,600
Restricted Funds	-0-	22,704,100	22,766,200
Federal Funds	-0-	11,562,000	11,562,000
Road Fund	-0-	95,745,500	96,845,800
TOTAL	7,225,400	204,327,200	206,962,600

(1) **Call to Extraordinary Duty:** There is appropriated from the General Fund to the Department of Kentucky State Police, subject to the conditions and procedures provided in this Act, funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty when an emergency situation has been declared to exist by the Governor. Funding is authorized to be provided from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **State Police and Vehicle Enforcement Personnel Training Incentive:** Included in the above Restricted Funds appropriation is sufficient funding for a \$3,100 annual training incentive stipend for state troopers, arson investigators, hazardous devices investigators, legislative security specialists, and vehicle enforcement officers from the Kentucky Law Enforcement Foundation Program Fund.

(3) **Restricted Funds Uses:** Notwithstanding KRS 42.320(2)(h), 65.7631, 189A.050(3)(a), 237.110(18), and 281A.160(2)(b), funds are included in the above Restricted Funds appropriation to maintain the operations and administration of the Kentucky State Police.

(4) **Dispatcher Training Incentive:** Included in the above General Fund appropriation is sufficient funding for a \$3,100 annual training incentive stipend for dispatchers.

(5) **Debt Service:** Included in the above General Fund appropriation is \$258,000 in fiscal year 2014-2015 and \$516,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(6) **Trooper R Class Officers:** Included in the above General Fund appropriation is \$884,400 in each fiscal year to support 15 Trooper R Class officers.

5. CORRECTIONS

a. Corrections Management

	2014-15	2015-16
General Fund	9,459,200	9,634,800
Restricted Funds	300,000	300,000
Federal Funds	304,900	75,000
TOTAL	10,064,100	10,009,800

(1) **Appropriations Adjustments:** The General Assembly has determined that the Department of Corrections shall be permitted to adjust appropriations between the Community Services and Local Facilities budget

unit and the Adult Correctional Institutions budget unit in each fiscal year. Only adjustments necessary to manage the diverse mix of inmate classifications, custody levels, probation and parole caseloads, and population increases or decreases shall be permitted. Any appropriations transferred or otherwise directed between these appropriation units shall be documented and justified in writing. No adjustments may be made except upon the prior written concurrence of the State Budget Director. The State Budget Director shall report the adjustments and the necessity of the adjustments to the Interim Joint Committee on Appropriations and Revenue.

(2) Jailer Mental Health Screening Training: The Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall, in its annual review of the Commission plan, include in its duties recommendations for improvements in identifying, treating, housing, and transporting prisoners in jails and juveniles in detention centers with mental illness. Items to be reviewed shall include but not be limited to recommendations for statutory and regulatory changes, training and treatment funding, cost sharing, housing and transportation costs, appropriate treatment sites, and training requirements for local jailers and other officers of the court who may come in contact with persons incarcerated or in detention but deemed mentally ill.

The training shall continue to be delivered by Regional Mental Health/Mental Retardation Board staff to new jailers and new jail staff, except administrative support, on screening and responding to the needs of inmates with mental illness within six months of employment. Treatment services may also be provided for within this funding allocation.

b. Adult Correctional Institutions

	2014-15	2015-16
General Fund	244,855,800	247,866,500
Restricted Funds	17,252,800	17,431,600
Federal Funds	1,805,500	521,500
TOTAL	263,914,100	265,819,600

(1) Debt Service: Included in the above General Fund appropriation is \$115,500 in fiscal year 2014-2015 and \$346,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Transfer to State Institutions: Notwithstanding KRS 532.100(7), state prisoners, excluding the Class C and Class D felons, qualifying to serve time in county jails, may be transferred to a state institution within 90 days of final sentencing, if the county jail does not object to the additional 45 days.

(3) Expenditure of Savings for Substance Abuse Treatment: Included in the above General Fund appropriation is \$6,763,400 in each fiscal year for substance abuse programs.

(4) Canteen Fund Proceeds: The Department of Corrections shall file annual reports with the Interim Joint Committee on Appropriations and Revenue detailing the revenues and expenditures from the Canteen Fund for each state-operated prison, private prison, and the central office of the Department. The report shall be due September 1 of each year.

c. Community Services and Local Facilities

	2014-15	2015-16
General Fund	193,852,700	198,678,300
Restricted Funds	5,830,000	5,830,000
Federal Funds	962,800	364,600
TOTAL	200,645,500	204,872,900

(1) Excess Local Jail Per Diem Costs: In the event that actual local jail per diem payments exceed the amounts provided to support the budgeted average daily population of state felons in county jails for each fiscal year, the payments shall be deemed necessary government expenses and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue.

(2) Local Jails Funding: Notwithstanding KRS 441.605 to 441.695, funds in the amount of \$2,800,000 in each fiscal year shall be expended from the Kentucky Local Correctional Facilities Construction Authority for local correctional facility and operational support consistent with contractual covenants in accordance with bond indentures of the Authority.

(3) Pilot Project - Conditional Parole for Infirm Inmates: (a) Upon certification by the Commissioner of the Department of Corrections that a prisoner is otherwise eligible for medical parole in accordance with paragraph (b) of this subsection, the Parole Board shall grant medical parole. The Parole Board shall take action within 30 days of receipt of a certification from the Commissioner.

(b) A prisoner who is physically or mentally debilitated, incapacitated, or infirm as a result of advanced age, chronic illness, or disease is eligible for medical parole if:

1. The prisoner was not convicted of a capital offense and sentenced to death or was not convicted of a sex crime;
2. The prisoner has reached his or her parole eligibility date or has served one-half of his or her sentence, whichever occurs first;
3. The prisoner is substantially dependent on others for the activities of daily living; and
4. There is a low risk of the prisoner presenting a threat to society if paroled.

(c) Individuals paroled under this subsection shall be paroled to a health facility in the Commonwealth, giving due regard to public safety.

(d) A parolee granted medical parole under this subsection shall be returned to the custody of the Department of Corrections if the Commissioner determines that the parolee no longer meets the requirements of paragraph (b) of this subsection.

(e) The Commissioner shall provide a report to the Interim Joint Committee on Appropriations and Revenue by January 5, 2016, concerning the pilot project. The report shall include the number of persons paroled, the identification of the residential facilities utilized, an estimate of cost savings as a result of the project, and any other relevant material to assist the General Assembly in assessing the value of continuing and expanding the project.

~~[(f) Any identified savings shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).]~~

(g) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet are directed to provide all needed assistance and support in seeking and securing approval from the U.S. Department of Health and Human Services for the maximum reimbursement of federal assistance, including Medicaid funds, for the provision of health care services to qualifying infirm inmates.

d. Local Jail Support

	2014-15	2015-16
General Fund	18,163,100	18,365,100

(1) Local Corrections Assistance Fund Allocation: Moneys in the fund shall be distributed to the counties each year. Amounts distributed from the fund shall be used to support local correctional facilities and programs, including the transportation of prisoners, as follows:

(a) 1. In fiscal year 2014-2015, the first \$2,400,000 received by the fund, or, if the fund receives less than \$2,400,000, the entire balance of the fund, shall be divided equally among all counties; and

2. In fiscal year 2015-2016, the first \$3,000,000 received by the fund, or, if the fund receives less than \$3,000,000, the entire balance of the fund, shall be divided equally among all counties; and

(b) Any moneys remaining after making the distributions required by paragraph (a) of this subsection shall be distributed to each county based on a ratio, the numerator of which shall be the county's county inmate population on the second Thursday in January during the prior fiscal year, and the denominator of which shall be the total counties' county inmate population for the entire state on the second Thursday in January during the prior fiscal year.

(2) Local Corrections Assistance Funds: Pursuant to KRS 196.288, included in the above General Fund appropriation is \$4,715,600 in fiscal year 2014-2015 and \$4,917,600 in fiscal year 2015-2016 for the Local Corrections Assistance Fund.

(3) Life Safety or Closed Jails: Included in the above General Fund appropriation is \$960,000 in each fiscal year to provide a monthly payment of an annual amount of \$20,000 to each county with a life safety jail or closed jail. The payment shall be in addition to the payment required by KRS 441.206(2).

(4) Inmate Medical Care Expenses: Included in the above General Fund appropriation is \$931,100 in each fiscal year for medical care contracts to be distributed, upon approval of the Department of Corrections, to counties by the formula codified in KRS 441.206, and \$960,000 in each fiscal year, on a partial reimbursement basis, for medical claims in excess of the statutory threshold pursuant to KRS 441.045. The funding support for medical contracts and catastrophic medical expenses for indigents shall be maintained in discrete accounts. Any medical claim that exceeds the statutory threshold may be reimbursed for that amount in excess of the statutory threshold.

TOTAL - CORRECTIONS

	2014-15	2015-16
General Fund	466,330,800	474,544,700
Restricted Funds	23,382,800	23,561,600
Federal Funds	3,073,200	961,100
TOTAL	492,786,800	499,067,400

6. PUBLIC ADVOCACY

	2013-14	2014-15	2015-16
General Fund	4,400,000	46,314,300	47,472,900
Restricted Funds	-0-	3,177,600	3,035,900
Federal Funds	-0-	1,320,400	1,320,400
TOTAL	4,400,000	50,812,300	51,829,200

(1) Compensatory Leave Conversion to Sick Leave: If the Department of Public Advocacy determines that internal budgetary pressures warrant further austerity measures, the Public Advocate may institute a policy to suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave.

(2) Social Worker Program: Included in the above General Fund appropriation is \$420,000 in fiscal year 2014-2015 and \$850,000 in fiscal year 2015-2016 for 15 additional social worker positions.

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	1,700,200	1,241,100
General Fund	11,625,400	679,564,200	692,339,200
Restricted Funds	980,000	115,700,200	115,239,600
Federal Funds	-0-	38,985,000	36,824,900
Road Fund	-0-	95,745,500	96,845,800
TOTAL	12,605,400	931,695,100	942,490,600

I. LABOR CABINET

Budget Units

1. SECRETARY

	2014-15	2015-16
Restricted Funds	4,356,400	4,415,000
Federal Funds	184,800	188,600
TOTAL	4,541,200	4,603,600

2. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2014-15	2015-16
General Fund	3,312,200	3,358,900
Restricted Funds	3,080,300	3,326,900
Federal Funds	47,500	47,500
TOTAL	6,440,000	6,733,300
3. WORKPLACE STANDARDS		
	2014-15	2015-16
General Fund	1,789,300	1,824,500
Restricted Funds	78,995,600	78,671,300
Federal Funds	3,873,300	3,884,100
TOTAL	84,658,200	84,379,900
4. WORKERS' CLAIMS		
	2014-15	2015-16
Restricted Funds	21,788,000	18,039,100
5. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION		
	2014-15	2015-16
Restricted Funds	757,200	770,900
6. WORKERS' COMPENSATION FUNDING COMMISSION		
	2014-15	2015-16
Restricted Funds	116,760,100	112,833,400
TOTAL - LABOR CABINET		
	2014-15	2015-16
General Fund	5,101,500	5,183,400
Restricted Funds	225,737,600	218,056,600
Federal Funds	4,105,600	4,120,200
TOTAL	234,944,700	227,360,200

J. PERSONNEL CABINET

Budget Units

1. GENERAL OPERATIONS

	2014-15	2015-16
Restricted Funds	27,764,400	28,028,200

(1) **Pro Rata Assessment:** Included in the above Restricted Funds appropriation is \$2,692,400 in fiscal year 2014-2015 and \$2,688,900 in fiscal year 2015-2016 to be transferred to the General Fund to support debt service on bonds previously issued for the Kentucky Human Resources Information System. The Personnel Cabinet shall collect a pro rata assessment from all state agencies, in all three branches of government, and other organizations that are supported by the System. Those collections shall be deposited and retained into a Restricted Funds account within the Personnel Cabinet.

(2) **Kentucky Employees' Health Plan and Medicaid State Plan Cost Savings Demonstration Projects:** The Personnel Cabinet and the Cabinet for Health and Family Services shall implement the Kentucky Employees' Health Plan Program and Kentucky Medicaid State Plan Program cost savings projects[~~centered on process improvement and patient empowerment with door-to-door engagement via use of interactive technology to capture the potential for improved medical outcomes at reduced cost. The demonstration project shall include~~

~~established patients who have, within 24 months of the telehealth services, visited established providers and maintained a clinical relationship with a qualified health professional licensed in Kentucky through an in-office and in-person evaluation, including a medical history and a physical examination. These cost reduction projects shall not increase premiums nor reduce benefits].~~

The Personnel Cabinet and the Cabinet for Health and Family Services are authorized to expend up to \$400,000 from the State Group Health Trust and State Medicaid Administration appropriation to support~~[-two]~~ demonstration projects for both areas. The initial capital outlay may be recouped from cost savings to the State Group Health Trust and State Medicaid Administration Program. The demonstration projects shall be a proof of concept to confirm the ability to capture~~[-an]~~ annualized savings~~[-of up to ten percent]~~ in the Kentucky Employees' Health Plan Program and~~[-an]~~ annualized savings~~[-of up to five percent]~~ in the Kentucky Medicaid State Plan Program~~[-starting from January 1, 2015].~~

~~The Personnel Cabinet and the Cabinet for Health and Family Services shall enter into an agreement with one or both of the university teaching hospitals in the Commonwealth to leverage the substantial return on investment of the demonstration projects. The demonstration projects shall be implemented as provided in this Act pursuant to the contracts utilized for the purpose of administering the Kentucky Employees' Health Plan Program and the Kentucky Medicaid State Plan Program. For purposes of the demonstration projects, the participating contractor to be given the first option from the Kentucky Medicaid State Plan Program shall be one that services the largest contingent of recipients in the program and one that services a rural area that has an underserved population that has already demonstrated concept of cost savings through interactive technology.~~

~~The demonstration projects shall be awarded no later than December 1, 2014, and shall be based on a competitive bid via a formal Request for Information (RFI) process]. The demonstration projects should be completed and a report regarding the proof of concept shall be submitted to the Program Review and Investigations Committee, the Personnel Cabinet, and the Cabinet for Health and Family Services by December 1, 2015.~~

~~[If the proof of concept demonstrates an annual savings, the Personnel Cabinet and the Cabinet for Health and Family Services shall implement the final project on a larger scale.]If implemented, the large scale project shall be awarded via a formal Request for Proposal (RFP) process[-to capture the mandated annualized savings of up to ten percent] in the Kentucky Employees' Health Plan Program and[-an annualized savings of up to five percent] in the Kentucky Medicaid State Plan Program.[-The cost of implementing a large scale project shall be paid via a shared savings model wherein the contractor shall be compensated by a percentage of the savings captured by the projects.]~~

2. PUBLIC EMPLOYEES DEFERRED COMPENSATION AUTHORITY

	2014-15	2015-16
Restricted Funds	9,112,100	9,161,500

3. WORKERS' COMPENSATION BENEFITS AND RESERVE

	2014-15	2015-16
Restricted Funds	25,637,200	26,651,400

4. STATE GROUP HEALTH INSURANCE FUND

	2014-15	2015-16
General Fund	959,600	959,600

(1) Group Health Insurance: The above General Fund appropriation is provided to support a dependent subsidy for full-time employees of quasi-governmental employers, excluding state agencies, participating in the State Group Health Insurance program. To participate in this fund, each quasi-governmental employer shall certify to the Secretary of the Personnel Cabinet that no funds received from the pool are being utilized to fund any benefits for persons other than full-time employees.

TOTAL - PERSONNEL CABINET

	2014-15	2015-16
General Fund	959,600	959,600
Restricted Funds	62,513,700	63,841,100
TOTAL	63,473,300	64,800,700

K. POSTSECONDARY EDUCATION

Budget Units**1. COUNCIL ON POSTSECONDARY EDUCATION**

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	4,972,500	3,607,500
General Fund	-0-	45,489,900	71,405,000
Restricted Funds	293,800	6,022,400	6,027,600
Federal Funds	-0-	18,073,800	18,102,500
TOTAL	293,800	74,558,600	99,142,600

(1) Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2013-2014 and fiscal year 2014-2015 to the Adult Education and Literacy Funding Program shall not lapse and shall carry forward.

Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2013-2014 and fiscal year 2014-2015 to the Science and Technology Funding Program shall not lapse and shall carry forward.

(2) Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts: Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(3) Ovarian Cancer Screening: Notwithstanding KRS 164.476(1), General Fund (Tobacco) moneys in the amount of \$775,000 in each fiscal year shall be allotted from the Lung Cancer Research Fund to the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

(4) Debt Service: Included in the above General Fund appropriation is \$2,940,500 in fiscal year 2014-2015 and \$28,491,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) Postsecondary Education Debt: Notwithstanding KRS 45.750 to 45.810, in order to lower the cost of borrowing, any university that has issued or caused to be issued debt obligations through a not-for-profit corporation or a municipality or county government for which the rental or use payments of the university substantially meet the debt service requirements of those debt obligations is authorized to refinance those debt obligations if the principal amount of the debt obligations is not increased and the rental payments of the university are not increased. Any funds used by a university to meet debt obligations issued by a university pursuant to this subsection shall be subject to interception of state-appropriated funds pursuant to KRS 164A.608.

(6) Washington D.C. Internship Program: Included in the above General Fund appropriation are funds in each fiscal year for scholarships to the Washington Center for Internships and Academic Seminars. ~~[-The amount appropriated in fiscal year 2014-2015 and fiscal year 2015-2016 shall not be reduced greater than five percent from the fiscal year 2013-2014 appropriated amount of \$76,100.-]~~

(7) Adult Education: Included in the above General Fund appropriation are funds in each fiscal year for the Kentucky Adult Education Funding Program. ~~[-The amount appropriated in fiscal year 2014-2015 and fiscal year 2015-2016 shall not be reduced greater than five percent from the fiscal year 2013-2014 appropriated amount of \$19,548,600.-]~~

(8) Contract Spaces: Included in the above General Fund appropriation is \$5,419,000 in fiscal year 2014-2015 and \$5,680,100 in fiscal year 2015-2016 for the Contract Spaces Program.

(9) Veterinary Medicine: If General Fund appropriations are not sufficient to fully fund 164 veterinary slots, the Council on Postsecondary Education shall fully fund the 164 slots out of the Council's base budget.

(10) Optometry Slots: If General Fund appropriations are not sufficient to fully fund 44 optometry slots, the Council on Postsecondary Education shall fully fund the 44 slots out of the Council's base budget. The Council on Postsecondary Education shall conduct a study on the effect that the licensure and accreditation of any school of optometry within the Commonwealth would have on the Contract Spaces Program. The Council on Postsecondary Education shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Education by December 1, 2015.

(11) Council Presidential Compensation: Notwithstanding KRS 164.013(6), the Council on Postsecondary Education shall set the salary of the President at an amount no greater than the salary he was receiving on January 1, 2012.

2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	1,100,000	1,100,000
General Fund	1,800,000	201,841,200	205,302,000
Restricted Funds	-0-	28,395,400	28,456,900
Federal Funds	-0-	59,300	59,300
TOTAL	1,800,000	231,395,900	234,918,200

(1) College Access Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$59,514,400 in each fiscal year for the College Access Program.

(2) Kentucky Tuition Grant Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$32,419,100 in each fiscal year for the Kentucky Tuition Grant Program.

(3) Teacher Scholarship Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$1,732,800 in each fiscal year for the Teacher Scholarship Program.

(4) Kentucky National Guard Tuition Assistance Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$4,898,100 in each fiscal year for the National Guard Tuition Assistance Program.

(5) Kentucky Education Excellence Scholarships (KEES): Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$101,032,800 in fiscal year 2014-2015 and \$104,493,600 in fiscal year 2015-2016 for the Kentucky Educational Excellence Scholarships (KEES). Included in the above Restricted Funds appropriation is \$8,603,600 in fiscal year 2014-2015 and \$8,600,000 in fiscal year 2015-2016 for KEES.

(6) Kentucky Coal County College Completion Scholarships: Notwithstanding KRS 42.4588, \$2,000,000 in each fiscal year shall be transferred from the Local Government Economic Development Fund, Multi-County Fund, to the Coal County College Completion Scholarship Program within the Kentucky Higher Education Assistance Authority.

(7) Pharmacy Scholarship Program: Included in the above General Fund appropriation is \$800,000 in each fiscal year for the coal county scholarship program for pharmacy students. Notwithstanding KRS 164.7890(11)(c), scholarship awards shall not exceed appropriated amounts.

(8) Work Study: Included in the above General Fund appropriation is \$400,000 in each fiscal year for the Work Study Program.

(9) Excess Lottery Revenues: Lottery revenues transferred to the Kentucky Higher Education Assistance Authority in excess of the sum of the General Fund amounts set forth in subsections (1), (2), (3), (4), and (5) of this section shall be allocated in accordance with KRS 154A.130(4)(b). If the amount allocated to the KEES program exceeds the amount needed to fully fund KEES at the statutory individual award amounts, all excess funds shall be transferred to the KEES Reserve Trust Fund.

3. EASTERN KENTUCKY UNIVERSITY

	2014-15	2015-16
General Fund	68,033,800	68,033,800
Restricted Funds	180,928,200	185,699,400
Federal Funds	94,840,200	99,582,200
TOTAL	343,802,200	353,315,400

(1) Community Operations Board: The Community Operations Board was established in 2006 by the Kentucky General Assembly pursuant to House Bill 380 to create a collaboration between Eastern Kentucky University, Madison County, and the cities of Richmond and Berea, and the General Assembly has renewed the funding and authority of the Community Operations Board in each biennial budget thereafter. Included in the above

General Fund appropriation is \$200,000 in each fiscal year to provide funds to the Community Operations Board for personnel and programmatic operations of the meeting, community areas, and the performing arts center located in the Business/Technology Center, Phase II facilities. The Business/Technology Center, Phase II facilities shall be governed by the Community Operations Board. Members of the Board shall serve without compensation and shall not be reimbursed for expenses incurred in performance of their duties. The Board shall establish policies and procedures for Board operation and for facility use. The Board shall make all decisions regarding use of the Business/Technology Center, Phase II facilities, including the meeting, community areas, and the performing arts center and shall make all decisions regarding personnel and programmatic operations of the meeting, community areas, and the performing arts center. The Board is attached to Eastern Kentucky University for administrative purposes, and the University shall provide all facility maintenance and operations costs.

4. KENTUCKY STATE UNIVERSITY

	2014-15	2015-16
General Fund	23,429,600	23,429,600
Restricted Funds	33,476,500	34,145,400
Federal Funds	19,844,700	19,844,700
TOTAL	76,750,800	77,419,700

5. MOREHEAD STATE UNIVERSITY

	2014-15	2015-16
General Fund	41,039,500	43,339,500
Restricted Funds	108,154,500	113,707,200
Federal Funds	95,821,100	96,805,700
TOTAL	245,015,100	253,852,400

(1) Dual Credit Program: Included in the above General Fund appropriation is \$2,300,000 in fiscal year 2015-2016 for a Dual Credit Program.

6. MURRAY STATE UNIVERSITY

	2014-15	2015-16
General Fund	48,025,100	48,025,100
Restricted Funds	113,365,200	119,130,100
Federal Funds	18,755,500	18,755,500
TOTAL	180,145,800	185,910,700

(1) Breathitt Veterinary Center: Included in the above General Fund appropriation is \$366,900 in each fiscal year for the Breathitt Veterinary Center at Murray State University. The funds provided in this subsection are in addition to existing appropriations for the center contained in Murray State University's General Fund-supported operating budget. Notwithstanding KRS 48.130 and 48.600 and Part VI of this Act, the appropriation set forth in this subsection shall not be reduced.

7. NORTHERN KENTUCKY UNIVERSITY

	2014-15	2015-16
General Fund	48,537,600	48,537,600
Restricted Funds	194,333,800	203,785,400
Federal Funds	15,171,600	15,171,600
TOTAL	258,043,000	267,494,600

8. UNIVERSITY OF KENTUCKY

	2014-15	2015-16
General Fund	279,611,300	279,611,300

Restricted Funds	2,309,116,700	2,404,130,300
Federal Funds	217,443,000	229,710,400
TOTAL	2,806,171,000	2,913,452,000

(1) Mining Engineering Scholarship Program: Notwithstanding KRS 42.4592, included in the above General Fund appropriation is \$300,000 in each fiscal year from the Local Government Economic Development Fund for mining engineering scholarships.

(2) Robinson Scholars Program: Notwithstanding KRS 42.4592, included in the above General Fund appropriation is \$1,000,000 in each fiscal year from the Local Government Economic Development Fund for the Robinson Scholars Program.

(3) University of Kentucky Diagnostic Laboratories: Included in the above General Fund appropriation is \$366,900 in each fiscal year for the diagnostic laboratories at the University of Kentucky. The funds provided in this subsection are in addition to existing appropriations for the laboratories contained in the University of Kentucky's General Fund-supported operating budget. Notwithstanding KRS 48.130 and 48.600 and Part VI of this Act, the appropriation set forth in this subsection shall not be reduced.

9. UNIVERSITY OF LOUISVILLE

	2014-15	2015-16
General Fund	139,076,900	140,416,300
Restricted Funds	990,331,600	1,012,352,500
Federal Funds	97,877,000	96,632,000
TOTAL	1,227,285,500	1,249,400,800

(1) Debt Service: Included in the above General Fund appropriation is \$1,339,400 in fiscal year 2015-2016 for previously issued bonds.

(2) Quality and Charity Care Trust Fund: The University of Louisville shall submit written documentation to the Secretary of the Finance and Administration Cabinet demonstrating financial need for reimbursement related to providing hospital care services to indigent and medically needy patients through the Quality and Charity Care Trust. Upon certification of such need by the Secretary of the Finance and Administration Cabinet, reimbursement not to exceed \$6,000,000 in fiscal year 2014-2015 and \$4,000,000 in fiscal year 2015-2016 shall be deemed a necessary government expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures in this Act. The Louisville Metro Government shall contribute \$5,000,000 in fiscal year 2014-2015 and \$3,000,000 in fiscal year 2015-2016 to the Quality and Charity Care Trust.

(3) Evaluation of Indigent Care: The Cabinet for Health and Family Services~~[-and the University of Louisville]~~ shall~~[-collaborate to]~~ conduct an annual study of the effect of the reduction in contributions to the Quality and Charity Care Trust on the delivery of indigent care in Jefferson County. The Cabinet for Health and Family Services~~[-and the University of Louisville]~~ shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue by June 1 of each fiscal year.

10. WESTERN KENTUCKY UNIVERSITY

	2014-15	2015-16
General Fund	72,649,400	74,649,400
Restricted Funds	282,396,800	287,859,800
Federal Funds	44,599,000	44,599,000
TOTAL	399,645,200	407,108,200

11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

	2014-15	2015-16
General Fund	190,162,300	190,162,300
Restricted Funds	478,250,500	505,909,500

Federal Funds	284,664,600	298,927,800
TOTAL	953,077,400	994,999,600

(1) Firefighters Foundation Program Fund: Included in the above Restricted Funds appropriation is \$40,164,500 in fiscal year 2014-2015 and \$40,751,100 in fiscal year 2015-2016 for the Firefighters Foundation Program Fund. Notwithstanding KRS 95A.250(1), supplemental payments for each qualified professional firefighter under the Firefighters Foundation Program Fund shall be \$3,100 in each fiscal year.

(2) Firefighters Training Center Fund: Notwithstanding KRS 95A.262(3), \$500,000 in Restricted Funds is provided in each fiscal year for the Firefighters Training Center Fund.

(3) Conveyance of Property: (a) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System may convey to Northern Kentucky University fee simple title to certain of its real property and improvements located in Campbell County that have become surplus to Gateway Community and Technical College with the creation of the new Boone Campus of Gateway Community and Technical College. The conveyance shall be completed at a price that is acceptable to both parties. Gateway Community and Technical College shall use the proceeds from the conveyance of the real property to support a capital project for Gateway Community and Technical College.

(b) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System may dispose of certain real property and improvements located in Covington, Kentucky that will become surplus to Gateway Community and Technical College with the completion of the Urban Campus in downtown Covington. Gateway Community and Technical College shall use the proceeds from the disposition of the real property to support a capital project for Gateway Community and Technical College in the city limits of Covington, Kentucky.

(c) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System may dispose of certain real property and improvements located in Ashland, Kentucky at the Roberts Drive Campus. Ashland Community and Technical College shall use all the proceeds from the disposition of the real property to support a capital project for Ashland Community and Technical College.

(d) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System may dispose of certain real property and improvements located in Ashland, Kentucky at the East Park Industrial Park. Ashland Community and Technical College shall use all the proceeds from the disposition of the real property to support a capital project for Ashland Community and Technical College.

(e) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System may dispose of certain real property and improvements located in Morehead, Kentucky at the Rowan Campus. Maysville Community and Technical College shall use all the proceeds from the disposition of the real property to support a capital project for Maysville Community and Technical College.

(4) Salary Increases: It is the intent of the 2014 General Assembly that employees of the Kentucky Community and Technical College System (KCTCS) who are in the University of Kentucky personnel system shall be treated the same, with respect to compensation plans and salary increases implemented by KCTCS, as all other employees of KCTCS. Specifically, KCTCS shall not utilize the practice of providing lower salary increases to KCTCS employees who are in the University of Kentucky personnel system in order to offset money paid to the University of Kentucky for the cost of providing health insurance to these employees.

KCTCS shall make no distinction in compensation plans or salary increases among its employees based upon the personnel system to which they belong, except that KCTCS may make up the lower salary increases given in the past to those employees of KCTCS in the University of Kentucky personnel system which were based upon reimbursing the University of Kentucky for the cost of providing health insurance.

(5) Guaranteed Energy Savings Performance Contracts: Notwithstanding KRS 56.770 and 56.774, guaranteed energy savings performance contracts may be executed for buildings operated by the Kentucky Community and Technical College System under agreements governed by KRS 164.593.

(6) Tuition and Fees: Notwithstanding KRS 164.020(8), the Kentucky Community and Technical College System may establish and implement a mandatory student fee, on a college-by-college basis, not to exceed eight dollars per credit hour to be used exclusively for debt service on amounts not to exceed 75 percent of the total project cost of Kentucky Community and Technical College System agency bond projects included in Part II, J., 11. of this Act. For any fee established pursuant to this section, not more than 50 percent of the total fee amount may be assessed in fiscal year 2014-2015. Notwithstanding KRS 164.350, 164.5807, and 164.600, the mandatory student fee may only be established and implemented for each college upon the affirmative recommendation of each college's Board of Directors, and the Kentucky Community and Technical College System Board of Regents shall conform to

any such recommendation. The mandatory student fee, if recommended by a college's Board of Directors and established and implemented pursuant to such recommendation, shall only be used for debt service on agency bond projects for the college recommending the fee. Any fee established pursuant to this section shall cease to be assessed upon the retirement of the project bonds for which it serviced debt. Prior to the issuance of any bonds, the Kentucky Community and Technical College System shall certify in writing to the Secretary of the Finance and Administration Cabinet that sufficient funds have been raised to meet the local match equivalent to 25 percent of the total project cost.

(7) **Housing Allowance for the President:** Beginning January 1, 2015, no housing allowance shall be provided for the President of the Kentucky Community and Technical College System.

TOTAL - POSTSECONDARY EDUCATION

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	6,072,500	4,707,500
General Fund	1,800,000	1,157,896,600	1,192,911,900
Restricted Funds	293,800	4,724,771,600	4,901,204,100
Federal Funds	-0-	907,149,800	938,190,700
TOTAL	2,093,800	6,795,890,500	7,037,014,200

L. PUBLIC PROTECTION CABINET

Budget Units

1. SECRETARY

	2014-15	2015-16
General Fund	277,900	283,100
Restricted Funds	5,830,500	5,930,800
TOTAL	6,108,400	6,213,900

2. BOXING AND WRESTLING AUTHORITY

	2014-15	2015-16
Restricted Funds	167,100	169,100

3. ALCOHOLIC BEVERAGE CONTROL

	2014-15	2015-16
General Fund	607,800	618,100
Restricted Funds	5,820,500	5,770,400
TOTAL	6,428,300	6,388,500

4. CHARITABLE GAMING

	2014-15	2015-16
Restricted Funds	3,474,000	3,489,300

5. BOARD OF CLAIMS/CRIME VICTIMS' COMPENSATION BOARD

	2014-15	2015-16
General Fund	696,400	708,900
Restricted Funds	1,027,300	1,041,700
Federal Funds	450,000	400,000
TOTAL	2,173,700	2,150,600

6. FINANCIAL INSTITUTIONS

	2014-15	2015-16
Restricted Funds	10,612,100	10,984,400

7. HORSE RACING COMMISSION

	2014-15	2015-16
General Fund	698,700	2,738,600
Restricted Funds	28,357,200	26,478,500
TOTAL	29,055,900	29,217,100

(1) Kentucky Thoroughbred Development Fund: Notwithstanding KRS 138.510 and 230.265(3), funds in the amount of \$1,000,000 in fiscal year 2013-2014 shall be transferred from the Kentucky Equine Drug Research Council to the Kentucky Thoroughbred Development Fund for purposes specified in KRS 230.400.

8. HOUSING, BUILDINGS AND CONSTRUCTION

	2014-15	2015-16
General Fund	2,455,300	2,501,500
Restricted Funds	18,124,100	18,478,200
TOTAL	20,579,400	20,979,700

(1) Funding Flexibility: Notwithstanding KRS 198B.090(10), 198B.095(2), 198B.4037(2), (3) and (4), 198B.6674, 227.620(5), 227A.050(1) and (2), 227.715, 236.130(3), and 318.136, the Department of Housing, Buildings and Construction may expend, with the approval of any affected boards, any Restricted Funds for programs administered by the Department. The Department shall return any funds transferred from a board back to the board within the fiscal biennium.

9. INSURANCE

	2014-15	2015-16
Restricted Funds	17,604,500	17,759,800
Federal Funds	1,065,700	1,098,700
TOTAL	18,670,200	18,858,500

10. TAX APPEALS

	2014-15	2015-16
General Fund	464,300	471,800

TOTAL - PUBLIC PROTECTION CABINET

	2014-15	2015-16
General Fund	5,200,400	7,322,000
Restricted Funds	91,017,300	90,102,200
Federal Funds	1,515,700	1,498,700
TOTAL	97,733,400	98,922,900

M. TOURISM, ARTS AND HERITAGE CABINET**Budget Units****1. SECRETARY**

	2014-15	2015-16
General Fund	2,544,100	2,598,300
Restricted Funds	12,910,000	10,086,500
TOTAL	15,454,100	12,684,800

(1) Tourism Grants: Included in the above Restricted Funds appropriation is \$405,000 in each fiscal year for the purpose of supporting the following grants: The National Quilt Museum of Paducah, \$36,000 in each fiscal year; Stephen Foster, \$81,000 in each fiscal year; Pioneer School of Drama, \$28,500 in each fiscal year; Pine Knob Theater, \$29,500 in each fiscal year; Kincaid Regional Theater, \$27,500 in each fiscal year; Twilight Cabaret, \$9,000 in each fiscal year; Jenny Wiley, \$39,500 in each fiscal year; Morehead Tourism Commission Outdoor Theater, \$19,500 in each fiscal year; Fort Harrod Drama Productions, \$41,000 in each fiscal year; Greenbo Lake State Resort Park, \$10,000 in each fiscal year; Russell County Ruscotown Players Production, \$25,000 in each fiscal year; Kentucky Shakespeare Festival, \$19,500 in each fiscal year; Plaza Theater in Glasgow, \$19,500 in each fiscal year; and Kentucky Conservatory Theater, \$19,500 in each fiscal year. If the agency finds that a grant recipient no longer exists, the appropriation for that grant shall lapse to the credit of the Tourism, Meeting, and Convention Marketing Fund established under KRS 142.406.

(2) Statewide Marketing Plan: The Tourism, Arts and Heritage Cabinet shall develop a statewide marketing plan for the Tourism, Meeting, and Convention Marketing Fund. The plan shall detail the projected uses of revenues from the transient room tax and develop strategies for maximizing the effectiveness of statewide marketing efforts supported by this tax. The Cabinet shall present this plan to the Interim Joint Committee on Appropriations and Revenue by October 1, 2014.

2. ARTISANS CENTER

	2014-15	2015-16
General Fund	389,200	406,300
Restricted Funds	1,583,400	1,583,400
Road Fund	393,400	410,500
TOTAL	2,366,000	2,400,200

3. TRAVEL

	2014-15	2015-16
General Fund	3,094,400	3,152,400
Restricted Funds	45,000	41,100
TOTAL	3,139,400	3,193,500

(1) Bluegrass State Games: Included in the above General Fund appropriation is \$50,000 in each fiscal year for the Bluegrass State Games.

4. PARKS

	2013-14	2014-15	2015-16
General Fund	8,216,900	33,572,800	34,429,000
Restricted Funds	-0-	49,301,900	49,298,100
TOTAL	8,216,900	82,874,700	83,727,100

(1) Park Capital Maintenance and Renovation Fund: Notwithstanding KRS 148.810, no transfer to the Park Capital Maintenance and Renovation Fund shall be made.

(2) Debt Service: Included in the above General Fund appropriation is \$375,500 in fiscal year 2014-2015 and \$917,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. HORSE PARK COMMISSION

	2014-15	2015-16
General Fund	2,471,800	2,510,800
Restricted Funds	10,518,800	10,592,600
TOTAL	12,990,600	13,103,400

6. STATE FAIR BOARD

	2013-14	2014-15	2015-16
General Fund	10,500,000	3,897,100	4,196,400
Restricted Funds	-0-	42,715,200	46,189,600
TOTAL	10,500,000	46,612,300	50,386,000

(1) **Debt Service-General Fund:** Included in the above General Fund appropriation is \$189,000 in fiscal year 2014-2015 and \$2,459,500 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **Property Sale Proceeds:** Notwithstanding KRS 45.777, the proceeds from any sale of real property assigned to the State Fair Board, not to exceed \$7,400,000, shall be transferred to the Finance and Administration Cabinet to offset debt service paid by the Cabinet on behalf of the State Fair Board. Any proceeds in excess of \$7,400,000 shall be deposited in a Restricted Funds account for the benefit of the State Fair Board.

7. FISH AND WILDLIFE RESOURCES

	2014-15	2015-16
Restricted Funds	34,724,200	33,800,600
Federal Funds	17,895,000	16,371,300
TOTAL	52,619,200	50,171,900

(1) **Fish and Wildlife Resources Peace Officers' Stipend:** Included in the above Restricted Funds appropriation is sufficient funding for a \$3,100 annual training incentive stipend for Fish and Wildlife Resources Conservation officers from the Fish and Game Fund, to be effective July 1, 2014.

8. HISTORICAL SOCIETY

	2014-15	2015-16
General Fund	5,784,800	6,007,400
Restricted Funds	457,800	457,800
Federal Funds	537,100	363,700
TOTAL	6,779,700	6,828,900

(1) **Debt Service:** Included in the above General Fund appropriation is \$134,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **Oral History Grants:** Included in the above General Fund appropriation is \$50,000 in each fiscal year for Oral History grants.

9. ARTS COUNCIL

	2014-15	2015-16
General Fund	3,017,300	2,796,200
Restricted Funds	151,600	151,600
Federal Funds	759,800	759,800
TOTAL	3,928,700	3,707,600

(1) **Open Meetings:** Any entity involved in producing or financing arts on a local or statewide basis, since the inception of fiscal year 2004-2005, which received a total of \$25,000 or less as a result of appropriations or grants from state or local governmental units, shall be exempt from the requirements of KRS 61.800 to 61.850.

(2) **Open Records:** Any entity involved in producing or financing arts on a local or statewide basis, since the inception of fiscal year 2004-2005, which received a total of \$25,000 or less as a result of appropriations or grants from state or local governmental units shall be exempt from the requirements of KRS 61.870 to 61.884.

(3) **Marshall County Arts Commission Children's Theatre:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2014-2015 for the Marshall County Arts Commission Children's Theatre.

10. HERITAGE COUNCIL

	2014-15	2015-16
General Fund	736,900	747,300
Restricted Funds	262,100	265,300
Federal Funds	814,500	825,200
TOTAL	1,813,500	1,837,800

11. KENTUCKY CENTER FOR THE ARTS

	2014-15	2015-16
General Fund	1,031,200	1,123,700

(1) Debt Service: Included in the above General Fund appropriation is \$92,500 in fiscal year 2014-2015 and \$185,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

TOTAL - TOURISM, ARTS AND HERITAGE CABINET

	2013-14	2014-15	2015-16
General Fund	18,716,900	56,539,600	57,967,800
Restricted Funds	-0-	152,670,000	152,466,600
Federal Funds	-0-	20,006,400	18,320,000
Road Fund	-0-	393,400	410,500
TOTAL	18,716,900	229,609,400	229,164,900

PART II**CAPITAL PROJECTS BUDGET**

(1) Capital Construction Fund Appropriations and Reauthorizations: Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2014-2016 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) Expiration of Existing Line-Item Capital Construction Projects: All appropriations to existing line-item capital construction projects expire on June 30, 2014, unless reauthorized in this Act with the following exceptions: (a) A construction or purchase contract for the project shall have been awarded by June 30, 2014; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the fiscal biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties by June 30, 2014. Notwithstanding the criteria set forth in this subsection, the disposition of 2012-2014 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) Bond Proceeds Investment Income: Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) Appropriations for Projects Not Line-Itemized: Inasmuch as the identification of specific projects in a variety of areas of the state government cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Kentucky Infrastructure Authority Water and Sewer Grant Projects, and Broadband Grant Projects; Repair of State-Owned Dams; Land Acquisition; Property Demolition; Guaranteed Energy Savings Performance Contract projects; Wetland and Stream Mitigation; Economic Development projects, which shall include authorization for the High-Tech Construction Pool and the High-Tech Investment Pool; Infrastructure projects; Heritage Land Conservation projects; Flood Control projects; Parks Development Pool; Bond-funded maintenance pools; Postsecondary

Education Institutions Capital Renewal, Life Safety, and Code Compliance pools and Major Items of Equipment pools; the Postsecondary Education Institutions Technology and Equipment Pool; the Postsecondary Education Institutions Research Support - Lab Renovation and Equipment Pools; Construct Student Housing at the University of Kentucky; and Commonwealth Office of Technology Infrastructure Upgrades. Any projects estimated to cost over \$600,000 and equipment estimated to cost over \$200,000 shall be reported to the Capital Projects and Bond Oversight Committee.

(5) Bond Issues for Tobacco and Non-Coal Producing Counties: Any authorized bond project from the Infrastructure for Economic Development Fund for Tobacco Counties, Water and Sewer Resource Development Fund for Tobacco Counties, and Infrastructure for Economic Development Fund for Non-Coal Producing Counties may be financed from any associated bond issue for the Infrastructure for Economic Development Fund for Tobacco Counties, Water and Sewer Resource Development Fund for Tobacco Counties, and Infrastructure for Economic Development Fund for Non-Coal Producing Counties.

(6) Capital Construction and Equipment Purchase Contingency Account: If funds in the Capital Construction and Equipment Purchase Contingency Account are not sufficient, then expenditures of the fund are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(7) Emergency Repair, Maintenance, and Replacement Account: If funds in the Emergency Repair, Maintenance, and Replacement Account are not sufficient, then expenditures of the fund are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(8) Expiring Debt: The following amounts of previously appropriated bond funds shall expire upon passage of this Act: Infrastructure for Economic Development Fund for Coal-Producing Counties (\$10,000,000) as set forth in 2006 Ky. Acts ch. 252, Part II, Section N., 1., a., Whitley County, 004.; and Energy Projects Economic Development Bond Pool (\$95,000,000) as set forth in 2007 (2nd Extra. Sess.) Ky. Acts ch. 1, Section 60.

A. GENERAL GOVERNMENT

Budget Units	2014-15	2015-16
1. DEPARTMENT OF VETERANS' AFFAIRS		
001. Construct Fourth State Veterans' Nursing Home – Additional		
Bond Funds	2,000,000	-0-
002. Maintenance Pool – 2014-2016		
Investment Income	315,000	315,000
003. Construct State Veterans' Cemetery – Southeast Kentucky (Leslie County) Reauthorization (\$200,000 General Fund, \$6,000,000 Federal Funds)		
2. KENTUCKY INFRASTRUCTURE AUTHORITY		
001. KIA Fund A – Federally Assisted Wastewater Program – 2014-2016		
Federal Funds	16,227,100	16,211,300
Bond Funds	-0-	3,100,000
Agency Bonds	100,000,000	-0-
TOTAL	116,227,100	19,311,300

(1) Permitted Use of Funds: The Bond Funds shall be used to meet the state match requirement for federal funds for the Wastewater State Revolving Loan Fund program.

002. KIA Fund F – Drinking Water Revolving Loan Program – 2014-2016

Federal Funds	12,757,700	12,753,000
Bond Funds	-0-	2,300,000
Agency Bonds	25,000,000	-0-

TOTAL	37,757,700	15,053,000
-------	------------	------------

(1) Permitted Use of Funds: The Bond Funds shall be used to meet the state match requirement for federal funds for the Safe Drinking Water State Revolving Loan Fund program.

003. Jessamine-South Elkhorn Water District - Catnip Hill Pike 1.0 MG

Elevated Storage Tank Project (WX21113016) Reauthorization and
Reallocation (\$440,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Wilmore - Sewer System Service to Ichthus Area project as set forth in 2006 Ky. Acts, ch. 252, Part II, O., Jessamine County, 004. and amended by 2006 Ky. Acts, ch. 251, Section 73., the Jessamine County Fiscal Court - Sewer Project project as set forth in 2006 Ky. Acts, ch. 252, Part II, O., Jessamine County, 007. and amended by 2006 Ky. Acts, ch. 251, Section 74., and the Jessamine County Fiscal Court - Sewer Service to Centennial Park project as set forth in 2006 Ky. Acts, ch. 252, Part II, O., Jessamine County, 008. and amended by 2006 Ky. Acts, ch. 251, Section 75.

004. Harlan County Fiscal Court - Black Mountain Utility District -

Greenhill Water Line Rehabilitation Project Reauthorization and
Reallocation (\$325,000 Restricted Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Harlan County Fiscal Court - Black Mountain Utility District - Greenhill Water - Woodward Water Project Reauthorization and Reallocation project as set forth in 2012 Ky. Acts, ch. 144, Section 1., Part II, A., 2., 016.

005. Greenup County Fiscal Court - Water Lines Reauthorization and

Reallocation (\$25,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Greenup County Fiscal Court - South Shore - McKell Branch Water and Sewer Work for Meeting Room Expansion/Renovation project as set forth in 2008 Ky. Acts ch. 191, Section 2, Greenup County, 020. and in 2009 Ky. Acts ch. 50, Section 2, Greenup County, 020.

006. Greenup County Fiscal Court - Water and Sewer Reauthorization and

Reallocation (\$20,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Greenup County Fiscal Court - Water and Sewer Improvements project as set forth in 2005 Ky. Acts ch. 170, Volume Ia, Part II, Infrastructure for Economic Development Fund for Coal Producing Counties, Greenup.

007. City of Wurtland - Sewer Expansion Project Reauthorization and

Reallocation (\$100,996 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Wurtland - Lloyd Sewer Expansion Project project as set forth in 2005 Ky. Acts ch. 170, Volume Ia, Part II, Infrastructure for Economic Development Fund for Coal Producing Counties, Greenup.

008. City of Wurtland - Sewer Project (SX21089021) Reauthorization and

Reallocation (\$470,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Wurtland - Lloyd Sewer Project (SX21089021) project as set forth in 2006 Ky. Acts, ch. 252, Part II, N., Greenup County, 009.

009. City of Scottsville - Spring Valley Sewer Extension Project

(SX21003026) Reauthorization and Reallocation (\$102,500 Bond
Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Scottsville - 980 Project Extension Sewer and Water to New Highway #231 project as set forth in 2005 Ky. Acts ch. 170, Volume Ia, Part II, Infrastructure for Economic Development Fund for Tobacco Counties, Allen and the

City of Scottsville - Sewer Lines to Future Industrial Property project as set forth in 2008 Ky. Acts ch. 191, Section 2, Allen County, 005. and in 2009 Ky. Acts ch. 50, Section 2, Allen County, 005.

010. City of Manchester - Raw Water Pump Replacement - Goose Creek

Intake (WX21051009) Reauthorization and Reallocation (\$50,000

Restricted Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Manchester - Hacker Water Line - Hacker School to Fire Department project as set forth in 2012 Ky. Acts, ch. 144, Section 1., Part II, M., Clay County, 001.

011. Bourbon County Fiscal Court - City of Paris - Centerville Sewer

Project (SX21017009) Reauthorization and Reallocation (\$257,700

Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Bourbon County Fiscal Court - Bourbon Hills Sanitary Sewer Collection Project project as set forth in 2005 Ky. Acts ch. 170, Volume Ia, Part II, Infrastructure for Economic Development Fund for Tobacco Counties, Bourbon and the City of Paris - Bourbon Hills Sanitary Sewer Collection Project (SX21017006) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Bourbon County, 005. and in 2009 Ky. Acts ch. 50, Section 2, Bourbon County, 005. and the City of Paris - Bourbon Hills Sanitary Sewer Collection Project Phase II (SX21017011) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Bourbon County, 007. and in 2009 Ky. Acts ch. 50, Section 2, Bourbon County, 007. and the Bourbon County Fiscal Court - Fire Hydrant Project project as set forth in 2006 Ky. Acts, ch. 252, Part II, O., Bourbon County, 003.

012. City of Greenup - Supplemental Fire Hydrant - Rte. 207

Reauthorization and Reallocation (\$1,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Greenup - Water Improvements Reauthorization and Reallocation project as set forth in 2012 Ky. Acts, ch. 144, Section 1., Part II, A., 2., 010.

013. Monroe County Water District - Monroe County Water District

Improvement - Tooley Ridge Tank Replacement (WX21171008)

Reauthorization and Reallocation (\$270,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Monroe-Tompkinsville Regional Water Treatment Plant - Monroe - Tompkinsville Regional Water Treatment Plant (WX21171027) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Monroe County, 004. and in 2009 Ky. Acts ch. 50, Section 2, Monroe County, 004.

014. Monroe County Water District - Monroe County - City of Edmonton

Interconnect (WX21171044) Reauthorization and Reallocation

(\$99,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Monroe-Tompkinsville Regional Water Treatment Plant - Monroe - Tompkinsville Regional Water Treatment Plant (WX21171027) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Monroe County, 004. and in 2009 Ky. Acts ch. 50, Section 2, Monroe County, 004.

015. Monroe County Water District - Treatment Plant Upgrade Phase 2

(WX21171045) Reauthorization and Reallocation (\$78,266 Bond

Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Monroe-Tompkinsville Regional Water Treatment Plant - Monroe - Tompkinsville Regional Water Treatment Plant (WX21171027) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Monroe County, 004. and in 2009 Ky. Acts ch. 50, Section 2, Monroe County, 004.

016. City of Tompkinsville - Beldon Water Tank Rehab (WX21171020)

Reauthorization and Reallocation (\$100,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Tompkinsville - East Industrial Park Sewer Improvements (SX21171013) project as set forth in 2008 Ky. Acts ch. 191, Section 2, Monroe County, 002. and in 2009 Ky. Acts ch. 50, Section 2, Monroe County, 002.

017. Monroe County Water District - Treatment Plant Upgrade Phase 2

(WX21171045) Reauthorization and Reallocation (\$320,096 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the Tompkinsville and Monroe County Water Districts - Joint Water Treatment Plant project as set forth in 2006 Ky. Acts, ch. 252, Part II, O., Monroe County, 005.

018. City of Campbellsville - Wastewater Treatment Plant Improvements

(SX21217001) Reauthorization and Reallocation (\$267,100 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the City of Campbellsville - Sewer Lines for Campbellsville Bypass project as set forth in 2008 Ky. Acts ch. 191, Section 2, Taylor County, 002. and in 2009 Ky. Acts ch. 50, Section 2, Taylor County, 002., and the City of Campbellsville - Water and Sewer for Campbellsville/Taylor County Regional Health Center and Various Projects project as set forth in 2008 Ky. Acts ch. 191, Section 2, Taylor County, 005. and in 2009 Ky. Acts ch. 50, Section 2, Taylor County, 005.

3. MILITARY AFFAIRS**001.** Construct Joint Forces Readiness Center Phase I – Frankfort –

Additional Reauthorization (\$9,500,000 Federal Funds)

Federal Funds	13,500,000	-0-
---------------	------------	-----

002. Construct Building 102 – Bluegrass Station

Other Funds	12,500,000	-0-
-------------	------------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Construct Building 222 – Bluegrass Station

Other Funds	10,970,000	-0-
-------------	------------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

004. Convert Existing Army Aviation Support Facility to Combined Support

Maintenance Shop Facility – Frankfort

Federal Funds	9,500,000	-0-
---------------	-----------	-----

005. Construct Building 196 – Bluegrass Station

Other Funds	8,000,000	-0-
-------------	-----------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

006. Construct Building 223 – Bluegrass Station

Other Funds	7,000,000	-0-
-------------	-----------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

007. Construct Qualification Training Range – WHFRTC

Federal Funds	6,515,000	-0-
---------------	-----------	-----

008. Construct Building 198 – Bluegrass Station

Other Funds	5,850,000	-0-
-------------	-----------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

009. Construct Building 197 – Bluegrass Station

Other Funds	5,750,000	-0-
-------------	-----------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

010. Maintenance Pool – 2014-2016

Bond Funds	1,000,000	1,000,000
------------	-----------	-----------

011. Renovation of Butler Building Property Phase 2 – Louisville

Restricted Funds	2,000,000	-0-
------------------	-----------	-----

012. Upgrade of Security Infrastructure – Bluegrass Station

Restricted Funds	1,500,000	-0-
------------------	-----------	-----

013. Construct New Access Road – Bluegrass Station

Restricted Funds	1,000,000	-0-
------------------	-----------	-----

014. Construct Replacement Human Resources Office Building – Frankfort

– Additional Reauthorization (\$275,000 Restricted Funds, \$825,000

Federal Funds)

Restricted Funds	250,000	-0-
------------------	---------	-----

Federal Funds	750,000	-0-
---------------	---------	-----

TOTAL	1,000,000	-0-
-------	-----------	-----

015. Demolish Obsolete Structures – Bluegrass Station

Restricted Funds	1,000,000	-0-
------------------	-----------	-----

016. Construct Chemical Enhanced Response Force Package Building Phase II – Frankfort

Federal Funds	950,000	-0-
---------------	---------	-----

017. Demolition of Combined Support Maintenance Shop – Frankfort

Federal Funds	825,000	-0-
---------------	---------	-----

018. Construct Pole Barns at Bluegrass Station Reauthorization (\$2,200,000 Restricted Funds)**019. Renovate Butler Reserve Center – Louisville Reauthorization**

(\$5,000,000 Restricted Funds)

4. ATTORNEY GENERAL**001. Franklin County – Lease****5. UNIFIED PROSECUTORIAL SYSTEM****a. Commonwealth's Attorneys****001. Jefferson County – Lease****6. TREASURY****001. Lease-Purchase Check Printers and Fold Sealers**

Investment Income	163,000	163,000
-------------------	---------	---------

7. AGRICULTURE**001. Franklin County – Lease****002. Jefferson County – Lease**

8. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS**a. Nursing****001.** Jefferson County – Lease**9. KENTUCKY RIVER AUTHORITY****001.** Design Dam 10

Restricted Funds	2,200,000	-0-
------------------	-----------	-----

10. SCHOOL FACILITIES CONSTRUCTION COMMISSION**001.** Offers of Assistance – 2012-2014

Bond Funds	100,000,000	-0-
------------	-------------	-----

002. School Facilities Construction Commission Reauthorization

(\$126,295,000 Bond Funds)

B. ECONOMIC DEVELOPMENT CABINET

(1) Economic Development Bond Issues: Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission under KRS 56.440 to 56.590. In addition to the terms and conditions of KRS 154.12-100, administration of the Economic Development Bond Program by the Secretary of the Cabinet for Economic Development is subject to the following guideline: project selection shall be documented when presented to the Secretary of the Finance and Administration Cabinet. Included in the documentation shall be the rationale for selection and expected economic development impact.

(2) Use of New Economy Funds: Notwithstanding 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Part II, B., the \$5,000,000 in the High-Tech Construction and High-Tech Investment Pool is available for projects and loans approved by the Kentucky Economic Development Finance Authority under the terms and conditions of its existing loan programs as well as for projects in the High-Tech Construction Pool and the High-Tech Investment Pool in KRS 154.12-278.

(3) Use of New Economy Funds, Economic Development Bond Funds, and Kentucky Economic Development Finance Authority Loan Pool: Notwithstanding KRS 154.12-100, 154.12-278(4) and (5), and 154.20-035, the Secretary of the Cabinet for Economic Development may use funds appropriated in the Economic Development Bond Program, High-Tech Construction/Investment Pool, and the Kentucky Economic Development Finance Authority Loan Pool interchangeably for economic development projects.

Budget Units	2014-15	2015-16
1. ECONOMIC DEVELOPMENT		
001. Economic Development Bond Program – 2014-2016		
Bond Funds	-0-	7,000,000
002. High-Tech Construction/Investment Pool – 2014-2016		
Bond Funds	-0-	7,000,000
003. Kentucky Economic Development Finance Authority Loan Pool – 2014-2016		
Bond Funds	-0-	7,000,000

C. DEPARTMENT OF EDUCATION

Budget Units	2014-15	2015-16
1. OPERATIONS AND SUPPORT SERVICES		
001. Maintenance Pool – 2014-2016		
Bond Funds	675,000	675,000

D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Units	2014-15	2015-16
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Maintenance Pool – 2014-2016		
Investment Income	400,000	400,000
2. KENTUCKY EDUCATIONAL TELEVISION		
001. Maintenance Pool – 2014-2016		
Investment Income	300,000	300,000
002. Digital Conversion/Phase 3		
General Fund	2,000,000	-0-
3. LIBRARIES AND ARCHIVES		
a. GENERAL OPERATIONS		
001. Franklin County – Lease		
4. EMPLOYMENT AND TRAINING		
001. Hardin County – Lease		
002. Kenton County – Lease		
5. VOCATIONAL REHABILITATION		
001. Fayette County – Lease		
6. EDUCATION PROFESSIONAL STANDARDS BOARD		
001. Educator Preparation System		
Restricted Funds	1,270,000	-0-

E. ENERGY AND ENVIRONMENT CABINET

Budget Units	2014-15	2015-16
1. SECRETARY		
001. Kentucky Heritage Land Conservation Fund – 2014-2016		
Federal Funds	5,000,000	5,000,000
Restricted Funds	5,000,000	5,000,000
TOTAL	10,000,000	10,000,000
002. Maintenance Pool – 2014-2016		
Investment Income	200,000	200,000
2. ENVIRONMENTAL PROTECTION		
001. TEMPO System Upgrade		
Capital Construction Surplus	735,000	-0-
002. State-Owned Dam Repair – 2014-2016		
Bond Funds	-0-	600,000
003. Franklin County – Lease – 200 Fair Oaks		
004. Franklin County – Lease – 300 Fair Oaks		
3. NATURAL RESOURCES		
001. Franklin County – Lease		

F. FINANCE AND ADMINISTRATION CABINET

Budget Units	2014-15	2015-16
1. GENERAL ADMINISTRATION		
001. Next Generation Kentucky Information Highway		
Federal Funds	20,000,000	-0-
Bond Funds	30,000,000	-0-
Other Funds	20,000,000	-0-
TOTAL	70,000,000	-0-
002. Business One-Stop Portal – Phase II		
General Fund	2,600,000	-0-
Bond Funds	-0-	4,143,000
TOTAL	2,600,000	4,143,000
003. High Speed Inserters		
Restricted Funds	1,050,000	-0-
2. FACILITIES AND SUPPORT SERVICES		
001. Maintenance Pool – 2014-2016		
Bond Funds	3,000,000	3,000,000
002. Upgrade State Data Center Readiness		
Bond Funds	2,000,000	-0-
003. Install Energy Management System Controls		
Bond Funds	1,500,000	-0-
004. Guaranteed Energy Savings Performance Contracts		
005. Lease-Purchase State Office Building - Franklin County		
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
3. COMMONWEALTH OFFICE OF TECHNOLOGY		
(1) Transfer of Restricted Funds from Operating Budget: For the major equipment purchases displayed in this section funded from Restricted Funds, it is anticipated that these funds shall be transferred from the Operating Budget as funds are available and needed.		
001. Infrastructure Upgrades – 2014-2016		
Restricted Funds	7,500,000	7,500,000
002. Security Software		
Restricted Funds	2,700,000	-0-
003. Security Desk System		
Restricted Funds	1,200,000	-0-
004. Boone County – Lease		
005. Franklin County – Lease		
4. REVENUE		
001. Property Tax Systems Upgrade		
Restricted Funds	2,500,000	-0-
002. Modernized Front End Scanner Replacement		
Restricted Funds	1,500,000	-0-

5. KENTUCKY LOTTERY CORPORATION**001. Data Processing, Telecommunications and Related Equipment**

Restricted Funds	3,000,000	3,000,000
------------------	-----------	-----------

002. iSeries System Upgrades

Restricted Funds	700,000	700,000
------------------	---------	---------

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units	2014-15	2015-16
---------------------	----------------	----------------

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT**001. Maintenance Pool – 2014-2016**

Bond Funds	2,500,000	2,500,000
------------	-----------	-----------

2. COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**001. Jefferson County – Lease****3. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES****001. Oakwood Specialty Clinic – Additional**

General Fund	326,000	-0-
--------------	---------	-----

002. Franklin County – Lease**4. PUBLIC HEALTH****001. Radiation Monitoring Equipment**

Bond Funds	2,486,000	-0-
------------	-----------	-----

002. Laboratory Newborn Screening Equipment

Restricted Funds	1,040,000	-0-
------------------	-----------	-----

003. Franklin County – Lease**5. INCOME SUPPORT****001. Franklin County – Lease****002. Jefferson County – Lease****6. COMMUNITY BASED SERVICES****001. Boone County – Lease****002. Boyd County – Lease****003. Campbell County – Lease****004. Daviess County – Lease****005. Fayette County – Lease****006. Fayette County – Lease – Centre Parkway****007. Hardin County – Lease****008. Johnson County – Lease****009. Kenton County – Lease****010. Scott County – Lease****011. Shelby County – Lease**

012. Warren County – Lease

7. HEALTH BENEFIT EXCHANGE

001. Franklin County – Lease

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units	2014-15	2015-16
1. CRIMINAL JUSTICE TRAINING		
001. Records and Registration Information System Replacement		
Restricted Funds	400,000	-0-
2. JUVENILE JUSTICE		
001. Maintenance Pool – 2014-2016		
Investment Income	500,000	500,000
3. STATE POLICE		
001. Replace/Upgrade Mobile Data Computers		
Bond Funds	2,000,000	-0-
002. Purchase Gas Chromatography/Mass Spectrometers		
Bond Funds	1,000,000	-0-
003. Maintenance Pool – 2014-2016		
Investment Income	400,000	400,000
4. CORRECTIONS		
a. Corrections Management		
001. Upgrade Kentucky Offender Management System		
Capital Construction Surplus	1,000,000	-0-
b. Adult Correctional Institutions		
001. Maintenance Pool – 2014-2016		
Bond Funds	2,750,000	2,750,000
5. PUBLIC ADVOCACY		
001. Fayette County – Lease		
002. Franklin County – Lease		

I. LABOR CABINET

Budget Units	2014-15	2015-16
1. SECRETARY		
001. Online Filing System		
Restricted Funds	4,226,000	-0-
002. Franklin County – Lease		
2. WORKERS' CLAIMS		
001. Franklin County – Lease		

J. POSTSECONDARY EDUCATION

(1) Agency Bond-Funded Projects for Public Postsecondary Institutions: The governing board of a public postsecondary institution shall certify in writing prior to issuance of Agency Bonds as set forth in Part II, Capital Projects Budget, of this Act that the project: (a) Will generate sufficient funds to retire the bonded

indebtedness and pay for ongoing operating expenses; or (b) Will not result in an increase in tuition. The governing board shall submit a copy of the certification to the President of the Council on Postsecondary Education, the Secretary of the Finance and Administration Cabinet, and the Capital Projects and Bond Oversight Committee.

(2) Lease-Purchase Agreements for Public Postsecondary Institutions: Where applicable, authorization for a lease-purchase capital project for a public postsecondary institution as set forth in Part II, Capital Projects Budget, of this Act is provided pursuant to KRS 45.763.

(3) Operations and Maintenance Funding: It is the intent of the 2014 General Assembly that public postsecondary institutions should not base any decision to proceed with any capital project authorized in Part II, Capital Projects Budget, of this Act, that is funded from Agency Bonds, Restricted Funds, or Other Funds on an expectation of receiving General Fund moneys for the operations and maintenance of that facility in future bienniums.

Budget Units	2014-15	2015-16
1. COUNCIL ON POSTSECONDARY EDUCATION		
001. Franklin County – Lease		
2. KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION		
001. Jefferson County – Lease		
3. EASTERN KENTUCKY UNIVERSITY		
001. Construct Science Building – Phase 2 and 3		
Restricted Funds	25,000,000	-0-
Bond Funds	66,340,000	-0-
TOTAL	91,340,000	-0-
002. Renovate/Improve Athletics Facilities		
Agency Bonds	15,000,000	-0-
003. Expand, Upgrade Campus Data Network		
Restricted Funds	7,212,000	6,000,000
004. Construct Regional Health Facility		
Federal Funds	12,500,000	-0-
005. Construct Bio-Fuels Research Facility		
Federal Funds	12,240,000	-0-
006. EKV-UK Dairy Research Project (Meadowbrook Farm)		
Restricted Funds	10,360,000	-0-
007. Miscellaneous Maintenance Pool – 2014-2016		
Restricted Funds	5,000,000	5,000,000
008. Renovate HVAC Systems		
Restricted Funds	10,000,000	-0-
009. Construct Student Athlete Support Facility		
Restricted Funds	7,823,000	-0-
010. Purchase Networked Education System Component		
Restricted Funds	3,450,000	3,500,000
011. Renovate HVAC Systems – Additional		
Restricted Funds	5,500,000	-0-
012. Purchase Minor Projects Equipment		

Restricted Funds	5,000,000	-0-
013. Upgrade Academic Computing		
Restricted Funds	2,500,000	2,500,000
014. Construct Addition to Ashland Building		
Restricted Funds	3,400,000	-0-
015. Construct ECU Early Childhood Center		
Restricted Funds	3,350,000	-0-
016. Expand Indoor Tennis Facility		
Other Funds	3,225,000	-0-
017. Upgrade Administrative Computing System		
Restricted Funds	1,650,000	1,500,000
018. Purchase of Adjacent Property		
Restricted Funds	3,000,000	-0-
019. Renovate Property		
Other Funds	3,000,000	-0-
020. Renovate Student Health Center		
Restricted Funds	2,705,000	-0-
021. Commonwealth Hall Partial Repurposing and Renovation		
Restricted Funds	2,500,000	-0-
022. Renovate Alumni Coliseum and Weaver Pools		
Restricted Funds	2,500,000	-0-
023. Renovate Baseball Complex		
Other Funds	-0-	2,200,000
024. Construct Aviation Instruction Facility		
Restricted Funds	-0-	2,000,000
025. Martin Hall Repurposing and Partial Renovation		
Restricted Funds	2,000,000	-0-
026. Purchase Video Board and Sound System for Alumni Coliseum		
Restricted Funds	750,000	-0-
Other Funds	750,000	-0-
TOTAL	1,500,000	-0-
027. Renovate Women's Softball Complex		
Other Funds	1,500,000	-0-
028. Renovate Lancaster Center Building		
Other Funds	1,472,000	-0-
029. Renovate Begley Building Concrete		
Restricted Funds	1,250,000	-0-
030. Install Lights for Baseball, Softball, and Soccer		
Other Funds	1,224,000	-0-

031. Construct Pedestrian Bridge

Restricted Funds	600,000	-0-
Other Funds	600,000	-0-
TOTAL	1,200,000	-0-

032. Renovate Blanton House

Restricted Funds	1,100,000	-0-
------------------	-----------	-----

033. Renovate Ambulance Building

Restricted Funds	980,000	-0-
------------------	---------	-----

034. Construct E&G Life Safety Begley Elevator

Restricted Funds	765,000	-0-
------------------	---------	-----

035. Madison County – Student Housing – Lease**036. Construct College of Education Complex (Model Laboratory School)**

Restricted Funds	83,455,000	-0-
------------------	------------	-----

037. Construct University Activity Center, Phase II

Restricted Funds	31,900,000	-0-
------------------	------------	-----

038. Construct New Student Housing

Other Funds	75,000,000	-0-
-------------	------------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

(2) Financial Obligations: All costs associated with the financing of this project shall be at the offeror's risk.

039. Renovate Residence Hall

Restricted Funds	12,500,000	-0-
------------------	------------	-----

040. Renovate Whalen Complex

Restricted Funds	22,837,000	-0-
------------------	------------	-----

041. Construct University Information Technology Center

Restricted Funds	41,397,000	-0-
------------------	------------	-----

4. KENTUCKY STATE UNIVERSITY**001. Renovate Atwood Agricultural Research Building**

Federal Funds	12,368,000	-0-
---------------	------------	-----

002. Replace Boilers and Aging Distribution Lines

Bond Funds	10,400,000	-0-
------------	------------	-----

003. Construct Aquaculture Academic Research Facility

Federal Funds	7,443,000	-0-
---------------	-----------	-----

004. Upgrade Information Technology Infrastructure

Restricted Funds	6,261,000	-0-
------------------	-----------	-----

005. Renovate Jackson Hall – Phase II

Restricted Funds	5,628,000	-0-
------------------	-----------	-----

006. Construct Athletic Sports Complex

Agency Bonds	5,487,000	-0-
--------------	-----------	-----

007. Renovate Computer Lab in Hill Student Center		
Restricted Funds	5,389,000	-0-
008. Expand Emergency Notification System		
Restricted Funds	4,580,000	-0-
009. Roof Repair and Replacement Pool – 2014-2016		
Restricted Funds	3,375,000	-0-
010. Acquire Land/Campus Master Plan – 2014-2016		
Restricted Funds	1,000,000	-0-
Federal Funds	1,000,000	-0-
TOTAL	2,000,000	-0-
011. Athletics Project Pool – 2014-2016		
Restricted Funds	1,702,000	-0-
012. Capital Renewal and Maintenance Projects Pool – 2014-2016		
Restricted Funds	1,460,000	-0-
013. Life Safety Upgrade Pool – 2014-2016		
Restricted Funds	1,363,000	-0-
014. Replace Alumni House		
Restricted Funds	1,241,000	-0-
015. Upgrade Computers Campus Wide		
Restricted Funds	1,208,000	-0-
016. Create Pedestrian Mall Hathaway Hall – Hume Hall		
Restricted Funds	1,125,000	-0-
017. Develop Bicycle/Pedestrian Trail		
Restricted Funds	1,025,000	-0-
018. Improve Campus Landscape and Signage		
Restricted Funds	906,000	-0-
019. Construct New Residence Hall Reauthorization (\$52,762,000 Other Funds)		
020. Guaranteed Energy Savings Performance Contracts		
5. MOREHEAD STATE UNIVERSITY		
001. Renovate/Expand Student Services Facility		
Bond Funds	49,679,000	-0-
002. Construct Student Residential Facilities		
Agency Bonds	30,735,000	-0-
003. Construct Food Service/Retail and Parking Structure		
Other Funds	2,000,000	-0-
004. Construct Veterinary Technology Clinical Sciences Center		
Restricted Funds	11,522,000	-0-
005. Construct University Welcome Center/Alumni House		

Restricted Funds	3,711,000	-0-
Other Funds	6,000,000	-0-
TOTAL	9,711,000	-0-
006. Capital Renewal and Maintenance Pool – E&G		
Restricted Funds	6,259,000	-0-
007. Enhance Network/Infrastructure Resources		
Restricted Funds	5,945,000	-0-
008. Upgrade Instructional PCs/LANS/Peripherals		
Restricted Funds	5,000,000	-0-
009. Acquire Land Related to Master Plan		
Restricted Funds	4,000,000	-0-
010. Upgrade Administrative Office Systems		
Restricted Funds	4,000,000	-0-
011. Comply with ADA – E&G		
Restricted Funds	3,877,000	-0-
012. Renovate McClure Pool		
Restricted Funds	2,600,000	-0-
013. Upgrade Campus Fire and Security Systems		
Restricted Funds	3,000,000	-0-
014. Construct Honors College Facility		
Restricted Funds	2,884,000	-0-
015. Reconstruct Central Campus		
Restricted Funds	2,810,000	-0-
016. Capital Renewal and Maintenance Pool – Auxiliary		
Restricted Funds	2,668,000	-0-
017. Replace Electrical Switchgear		
Restricted Funds	2,660,000	-0-
018. Purchase Instructional Technology Initiatives		
Restricted Funds	2,484,000	-0-
019. Design Library Facility		
Restricted Funds	1,640,000	-0-
020. Design Music Academic and Performance Arts Building		
Restricted Funds	1,622,000	-0-
021. Construct Classroom/Lab Building at Browning Orchard		
Restricted Funds	1,597,000	-0-
022. Water Plant Sediment Basin		
Restricted Funds	1,500,000	-0-
023. Upgrade and Expand Distance Learning		
Restricted Funds	1,398,000	-0-

024. Enhance Library Automation Resources

Restricted Funds	1,264,000	-0-
------------------	-----------	-----

025. Capital Renewal and Maintenance Pool – University Farm

Restricted Funds	1,209,000	-0-
------------------	-----------	-----

026. Purchase Equipment for Biochemistry Lab

Restricted Funds	450,000	-0-
------------------	---------	-----

027. Guaranteed Energy Savings Performance Contracts**028. Renovate Combs Classroom Building**

Restricted Funds	37,048,000	-0-
------------------	------------	-----

029. Construct Athletic Administration and Sports Performance Building

Restricted Funds	24,582,000	-0-
------------------	------------	-----

030. Renovate Button Auditorium

Restricted Funds	13,158,000	-0-
------------------	------------	-----

6. MURRAY STATE UNIVERSITY**001. Construct/Complete New Science Complex – Final Phase**

Restricted Funds	5,000,000	-0-
------------------	-----------	-----

Bond Funds	31,890,000	-0-
------------	------------	-----

TOTAL	36,890,000	-0-
-------	------------	-----

002. Construct New Breathitt Veterinary Center

Bond Funds	32,468,000	-0-
------------	------------	-----

(1) Authorization: Unexpended funds authorized in 2012 Ky. Acts ch. 144, Part II, J., 6., 030 may also be used for this project.

003. Replace Franklin Hall

Agency Bonds	28,953,000	-0-
--------------	------------	-----

004. Renovate White Hall

Restricted Funds	11,906,000	-0-
------------------	------------	-----

005. Renovate Pogue Library

Restricted Funds	9,040,000	-0-
------------------	-----------	-----

006. Renovate Exposition Center

Restricted Funds	8,922,000	-0-
------------------	-----------	-----

007. Complete Capital Renewal – H&D Pool < \$600,000

Restricted Funds	6,734,000	-0-
------------------	-----------	-----

008. Extend Energy Management System

Restricted Funds	6,677,000	-0-
------------------	-----------	-----

009. Complete ADA Compliance – E&G Pool < \$600,000

Restricted Funds	6,035,000	-0-
------------------	-----------	-----

010. Replace Campus Steam Distribution System

Restricted Funds	5,968,000	-0-
------------------	-----------	-----

011. Upgrade Campus Phone and Data Network

Restricted Funds	4,485,000	-0-
012. College of Science Instructional/Research Equipment		
Restricted Funds	3,500,000	-0-
013. Complete Life Safety Projects – E&G Pool <\$600,000		
Restricted Funds	2,219,000	-0-
014. Construct Livestock Instructional Laboratory		
Restricted Funds	2,145,000	-0-
015. Campus Desktop Virtualization		
Restricted Funds	1,898,000	-0-
016. Demolish Woods Hall		
Restricted Funds	1,748,000	-0-
017. Renovate White Hall HVAC System		
Restricted Funds	1,576,000	-0-
018. Replace Stewart Stadium Playing Surfaces		
Restricted Funds	1,402,000	-0-
019. Renovate Paducah Crisp Center		
Restricted Funds	1,300,000	-0-
020. Upgrade Applied Science Electrical System		
Restricted Funds	1,285,000	-0-
021. Student Desktop Virtualization		
Restricted Funds	1,265,000	-0-
022. Install Sprinkler System – Blackburn Science Building		
Restricted Funds	1,264,000	-0-
023. Renovate Pogue Library Electric and HVAC		
Restricted Funds	1,229,000	-0-
024. ITV Upgrades to Murray State University System		
Restricted Funds	1,223,000	-0-
025. Construct Open-Sided Stall Barn at Expo Center		
Restricted Funds	1,203,000	-0-
026. Construct Addition to Winslow Cafeteria		
Restricted Funds	1,200,000	-0-
027. Renovate White Hall Interior		
Restricted Funds	1,184,000	-0-
028. Renovate Regents Hall Electrical System		
Restricted Funds	1,143,000	-0-
029. Renovate Hart Hall Electrical System		
Restricted Funds	1,017,000	-0-
030. Renovate White Hall Electrical System		
Restricted Funds	1,015,000	-0-

031.	Acquire Land		
	Restricted Funds	1,000,000	-0-
032.	Replace E&G Chiller/CFC Compliance		
	Restricted Funds	965,000	-0-
033.	Waterproof Stewart Stadium		
	Restricted Funds	882,000	-0-
034.	Replace Exposition Center Roof		
	Restricted Funds	867,000	-0-
035.	Campus Backbone 10 GigE Upgrade		
	Restricted Funds	853,000	-0-
036.	Replace White Hall Domestic Water Piping		
	Restricted Funds	845,000	-0-
037.	Agriculture Instructional Laboratory and Technology Equipment		
	Restricted Funds	800,000	-0-
038.	Complete ADA Compliance – H&D Pool <\$600,000		
	Restricted Funds	659,000	-0-
039.	Information Technology Infrastructure for TSM and IET		
	Restricted Funds	625,000	-0-
040.	Renovate Buildings – H&D Pool <\$600,000		
	Restricted Funds	595,000	-0-
041.	Abate Asbestos – E&G Pool <\$600,000		
	Restricted Funds	397,000	-0-
042.	Broadcasting Education Laboratory Equipment		
	Restricted Funds	225,000	-0-
043.	Abate Asbestos – H&D Pool <\$600,000		
	Restricted Funds	177,000	-0-
044.	Upgrade Campus Electrical Distribution System		
	Restricted Funds	13,038,000	-0-
045.	Renovate Blackburn Hall		
	Restricted Funds	34,952,000	-0-
046.	Construct New University Library		
	Restricted Funds	69,725,000	-0-
047.	Capital Renewal Projects Pool		
	Restricted Funds	18,406,000	-0-
048.	Renovate Lovett Auditorium (Historic Building)		
	Restricted Funds	25,069,000	-0-
049.	Replace Campus Communications Infrastructure Components		
	Restricted Funds	3,300,000	-0-
050.	Renovate and Expand Waterfield Library		

Restricted Funds	19,000,000	-0-
7. NORTHERN KENTUCKY UNIVERSITY		
001. Renovate Old Science/Construct Health Innovation		
Bond Funds	97,000,000	-0-
002. Develop Town/Gown Project		
Other Funds	86,500,000	-0-
003. Expand University Drive Parking Garage		
Agency Bonds	15,000,000	-0-
004. Construct Alumni Center		
Other Funds	10,500,000	-0-
005. Construct Athletics Practice Facility		
Other Funds	10,500,000	-0-
006. Renew E&G Buildings Systems Projects Pool		
Restricted Funds	7,000,000	-0-
007. Repair Structural Heaving Landrum and Fine Arts		
Restricted Funds	6,400,000	-0-
008. Renovate Gateway/Highland Heights Campus		
Restricted Funds	6,000,000	-0-
009. Renovate/Expand Baseball Field		
Other Funds	4,600,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
010. Relocate High Voltage Utilities		
Restricted Funds	4,500,000	-0-
011. Renovate Brown Building		
Restricted Funds	3,000,000	-0-
Other Funds	1,500,000	-0-
TOTAL	4,500,000	-0-
012. Upgrade Communication and Network Infrastructure		
Restricted Funds	4,300,000	-0-
013. Renovate Civic Center Building		
Restricted Funds	3,700,000	-0-
014. Initiate Phase II of Master Plan		
Restricted Funds	3,500,000	-0-
015. Renovate Early Childcare Center		
Restricted Funds	3,500,000	-0-
016. Renovate Residence Halls – 2014-2016		
Restricted Funds	2,500,000	-0-
Other Funds	1,000,000	-0-
TOTAL	3,500,000	-0-

017. Acquire Land/Master Plan – 2014-2016

Restricted Funds	3,000,000	-0-
------------------	-----------	-----

018. Enhance Administrative Systems

Restricted Funds	2,500,000	-0-
------------------	-----------	-----

019. Enhance Instructional Technology

Restricted Funds	2,500,000	-0-
------------------	-----------	-----

020. Replace Underground Gas Mains

Restricted Funds	2,500,000	-0-
------------------	-----------	-----

021. Construct Center for Applied Ecology Building

Restricted Funds	1,000,000	-0-
------------------	-----------	-----

Other Funds	1,000,000	-0-
-------------	-----------	-----

TOTAL	2,000,000	-0-
-------	-----------	-----

022. Renew E&G Elevators – 2014-2016

Restricted Funds	1,400,000	-0-
------------------	-----------	-----

023. Construct Indoor Track/Multipurpose Facility

Other Funds	12,000,000	-0-
-------------	------------	-----

024. Replace Callahan Roof

Restricted Funds	1,200,000	-0-
------------------	-----------	-----

025. Customer Relationship Management System

Restricted Funds	750,000	-0-
------------------	---------	-----

026. Purchase Coach Bus

Restricted Funds	690,000	-0-
------------------	---------	-----

027. Purchase Large Format Color Press

Restricted Funds	375,000	-0-
------------------	---------	-----

028. Campbell County – Gateway Building – Lease**029. Kenton County - METS Lease****030. Guaranteed Energy Savings Performance Contracts****031. Construct Satellite Parking Lot**

Restricted Funds	4,200,000	-0-
------------------	-----------	-----

8. UNIVERSITY OF KENTUCKY**001. Construct Student Housing**

Other Funds	202,000,000	-0-
-------------	-------------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Renovate/Expand University Student Center

Restricted Funds	10,000,000	-0-
------------------	------------	-----

Agency Bonds	160,000,000	-0-
--------------	-------------	-----

Other Funds	5,000,000	-0-
-------------	-----------	-----

TOTAL	175,000,000	-0-
-------	-------------	-----

003. Renovate/Upgrade HealthCare Facilities

Agency Bonds	150,000,000	-0-
004. Expand/Renovate/Upgrade Law Building		
Bond Funds	35,000,000	-0-
Agency Bonds	30,000,000	-0-
TOTAL	65,000,000	-0-
005. Acquire Land		
Restricted Funds	50,000,000	-0-
006. Upgrade Dining Facilities		
Other Funds	50,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
007. Renovate/Upgrade Academic Learning Center		
Restricted Funds	45,000,000	-0-
008. Capital Renewal Maintenance Pool		
Restricted Funds	119,000,000	-0-
009. Repair, Upgrade, or Improve Electrical Infrastructure		
Restricted Funds	28,000,000	-0-
010. Repair, Upgrade, or Improve Mechanical Infrastructure		
Restricted Funds	26,000,000	-0-
011. Acquire/Renovate Academic Facilities		
Restricted Funds	25,000,000	-0-
012. Fit-up Academic Science Building		
Restricted Funds	30,000,000	-0-
013. Renovate Campus Core Quadrangle Facilities		
Restricted Funds	30,000,000	-0-
014. Renovate/Upgrade Academic Space		
Restricted Funds	25,000,000	-0-
015. Repair Emergency Infrastructure/Building Systems		
Restricted Funds	25,000,000	-0-
016. Repair, Upgrade, or Improve Building Mechanical Systems		
Restricted Funds	25,000,000	-0-
017. Repair, Upgrade, or Improve Civil Site Infrastructure		
Restricted Funds	25,000,000	-0-
018. Upgrade/Fit-up Hospital Facilities		
Restricted Funds	35,000,000	-0-
019. Upgrade, Improve, and Expand Recreational Fields		
Restricted Funds	25,000,000	-0-
020. Upgrade, Renovate, Improve, or Expand Research Labs		
Restricted Funds	33,500,000	-0-
021. Construct Good Samaritan Medical Office Building – UK HealthCare		

Restricted Funds	23,700,000	-0-
022. Expand/Renovate Kastle Hall		
Restricted Funds	22,327,000	-0-
023. Purchase/Upgrade Pollution Controls		
Restricted Funds	22,000,000	-0-
024. Construct, Expand, and Renovate Ambulatory Care Facility – UK HealthCare		
Restricted Funds	20,000,000	-0-
025. Expand/Upgrade Coldstream Research Campus		
Restricted Funds	20,000,000	-0-
026. Implement Land Use Plan – UK HealthCare		
Restricted Funds	20,000,000	-0-
027. Repair, Upgrade, or Improve Building Systems – UK HealthCare		
Restricted Funds	20,000,000	-0-
028. Upgrade Enterprise Information Systems		
Restricted Funds	20,000,000	-0-
029. Upgrade Enterprise Information Systems – UK HealthCare		
Restricted Funds	20,000,000	-0-
030. Upgrade/Expand Cancer Treatment Facility – UK HealthCare		
Restricted Funds	20,000,000	-0-
031. Upgrade Student Center Infrastructure		
Restricted Funds	18,968,000	-0-
032. Renovate/Upgrade Pence Hall		
Restricted Funds	18,870,000	-0-
033. Renovate/Expand Johnson Center		
Restricted Funds	16,550,000	-0-
034. Renovate/Upgrade Academic Facility		
Restricted Funds	16,000,000	-0-
035. Construct Library Depository Facility		
Restricted Funds	15,000,000	-0-
036. Improve Life Safety Project Pool		
Restricted Funds	15,000,000	-0-
037. Renovate Singletary		
Restricted Funds	15,000,000	-0-
038. Renovate/Expand Clinical Services – UK HealthCare		
Restricted Funds	15,000,000	-0-
039. Renovate Alumni Gym and/or North Recreation Center		
Restricted Funds	14,500,000	-0-
040. Acquire Office-Campus Office Building		

Other Funds	10,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
041. Fit-up Academic/Administrative Space		
Restricted Funds	10,000,000	-0-
042. Implement Medication Bar Coding System – UK HealthCare		
Restricted Funds	10,000,000	-0-
043. Implement Patient Communication System – UK HealthCare		
Restricted Funds	10,000,000	-0-
044. Acquire and Implement Enterprise Security System – UK HealthCare		
Restricted Funds	10,000,000	-0-
045. Acquire Telemedicine/Virtual ICU		
Restricted Funds	10,000,000	-0-
046. Acquire/Upgrade UK HealthCare IT Systems		
Restricted Funds	10,000,000	-0-
047. Purchase Clinical Information System		
Restricted Funds	10,000,000	-0-
048. Purchase Digital Medical Record Expansion		
Restricted Funds	10,000,000	-0-
049. Purchase Document Scanning System		
Restricted Funds	10,000,000	-0-
050. Purchase Document Scanning System – UK HealthCare		
Restricted Funds	10,000,000	-0-
051. Renovate Academic/Administrative Space 1		
Restricted Funds	10,000,000	-0-
052. Renovate Academic/Administrative Space 2		
Restricted Funds	10,000,000	-0-
053. Renovate Taylor Education Building		
Restricted Funds	10,000,000	-0-
054. Renovate/Upgrade Hospital Facilities – Good Samaritan		
Restricted Funds	10,000,000	-0-
055. Expand/Renovate West Kentucky and Robinson Station		
Restricted Funds	9,835,000	-0-
056. Construct Equine Campus – Phase 2		
Restricted Funds	9,500,000	-0-
057. Upgrade Vivarium Facilities		
Restricted Funds	9,000,000	-0-
058. Relocate/Replace Greenhouses		
Restricted Funds	8,425,000	-0-
059. Expand Boone Tennis Center		

Restricted Funds	8,000,000	-0-
060. Upgrade/Renovate Clean Room Space – Coldstream		
Restricted Funds	8,000,000	-0-
061. Acquire High Performance Research Computer		
Restricted Funds	6,500,000	-0-
062. Upgrade Clinic Enterprise Network – UK HealthCare		
Restricted Funds	6,500,000	-0-
063. Construct Housing 1		
Restricted Funds	6,000,000	-0-
064. Construct Housing 2		
Restricted Funds	6,000,000	-0-
065. Construct Housing 3		
Restricted Funds	6,000,000	-0-
066. Construct University Storage Building		
Restricted Funds	6,000,000	-0-
067. Renovate Nursing Units – UK HealthCare		
Restricted Funds	6,000,000	-0-
068. Renovate/Upgrade Memorial Coliseum		
Restricted Funds	6,000,000	-0-
069. Acquire Large Scale Computing		
Restricted Funds	5,500,000	-0-
070. Expand KGS Well Sample and Core Repository		
Restricted Funds	5,280,000	-0-
071. Construct Transit Center		
Restricted Funds	5,000,000	-0-
072. Handicapped Access Pool		
Restricted Funds	5,000,000	-0-
073. Implement Real Time Locator System – UK HealthCare		
Restricted Funds	5,000,000	-0-
074. Acquire Personal Electronic Health Records		
Restricted Funds	5,000,000	-0-
075. Purchase Oncology Information System – UK HealthCare		
Restricted Funds	5,000,000	-0-
076. Purchase/Expand PACS System		
Restricted Funds	5,000,000	-0-
077. Acquire Data Repository System		
Restricted Funds	5,000,000	-0-
078. Renovate Academic/Administrative Space 3		
Restricted Funds	5,000,000	-0-

079. Renovate Academic/Administrative Space 4		
Restricted Funds	5,000,000	-0-
080. Renovate Central Computing Facility		
Restricted Funds	5,000,000	-0-
081. Renovate Chemistry/Physics Building		
Restricted Funds	5,000,000	-0-
082. Renovate Erickson Hall		
Restricted Funds	5,000,000	-0-
083. Renovate Fine Arts		
Restricted Funds	5,000,000	-0-
084. Renovate King Library		
Restricted Funds	5,000,000	-0-
085. Renovate Memorial Hall		
Restricted Funds	5,000,000	-0-
086. Repair, Upgrade, and Improve Building Electrical Systems		
Restricted Funds	5,000,000	-0-
087. Repair, Upgrade, and Improve Elevator Systems		
Restricted Funds	5,000,000	-0-
088. Repair, Upgrade, and Improve Building Shell Systems		
Restricted Funds	5,000,000	-0-
089. Upgrade/Renovate Surgical Services – UK HealthCare		
Restricted Funds	5,000,000	-0-
090. Renovate Mineral Industries Building		
Restricted Funds	4,900,000	-0-
091. Construct/Fit-up Retail Space		
Other Funds	4,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
092. Purchase Cardiology Information System – UK HealthCare		
Restricted Funds	4,000,000	-0-
093. Construct WUKY Facility		
Restricted Funds	3,910,000	-0-
094. Renovate Robotics Building		
Restricted Funds	3,842,000	-0-
095. Construct, Upgrade, and Fit-up Support Services – UK HealthCare		
Restricted Funds	3,500,000	-0-
096. Implement Unified Communication System – UK HealthCare		
Restricted Funds	3,000,000	-0-
097. Acquire Mainframe Computer – UK HealthCare		
Restricted Funds	3,000,000	-0-

098. Replace/Upgrade Perioperative Information System		
Restricted Funds	3,000,000	-0-
099. Acquire Wireless/Cellular Infrastructure		
Restricted Funds	3,000,000	-0-
100. Purchase Telephone System Replacement		
Restricted Funds	3,000,000	-0-
101. Purchase Telephone System Replacement – UK HealthCare		
Restricted Funds	3,000,000	-0-
102. Install Artificial Turf on Pieratt Recreational Fields		
Restricted Funds	2,795,000	-0-
103. Purchase Upgraded Communications Infrastructure 1		
Restricted Funds	2,500,000	-0-
104. Purchase Upgraded Communications Infrastructure 2		
Restricted Funds	2,500,000	-0-
105. Repair Stadium Structure		
Restricted Funds	2,500,000	-0-
106. Construct Center Emergency Response Center		
Restricted Funds	2,370,000	-0-
107. Acquire Enterprise Storage System		
Restricted Funds	2,200,000	-0-
108. Expand/Renovate Sturgill Development Building		
Restricted Funds	2,130,000	-0-
109. Emerging Technologies Academic Support		
Restricted Funds	2,000,000	-0-
110. Purchase Transport Buses		
Restricted Funds	2,000,000	-0-
111. Remote Site Fiber Infrastructure		
Restricted Funds	2,000,000	-0-
112. Renovate Academic/Administrative Space 5		
Restricted Funds	2,000,000	-0-
113. Renovate Schmidt Vocal Arts Center		
Restricted Funds	2,000,000	-0-
114. Replace/Upgrade Radiology Information System		
Restricted Funds	2,000,000	-0-
115. Acquire Data Warehouse/Infrastructure		
Restricted Funds	1,800,000	-0-
116. Expand Training Table Dining Addition – Wildcat Coal Lodge		
Other Funds	1,500,000	-0-
117. Acquire Communications Equipment		

Restricted Funds	1,500,000	-0-
118. Acquire Network Security Hardware		
Restricted Funds	1,500,000	-0-
119. Renovate Dickey Hall Library		
Restricted Funds	1,500,000	-0-
120. Renovate Old Softball/Soccer Locker Room		
Other Funds	1,500,000	-0-
121. Renovate/Upgrade Video Board – Memorial Coliseum		
Other Funds	1,500,000	-0-
122. Acquire Exchange Replacement		
Restricted Funds	1,000,000	-0-
123. Purchase Allergy Information System – UK HealthCare		
Restricted Funds	1,000,000	-0-
124. Renovate Space for Testing Center		
Restricted Funds	1,000,000	-0-
125. Renovate/Replace Playing Field – Commonwealth Stadium		
Other Funds	1,000,000	-0-
126. Acquire Document Imaging (ASG)		
Restricted Funds	775,000	-0-
127. Fit-up Team Novelty Store – Commonwealth Stadium		
Other Funds	750,000	-0-
128. Acquire Campus Call Center System		
Restricted Funds	750,000	-0-
129. Fayette County – Lease – Administrative Office		
130. Fayette County – Lease – Blazer Parkway		
131. Fayette County – Lease – Good Samaritan Hospital		
132. Fayette County – Lease – Grants Project 2		
133. Fayette County – Lease – Health Affairs Office 2		
134. Fayette County – Lease – Kentucky Utilities Building		
135. Fayette County – Lease – Off Campus Housing 1		
136. Fayette County – Lease – Off Campus Housing 2		
137. Fayette County – Lease – Health Affairs Office 3		
138. Fayette County – Lease – Health Affairs Office 5		
139. Lease – Grant Projects 1		
140. Lease – Health Affairs Office		
141. Lease – Health Affairs Office 4		
142. Lease – Health Affairs Office 6		
143. Lease – Health Affairs Office 7		
144. Lease – Health Affairs Office 8		

145.	Lease – Health Affairs Office 9		
146.	Lease – Med Center Grant Projects 1		
147.	Lease – Med Center Grant Projects 2		
148.	Lease – Med Center Off Campus Facility 1		
149.	Lease – Med Center Off Campus Facility 2		
150.	Lease – Med Center Off Campus Facility 3		
151.	Lease – Med Center Off Campus Facility 4		
152.	Lease – Off Campus 1		
153.	Lease – Off Campus 2		
154.	Lease – Off Campus 3		
155.	Lease – Off Campus 4		
156.	Lease – Off Campus 5		
157.	Lease – Off Campus 6		
158.	Lease – Off Campus 7		
159.	Lease – Off Campus – Athletics		
160.	Lease – Rural Health Expansion – Perry County		
161.	Lease – Off-Campus Housing 3		
162.	Lease – Off-Campus Housing 4		
163.	Lease – Off-Campus Housing 5		
164.	Lease – Off-Campus Housing 6		
165.	Guaranteed Energy Savings Performance Contracts		
166.	Construct Research Building		
	Restricted Funds	23,000,000	-0-
167.	Renovate/Upgrade HealthCare Facilities 2		
	Restricted Funds	130,000,000	-0-
168.	Research Equipment Pool		
	Restricted Funds	30,000,000	-0-
169.	Construct Alumni Center		
	Other Funds	30,000,000	-0-
170.	Construct Office Tower - UKHC		
	Restricted Funds	95,600,000	-0-
171.	Construct Satellite Student Center		
	Other Funds	75,400,000	-0-
	(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
172.	Repair/Upgrade/Expand Central Plants		
	Restricted Funds	62,000,000	-0-
173.	Construct Parking/Academic Facility		
	Other Funds	50,000,000	-0-
174.	Construct/Renovate/Upgrade Dining Facility 1		

Restricted Funds	40,000,000	-0-
175. Construct Baseball Facility		
Other Funds	40,000,000	-0-
176. Implement Revenue Management System		
Restricted Funds	35,000,000	-0-
177. Renovate Funkhouser Building		
Restricted Funds	28,300,000	-0-
178. Upgrade/Renovate Space in Multi-Disciplinary Science Building		
Restricted Funds	27,200,000	-0-
179. Renovate/Upgrade McVey Hall		
Restricted Funds	23,100,000	-0-
180. Renovate Dentistry Facilities		
Restricted Funds	16,800,000	-0-
181. Emerging Technologies Academic Support Systems		
Restricted Funds	2,000,000	-0-
182. Guaranteed Energy Savings Performance Contracts - Parking		
183. Guaranteed Energy Savings Performance Contracts - Athletics		

9. UNIVERSITY OF LOUISVILLE

001. Construct Belknap Classroom/Academic Building		
Bond Funds	80,560,000	-0-
002. Construct Medical Office Building		
Other Funds	60,300,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
003. Capital Renewal Pool – 2014-2016		
Restricted Funds	20,000,000	20,000,000
004. Renovate Schneider Hall		
Restricted Funds	21,836,000	-0-
005. Purchase IT Data Center Support Systems		
Restricted Funds	20,000,000	-0-
006. Construct Kosair Medical Office Building Fitout		
Restricted Funds	19,745,000	-0-
007. Renovate Burhans Hall		
Other Funds	17,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
008. Purchase Land Support Service – Northeast Quadrant		
Agency Bonds	15,600,000	-0-
009. Expand Sackett Hall		
Restricted Funds	14,758,000	-0-
010. Renovate Ekstrom Library – Additional Reauthorization (\$44,705,000)		

Restricted Funds)		
Restricted Funds	13,371,000	-0-
011. Code Compliance Pool – 2014-2016		
Restricted Funds	12,822,000	-0-
012. Construct Executive MBA/Business Program		
Restricted Funds	12,000,000	-0-
013. Purchase Storage System		
Restricted Funds	12,000,000	-0-
014. Expand and Renovate Student Activities Center – Additional Reauthorization (\$9,600,000 Agency Bonds)		
015. Renovate HPES/Studio Arts Building		
Restricted Funds	9,850,000	-0-
016. Renovate Chemistry Fume Hoods – Phase II		
Restricted Funds	9,730,000	-0-
017. Renovate Dougherty Hall		
Restricted Funds	9,233,000	-0-
018. Purchase Computer Processing System		
Restricted Funds	8,000,000	-0-
019. Purchase Networking System		
Restricted Funds	8,000,000	-0-
020. Purchase Security and Firewall Infrastructure		
Restricted Funds	8,000,000	-0-
021. Expand Schnellenberger Football Complex		
Other Funds	7,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
022. Construct Athletics Office Building		
Restricted Funds	7,400,000	-0-
023. Purchase Fiber Infrastructure		
Restricted Funds	7,000,000	-0-
024. Purchase Research Computing Infrastructure		
Restricted Funds	7,000,000	-0-
025. Renovate Kosair Pediatrics Center Offices		
Restricted Funds	6,850,000	-0-
026. Renovate Natural Science Building – Additional Reauthorization (\$23,508,000 Restricted Funds)		
Restricted Funds	6,335,000	-0-
027. Purchase Digital Communications System		
Restricted Funds	6,000,000	-0-
028. Purchase Enterprise Application System		

Restricted Funds	6,000,000	-0-
029. Renovate Kornhauser Library – Additional Reauthorization (\$16,030,000 Restricted Funds)		
Restricted Funds	5,950,000	-0-
030. Renovate W. S. Speed Building – Additional Reauthorization (\$11,927,000 Restricted Funds)		
Restricted Funds	5,269,000	-0-
031. Papa John’s Stadium Seat Replacement		
Other Funds	5,250,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
032. Purchase Land Near Floyd Street Parcel II		
Restricted Funds	5,200,000	-0-
033. Renovate K-Wing 1st Floor Office		
Restricted Funds	5,000,000	-0-
034. Renovate Health Science Center Instructional Building		
Restricted Funds	4,433,000	-0-
035. Renovate Brown Cancer Center 4th Floor		
Restricted Funds	4,388,000	-0-
036. Purchase Content Management System		
Restricted Funds	4,000,000	-0-
037. Construct Clinical/Office Space in West Louisville		
Restricted Funds	3,949,000	-0-
038. Renovate Belknap Playhouse		
Restricted Funds	3,510,000	-0-
039. Purchase Land Near Health Sciences Campus – Parcel IV		
Restricted Funds	3,240,000	-0-
040. Renovate Delia Baxter Building Clean Room		
Restricted Funds	3,100,000	-0-
041. Renovate Donald Baxter Building 2nd and 3rd Floor Laboratories		
Restricted Funds	3,010,000	-0-
042. Purchase PET Scanner		
Restricted Funds	-0-	3,000,000
043. Purchase Electronic Research Information System		
Restricted Funds	1,350,000	1,350,000
044. Renovate Ambulatory Care Building		
Restricted Funds	2,540,000	-0-
045. Upgrade/Replace Digital Output System		
Restricted Funds	2,500,000	-0-
046. Purchase Robotic Retrieval Systems		

Restricted Funds	2,426,000	-0-
047. Purchase Visualization System – Planetarium		
Federal Funds	2,000,000	-0-
048. Renovate Chemistry Teaching Laboratories and Auditorium		
Restricted Funds	1,957,000	-0-
049. Construct College of Business Courtyard and Café		
Restricted Funds	1,819,000	-0-
050. Housing Capital Renewal Pool – 2014-2016		
Restricted Funds	1,795,000	-0-
051. Construct Health Sciences Campus Steam and Chilled Water Plant II – Additional Reauthorization (\$34,595,000 Restricted Funds)		
Restricted Funds	1,705,000	-0-
052. Renovate Concentrated Care Building		
Restricted Funds	1,628,000	-0-
053. Renovate Abell Administration Building		
Restricted Funds	1,593,000	-0-
054. Construct Athletic Grounds Building		
Other Funds	1,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
055. Renovate Threlkeld Hall Infrastructure		
Restricted Funds	1,500,000	-0-
056. Purchase Land Near Health Sciences Campus – Parcel I – Additional Reauthorization (\$34,246,000)		
Other Funds	1,369,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
057. Renovate K-Wing Classroom		
Other Funds	1,223,000	-0-
058. Purchase Individually Ventilated Caging System		
Restricted Funds	600,000	597,000
059. Purchase Fourier-Transform Mass Spectrometer		
Restricted Funds	1,100,000	-0-
060. Purchase MS-MS Tandem Mass Spectrometer		
Restricted Funds	1,100,000	-0-
061. Purchase Soccer Stadium Video Boards		
Restricted Funds	1,050,000	-0-
062. Renovate College of Business Green Roof		
Restricted Funds	1,030,000	-0-
063. Renovate Donald Baxter Building Clean Room Expansion		
Restricted Funds	987,000	-0-

064. Construct Belknap Center Place Plaza – Additional Reauthorization

(\$7,883,000 Restricted Funds)

Restricted Funds	957,000	-0-
------------------	---------	-----

065. Renovate Lions Eye Research Institute – Additional Reauthorization

(\$19,770,000 Restricted Funds)

Restricted Funds	937,000	-0-
------------------	---------	-----

066. Purchase Console for Nuclear Magnetic Resonance System

Restricted Funds	-0-	900,000
------------------	-----	---------

067. Purchase Large Frame Plastic Sintering Machine

Federal Funds	-0-	900,000
---------------	-----	---------

068. Construct Flexner Way Mall – Preston to Jackson

Restricted Funds	445,000	-0-
------------------	---------	-----

Other Funds	445,000	-0-
-------------	---------	-----

TOTAL	890,000	-0-
-------	---------	-----

069. Renovate Middleton Auditorium

Restricted Funds	850,000	-0-
------------------	---------	-----

070. Purchase Additive Microdeposition Machine

Federal Funds	-0-	825,000
---------------	-----	---------

071. Construct Athletic Academic Support Facility – Additional Reauthorization (\$16,228,000 Other Funds)

Other Funds	812,000	-0-
-------------	---------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.**072. Construct Flexner Way Mall – Jackson to Hancock**

Restricted Funds	390,000	-0-
------------------	---------	-----

Other Funds	390,000	-0-
-------------	---------	-----

TOTAL	780,000	-0-
-------	---------	-----

073. Construct Athletic Equipment and Apparel Storage Facility

Other Funds	750,000	-0-
-------------	---------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.**074. Purchase Cell Processing Unit 1**

Restricted Funds	750,000	-0-
------------------	---------	-----

075. Purchase Cell Processing Unit 2

Restricted Funds	750,000	-0-
------------------	---------	-----

076. Purchase Land Near Belknap Campus – East

Restricted Funds	750,000	-0-
------------------	---------	-----

077. Purchase Large Frame Plastic Deposition Machine

Federal Funds	750,000	-0-
---------------	---------	-----

078. Purchase Super Resolution Confocal Microscope

Federal Funds	750,000	-0-
---------------	---------	-----

079. Renovate Football Practice Field Lighting

Other Funds	750,000	-0-
-------------	---------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

080. Renovate Miller Hall Infrastructure

Restricted Funds	750,000	-0-
------------------	---------	-----

081. Construct Center for Creative Studies – Additional Reauthorization

(\$9,450,000 Restricted Funds)

Restricted Funds	743,000	-0-
------------------	---------	-----

082. Purchase Two Photon Microscopes

Restricted Funds	719,000	-0-
------------------	---------	-----

083. Purchase PCs, Printers, Scanners for Libraries

Restricted Funds	175,000	175,000
------------------	---------	---------

Other Funds	175,000	175,000
-------------	---------	---------

TOTAL	350,000	350,000
-------	---------	---------

084. Renovate J. B. Speed Building – Additional Reauthorization

(\$12,200,000 Restricted Funds)

Restricted Funds	662,000	-0-
------------------	---------	-----

085. Purchase Direct Metal Additive Fabrication Machine

Federal Funds	650,000	-0-
---------------	---------	-----

086. Renovate Research Resource Center – Additional Reauthorization

(\$14,708,000 Restricted Funds)

Restricted Funds	617,000	-0-
------------------	---------	-----

087. Construct Center for Social Change – Additional Reauthorization

(\$13,000,000 Other Funds)

Other Funds	610,000	-0-
-------------	---------	-----

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

088. Purchase Biological Material Deposition Machine

Federal Funds	600,000	-0-
---------------	---------	-----

089. Purchase Cell Isolation System

Restricted Funds	-0-	600,000
------------------	-----	---------

090. Purchase CyTof Instrument

Federal Funds	600,000	-0-
---------------	---------	-----

091. Renovate Oppenheimer Hall – Additional Reauthorization (\$4,792,000

Restricted Funds)

Restricted Funds	597,000	-0-
------------------	---------	-----

092. Expand Chilled Water and Electrical Service Upgrade – Additional

Reauthorization (\$12,750,000 Restricted Funds)

Restricted Funds	550,000	-0-
------------------	---------	-----

093. Construct Intramural Field Complex – Additional Reauthorization

(\$7,234,000 Restricted Funds)

Restricted Funds	546,000	-0-
094. Purchase FACS Aria II Special Order System		
Federal Funds	530,000	-0-
095. Purchase Next Generation DNA Sequencer		
Restricted Funds	525,000	-0-
096. Purchase MALDI-TOF Mass Spectrometer		
Federal Funds	500,000	-0-
097. Purchase Quadruple Orbitrap Mass Spectrometer		
Federal Funds	500,000	-0-
098. Purchase Teleconferencing/Computer Equipment		
Restricted Funds	500,000	-0-
099. Purchase Two-Photon Laser Scanning Microscope		
Federal Funds	-0-	500,000
100. Purchase UHR-TOF Mass Spectrometer		
Federal Funds	500,000	-0-
101. Purchase Ultrasound Trainer		
Restricted Funds	490,000	-0-
102. Purchase Two-Photon Imaging System		
Federal Funds	-0-	480,000
103. Purchase MOCVD System		
Federal Funds	450,000	-0-
104. Belknap Floyd Street Corridor Improvements – Additional Reauthorization (\$3,500,000 Restricted Funds)		
Restricted Funds	430,000	-0-
105. Purchase Bulk Sterilizer		
Restricted Funds	421,000	-0-
106. Purchase Ultraview ERS 6FO Confocal Microscope		
Restricted Funds	-0-	420,000
107. Utility Distribution System – South Belknap – Additional Reauthorization (\$12,000,000 Restricted Funds)		
Restricted Funds	416,000	-0-
108. Construct Utilities Remove Overhead Lines – Additional Reauthorization (\$10,350,000 Restricted Funds)		
Restricted Funds	400,000	-0-
109. Purchase High Resolution Triple TOF Mass Spectrometer		
Federal Funds	400,000	-0-
110. Purchase Scanning Electron Microscope		
Restricted Funds	-0-	400,000

111. Purchase Cage and Rack Washer 1		
Restricted Funds	-0-	398,000
112. Purchase Rodent Plastic Caging		
Restricted Funds	398,000	-0-
113. Purchase Multispectral Imaging Flow Cytometer		
Restricted Funds	-0-	390,000
114. Purchase High Resolution Echocardiography System		
Federal Funds	-0-	350,000
115. Construct Belknap Brandeis Corridor Improvements – Additional Reauthorization (\$2,774,000 Restricted Funds)		
Restricted Funds	326,000	-0-
116. Purchase Mobile Animal Runs		
Restricted Funds	-0-	323,000
117. Purchase Land Near Belknap Campus – North – Additional Reauthorization (\$8,000,000 Restricted Funds)		
Restricted Funds	320,000	-0-
118. Purchase Digital Materials 3-D Printing System		
Federal Funds	-0-	300,000
119. Renovate, Resurface Track and Cardio Path – Additional Reauthorization (\$700,000 Restricted Funds)		
Restricted Funds	300,000	-0-
120. Purchase Automatic Bedding Dispensing and Removal System		
Restricted Funds	-0-	278,000
121. Purchase Library Tables, Chairs and Wired Study Carrels		
Restricted Funds	275,000	-0-
122. Purchase Laser Confocal Scanning Microscope		
Federal Funds	250,000	-0-
123. Purchase Metal Evaporation System		
Federal Funds	250,000	-0-
124. Purchase Land Near Health Sciences Campus – Parcel II – Additional Reauthorization (\$6,034,000 Restricted Funds)		
Restricted Funds	241,000	-0-
125. Purchase Land Near Belknap Campus – South – Additional Reauthorization (\$6,000,000 Restricted Funds)		
Restricted Funds	240,000	-0-
126. Belknap 3rd Street Improvements – Additional Reauthorization (\$1,950,000 Restricted Funds)		
Restricted Funds	230,000	-0-
127. Purchase Cage and Rack Washer 2		

Restricted Funds	-0-	220,000
128. Purchase Tunnel Cage Washer		
Restricted Funds	-0-	208,000
129. Purchase Adaptive Optic Retinal Imaging System		
Federal Funds	200,000	-0-
130. Purchase Diagnostic/Imaging System		
Federal Funds	200,000	-0-
131. Purchase Land Near Floyd Street – Parcel I – Additional Reauthorization (\$5,000,000 Restricted Funds)		
Restricted Funds	200,000	-0-
132. Expand Rauch Planetarium – Additional Reauthorization (\$3,220,000 Federal Funds)		
Federal Funds	132,000	-0-
133. Construct Physical Plant Space in Health Sciences Campus Garage – Additional Reauthorization (\$2,318,000 Restricted Funds)		
Restricted Funds	122,000	-0-
134. Purchase Land Near Health Sciences Campus – Parcel III – Additional Reauthorization (\$3,000,000 Restricted Funds)		
Restricted Funds	120,000	-0-
135. Belknap Century Corridor Improvements – Additional Reauthorization (\$890,000 Restricted Funds)		
Restricted Funds	100,000	-0-
136. Purchase Artificial Turf – Additional Reauthorization (\$865,000 Other Funds)		
Other Funds	85,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
137. Renovate College of Business Classrooms – Additional Reauthorization (\$1,800,000 Restricted Funds)		
Restricted Funds	65,000	-0-
138. Construct Flexner Way Mall – Floyd to Preston – Additional Reauthorization (\$1,660,000 Restricted Funds)		
Restricted Funds	60,000	-0-
139. Renovate Life Sciences Building Vivarium – Additional Reauthorization (\$1,096,000 Restricted Funds)		
Restricted Funds	44,000	-0-
140. Construct Artificial Turf Field for Intramural – Additional Reauthorization (\$693,000 Restricted Funds)		
Restricted Funds	40,000	-0-
141. Renovate Gross Anatomy Laboratory – Additional Reauthorization		

(\$5,520,000 Restricted Funds)

Restricted Funds	38,000	-0-
------------------	--------	-----

142. Construct Belknap Stormwater Improvements Reauthorization

(\$5,000,000 Restricted Funds)

143. Construct Center for the Performing Arts Improvements

Reauthorization (\$76,660,000 Restricted Funds)

144. Construct or Renovate Data Center Improvements Reauthorization

(\$38,000,000 Restricted Funds)

145. Renovate Law School Improvements Reauthorization (\$36,081,000

Restricted Funds)

146. Academic Space – Lease

147. Belknap Office Space 1 – Lease

148. Belknap Office Space 2 – Lease

149. Belknap Office Space 3 – Lease

150. Clinic Space – Lease

151. Contract Administration Office Space – Lease

152. Dental Clinic Space – Lease

153. Department of Family and Geriatric Medicine Office, Clinical Space –

Lease

154. East End Clinical Space – Lease

155. HSC Additional Office, Clinic Space – Lease

156. HSC Off Campus Office Space 1 – Lease

157. HSC Off Campus Office Space 2 – Lease

158. IT Data Center – Lease

159. Master of Fine Arts – Lease

160. Med Center One – Lease

161. Nucleus 1 Building – Lease

162. Jefferson County – Office Space – Lease

163. U of L Foundation Office Space – Lease

164. West Louisville Center for Community Health, Education, Outreach –

Lease

165. Construct Administrative Office Building

Restricted Funds	51,245,000	-0-
------------------	------------	-----

166. Expand/Renovate College of Education Building

Restricted Funds	60,107,000	-0-
------------------	------------	-----

167. Purchase Olympus Photon Microscope (2)

Restricted Funds	719,000	-0-
------------------	---------	-----

10. WESTERN KENTUCKY UNIVERSITY

001. Renovate Science Campus Phase IV

Bond Funds	48,000,000	-0-
002. Renovation at the Center for Research and Development #1		
Restricted Funds	12,300,000	-0-
003. Renovate Gordon Wilson Hall		
Restricted Funds	11,600,000	-0-
004. Expand Gatton Academy of Math and Science		
Other Funds	10,000,000	-0-
005. Miscellaneous Maintenance Pool – 2014-2016		
Restricted Funds	10,000,000	-0-
006. Renovate Garrett Conference Center Academic Space		
Restricted Funds	8,700,000	-0-
007. Renovate Garrett Conference Center Food Court		
Restricted Funds	7,000,000	-0-
008. Renovate Central Heat Plant		
Restricted Funds	5,100,000	-0-
009. Upgrade IT Infrastructure		
Restricted Funds	4,979,000	-0-
010. Construct Baseball Grandstand		
Other Funds	4,500,000	-0-
011. Renovate Art Lab/Museum		
Restricted Funds	4,200,000	-0-
012. Construct Track and Field Facilities Phase I		
Other Funds	4,000,000	-0-
013. Acquire Furniture, Fixtures, and Equipment for Diddle Arena		
Other Funds	3,000,000	-0-
014. Acquire Furniture, Fixtures, and Equipment for Honors College		
Restricted Funds	3,000,000	-0-
015. Demolish Thompson North Wing and Replace with Temporary Facility		
Restricted Funds	3,000,000	-0-
016. Parking and Street Improvements – 2014-2016		
Restricted Funds	3,000,000	-0-
017. Purchase Property for Campus Expansion – 2014-2016		
Restricted Funds	3,000,000	-0-
018. Renovate/Addition to Health Services Facility		
Restricted Funds	2,000,000	-0-
Other Funds	1,000,000	-0-
TOTAL	3,000,000	-0-
019. Acquire Equipment Pool – 2014-2016		
Restricted Funds	2,500,000	-0-

020.	Construct South Plaza		
	Other Funds	2,500,000	-0-
021.	Renovation at the Center for Research and Development #2		
	Restricted Funds	2,300,000	-0-
022.	Add Club Seating at Diddle Arena		
	Other Funds	2,200,000	-0-
023.	Construct Football Pressbox		
	Other Funds	2,200,000	-0-
024.	Renovation at the Center for Research and Development #3		
	Restricted Funds	2,200,000	-0-
025.	Acquire Furniture, Fixtures, and Equipment for Hardin County Project		
	Restricted Funds	2,000,000	-0-
026.	Design Environmental Science and Technology Hall Renovation		
	Restricted Funds	2,000,000	-0-
027.	Construct Nanotechnology Laboratory		
	Restricted Funds	1,900,000	-0-
028.	Renovate State and Normal Street Properties		
	Restricted Funds	1,500,000	-0-
029.	Renovate Foundation Building		
	Restricted Funds	1,200,000	-0-
030.	Renovate Tate Page Hall		
	Restricted Funds	1,200,000	-0-
031.	Acquire Bus Replacements		
	Restricted Funds	1,000,000	-0-
032.	Design Agriculture Expo Center Renovation		
	Restricted Funds	1,000,000	-0-
033.	Interior Renovation Jones Jagers		
	Restricted Funds	1,000,000	-0-
034.	Renovate Grise Hall Restrooms (ADA)		
	Restricted Funds	930,000	-0-
035.	Major Repairs Smith Stadium		
	Restricted Funds	800,000	-0-
036.	Raze and Replace Student Housing at Western Kentucky University Farm		
	Restricted Funds	800,000	-0-
037.	Alumni Center – Lease		
038.	College of Business – Lease		
039.	Nursing and Physical Therapy – Lease		
040.	Parking Garage – Lease		

041.	Pearce Ford Tower Food Court – Lease		
042.	South Regional Postsecondary Education Center – Lease		
043.	Replace Underground Infrastructure - Steam/Electric		
	Restricted Funds	30,000,000	-0-
044.	Construct New Gordon Ford College of Business and Renovate Grise Hall		
	Restricted Funds	77,200,000	-0-
045.	Capital Renewal Pool (Maintenance Pool) 2014		
	Restricted Funds	10,000,000	-0-
046.	Renovate Helm/Cravens Library		
	Restricted Funds	41,800,000	-0-
047.	Renovate Ivan Wilson, Phase II		
	Restricted Funds	26,100,000	-0-
048.	Renovate Academic Complex		
	Restricted Funds	27,500,000	-0-
049.	Renovate Kentucky Building		
	Restricted Funds	17,500,000	-0-

11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

(1) Conveyance of Property: The Kentucky Community and Technical College System may undertake a capital construction project under the provisions of Part I, K., 11., (3), of this Act.

001.	Construct MCTC/MSU Postsecondary Center of Excellence Phase I – Maysville CTC		
	Restricted Funds	7,000,000	-0-
	Agency Bonds	21,000,000	-0-
	TOTAL	28,000,000	-0-
002.	Construct Advanced Manufacturing Facility		
	Bond Funds	24,000,000	-0-
003.	Newtown Campus Expansion – Bluegrass CTC		
	Restricted Funds	6,000,000	-0-
	Agency Bonds	18,000,000	-0-
	TOTAL	24,000,000	-0-
004.	Construct Instructional Complex – Southcentral CTC		
	Restricted Funds	5,500,000	-0-
	Agency Bonds	16,500,000	-0-
	TOTAL	22,000,000	-0-
005.	Construct Postsecondary Education Center – Madisonville CC		
	Restricted Funds	5,000,000	-0-
	Agency Bonds	15,000,000	-0-
	TOTAL	20,000,000	-0-

006. Construct Carrollton Campus Phase I – Jefferson CTC

Restricted Funds	4,000,000	-0-
Agency Bonds	12,000,000	-0-
TOTAL	16,000,000	-0-

007. Construct Agriculture Health and Career Technology Center Phase I – Hopkinsville CC

Restricted Funds	3,750,000	-0-
Agency Bonds	11,250,000	-0-
TOTAL	15,000,000	-0-

008. Construct Urban Campus – Gateway CTC

Restricted Funds	3,750,000	-0-
Agency Bonds	11,250,000	-0-
TOTAL	15,000,000	-0-

009. Construct Advanced Technology Center Phase II – Owensboro CTC

Restricted Funds	3,000,000	-0-
Agency Bonds	9,000,000	-0-
TOTAL	12,000,000	-0-

010. KCTCS Equipment Pool – 2014-2016

Restricted Funds	12,000,000	-0-
------------------	------------	-----

011. Construct 2D Arts School Phase I – West Kentucky CTC

Restricted Funds	2,500,000	-0-
Agency Bonds	7,500,000	-0-
TOTAL	10,000,000	-0-

012. KCTCS Property Acquisition Pool – 2014-2016

Restricted Funds	10,000,000	-0-
------------------	------------	-----

013. Construct Educational Alliance Center - Middlesboro Campus – Southeast Kentucky CTC

Restricted Funds	2,500,000	-0-
Agency Bonds	7,500,000	-0-
TOTAL	10,000,000	-0-

014. Renovate Main Building – College Drive – Ashland CTC

Restricted Funds	2,500,000	-0-
Agency Bonds	7,500,000	-0-
TOTAL	10,000,000	-0-

015. Acquisition of System Office Building

Restricted Funds	6,300,000	-0-
------------------	-----------	-----

016. Renovate Campus Wide Facilities – Henderson CC

Restricted Funds	1,250,000	-0-
Agency Bonds	3,750,000	-0-

TOTAL	5,000,000	-0-
017. Renovate Denham Building Exterior – Maysville CTC		
Restricted Funds	4,011,000	-0-
018. Renovate Administration Building – Whitesburg – Southeast Kentucky CTC		
Restricted Funds	3,734,000	-0-
019. Renovate HVAC System Phase I – Owensboro CTC		
Restricted Funds	3,297,000	-0-
020. Purchase Leitchfield Property – Elizabethtown CTC		
Restricted Funds	3,000,000	-0-
021. Renovate HVAC System – Meece Building – Somerset CC		
Restricted Funds	3,000,000	-0-
022. Renovate Building for Skilled Crafts Training Center, Phase III – West Kentucky CTC		
Restricted Funds	2,630,000	-0-
023. Construct Arts and Humanities Building – Somerset CC North		
Restricted Funds	500,000	-0-
Agency Bonds	1,500,000	-0-
TOTAL	2,000,000	-0-
024. Construct Community Intergenerational Center – Lees-Hazard CTC		
Restricted Funds	500,000	-0-
Agency Bonds	1,500,000	-0-
TOTAL	2,000,000	-0-
025. Expansion of Pikeville Campus – Big Sandy CTC		
Restricted Funds	500,000	-0-
Agency Bonds	1,500,000	-0-
TOTAL	2,000,000	-0-
026. Renovate Collegewide Facilities – Big Sandy CTC		
Restricted Funds	2,000,000	-0-
027. Renovations Main Campus – West Kentucky CTC		
Restricted Funds	2,000,000	-0-
028. ADA Upgrades J. Phil Smith Building – Hazard CTC		
Restricted Funds	1,935,000	-0-
029. Construct Maintenance and Technical Building – West Kentucky CTC		
Restricted Funds	1,885,000	-0-
030. Construct Welding Lab – Main Campus – Henderson CC		
Restricted Funds	1,707,000	-0-
031. Soil Stabilization – Industrial Education Building – Hazard CTC		
Restricted Funds	1,650,000	-0-

032. Construct CPAT Center, State Fire and Rescue Training		
Restricted Funds	1,500,000	-0-
033. Install Sprinkler Systems – West Kentucky CTC		
Restricted Funds	1,500,000	-0-
034. Master Plan Development and Upgrade Pool – 2014-2016		
Restricted Funds	1,500,000	-0-
035. Construct Parking Lot and Lighting – Madisonville CC		
Restricted Funds	1,375,000	-0-
036. Construct Arboretum and Trails – Maysville CTC		
Restricted Funds	1,320,000	-0-
037. Renovation Utility Upgrade – Leestown Campus – Bluegrass CTC		
Restricted Funds	1,200,000	-0-
038. Acquire Land – Elizabethtown CTC		
Restricted Funds	1,000,000	-0-
039. Construct 2nd Floor Lab Technology Center – Hopkinsville CC		
Restricted Funds	1,000,000	-0-
040. Construct New Entrance – Leestown – Bluegrass CTC		
Restricted Funds	1,000,000	-0-
041. Construct Second Entrance – Main – Madisonville CC		
Restricted Funds	1,000,000	-0-
042. Renovate Owen Classroom Building – Elizabethtown CTC		
Restricted Funds	250,000	-0-
Agency Bonds	750,000	-0-
TOTAL	1,000,000	-0-
043. Replace Fire Alarm and Security System – Maysville CTC		
Restricted Funds	1,000,000	-0-
044. Site and Infrastructure Improvements – Somerset CC		
Restricted Funds	1,000,000	-0-
045. Construct or Procure Area 9 Training Building State Fire and Rescue Reauthorization (\$980,000 Restricted Funds)		
046. Gateway CTC – Urban Campus – Lease		
047. Jefferson CTC – Jefferson Education Center – Lease		
048. Maysville CTC – Montgomery County Center – Lease		
049. Guaranteed Energy Savings Performance Contracts		
050. KCTCS System Office Lease-Purchase		
051. Jefferson CTC - Bullitt County Campus - Lease-Purchase		
052. Mt. Sterling Property Acquisition - Maysville CTC		
Restricted Funds	8,000,000	-0-
053. Ashland Property Acquisition - Ashland CTC		

Restricted Funds	10,000,000	-0-
------------------	------------	-----

054. KCTCS Agency Bonds - 2014-2016

(1) Agency Bonds: To provide flexibility to the Kentucky Community and Technical College System in the administration of its capital program, the following capital projects are eligible to be funded, in the order listed, from the Agency Bonds authorized for items 001., 003., 004., 005., 006., 007., 008., 009., 011., 013., 014., 016., 023., 024., 025., and 042. of this section if the local match for these items is not provided by June 30, 2016: Renovate Downtown Campus, Phase II - Jefferson CTC - \$29,831,000; Construct Muhlenberg Campus, Phase II - Madisonville CTC - \$12,850,000; Complete Urban Campus - Gateway CTC - \$57,000,000; Construct Consolidated Allied Health Building - Hazard CTC - \$29,129,000; Construct Extension Center - Russell County - Somerset CTC - \$15,700,000; Construct Allied Health, Phase II - West KY CTC - \$16,762,000; Renovate Academic Building - Hopkinsville CTC - \$10,233,000; Exterior Renovation - Denham Building - Maysville CTC - \$4,011,000; Construct Technology Drive Campus, Phase III - Ashland CTC - \$11,771,000; Renovate Educational Alliance Center - Cumberland Campus - Southeast KY CTC - \$22,395,000; HVAC Replacement - Main Campus, Phase I - Owensboro CTC - \$3,297,000; Development of DJJ Property - Bluegrass CTC - \$5,322,000; Construct KY Advanced Tech Institute, Phase II - Southcentral KY CTC - \$9,531,000; Collegewide Renovation of Facilities for Instructional Purposes - Big Sandy CTC - \$8,030,000; Leitchfield Property Acquisition - Elizabethtown CTC - \$3,000,000; Welding Lab Relocation - Henderson CTC - \$1,707,000. Authorization of these eligible projects is contingent upon the relevant campus providing a local match equal to 25 percent of the total project cost listed above. The Kentucky Community and Technical College System shall report the projects selected to be funded pursuant to this section to the President of the Council on Postsecondary Education, the Secretary of the Finance and Administration Cabinet, and the Capital Projects and Bond Oversight Committee.

K. PUBLIC PROTECTION CABINET

Budget Units	2014-15	2015-16
---------------------	----------------	----------------

1. INSURANCE**001.** Franklin County – Lease**2. HOUSING, BUILDINGS AND CONSTRUCTION****001.** Franklin County – Lease**L. TOURISM, ARTS AND HERITAGE CABINET**

Budget Units	2014-15	2015-16
---------------------	----------------	----------------

1. PARKS**001.** Maintenance Pool – 2014-2016

Bond Funds	4,000,000	4,000,000
------------	-----------	-----------

002. Upgrade Guest Accommodations Reauthorization and Reallocation
(\$466,800 Bond Funds)

Bond Funds	5,033,200	-0-
------------	-----------	-----

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the project set forth in 2012 Ky. Acts ch. 144, Part II, L., 1., 002.

003. Jefferson Davis Monument Re-sealing Reauthorization and
Reallocation (\$620,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of 2006 Ky. Acts ch. 252, Part II, B., 1., 002 for the project set forth in 2006 Ky. Acts ch. 251, Section 18 and 2012 Ky. Acts ch. 144, Part II, L., 1., 002.

004. Kentucky Dam Village Roof Replacement and Repair Reauthorization
and Reallocation (\$2,000,000 Bond Funds)

(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of 2006 Ky. Acts ch. 252, Part II, B., 1., 002 for the project set forth in 2006 Ky. Acts ch. 251, Section 18.

005. Rough River Dam Boat Dock

	General Fund	850,000	-0-
2.	HORSE PARK COMMISSION		
	001. Maintenance Pool – 2014-2016		
	Investment Income	575,000	575,000
3.	STATE FAIR BOARD		
	001. Kentucky International Convention Center Renovation and Expansion		
	Bond Funds	56,000,000	-0-
	Other Funds	124,000,000	-0-
	TOTAL	180,000,000	-0-
	002. Freedom Hall Sewer Line Replacement		
	Bond Funds	3,224,000	-0-
4.	FISH AND WILDLIFE RESOURCES		
	001. Fees-in-Lieu-of Stream Mitigation Projects Pool		
	Restricted Funds	20,000,000	20,000,000
	002. Land Acquisition Pool – 2014-2016		
	Restricted Funds	1,000,000	1,000,000
5.	HISTORICAL SOCIETY		
	001. Digital Initiatives		
	Bond Funds	1,000,000	-0-
	Other Funds	2,500,000	-0-
	TOTAL	3,500,000	-0-
6.	KENTUCKY CENTER FOR THE ARTS		
	001. Roof Replacement		
	Bond Funds	2,200,000	-0-
	002. Maintenance Pool – 2014-2016		
	Investment Income	160,000	160,000

M. COAL SEVERANCE TAX PROJECTS

(1) Projects Authorization and Appropriation: Notwithstanding KRS 42.4588(2) and (4), the following projects are authorized and appropriated from Local Government Economic Development Fund moneys from the respective single county fund pursuant to KRS 42.4592 for public purposes in the following coal-producing counties in the manner and amounts enumerated. These projects are determined by the General Assembly to be important to the furtherance of the public policy objectives and economic development purposes for which the Local Government Economic Development Program was established. The amounts appropriated are estimates. Actual expenditures and encumbrances shall be limited to the actual receipts realized and available in the respective single county fund. These amounts are composed of estimated receipts for fiscal year 2013-2014, fiscal year 2014-2015, and fiscal year 2015-2016 in combination with prior unobligated balances in the respective single county funds. To the extent that a county that is authorized to proceed with a project enumerated below receives more single county Local Government Economic Development Fund moneys than are appropriated in this Act, the county may direct those funds to offset a cost overrun on any of the projects enumerated below upon approval of the Commissioner of the Department for Local Government.

(2) Projects Not To Be Duplicated: Notwithstanding KRS 42.4588(2) and (4), to avoid duplication of appropriations for the line-item coal severance tax projects authorized in this section, the following projects are authorized and appropriated for the amounts enumerated below under the condition that the project has not received, or already been authorized by the Department for Local Government to receive, funding prior to the effective date of this Act.

(3) Authorization for Current Year Coal Severance Tax Projects: The following projects authorized for fiscal year 2013-2014 shall remain authorized for the 2014-2016 fiscal biennium.

(4) Project Prioritization: Notwithstanding KRS 42.4588, the following projects shall have priority over projects that have been authorized prior to the effective date of this Act by the Department for Local Government to receive funding.

(5) Water and Sewer Projects: The following projects that are related to water and sewer shall be administered by the Kentucky Infrastructure Authority.

Budget Units	2013-14	2014-15	2015-16
--------------	---------	---------	---------

1. GENERAL GOVERNMENT

a. Department for Local Government

Bell County

001. Bell County Fiscal Court - City of Middlesboro - Projects - Equipment			
Restricted Funds	-0-	50,000	50,000
002. Bell County Fiscal Court - City of Pineville - Projects - Equipment			
Restricted Funds	-0-	25,000	25,000
003. Bell County Fiscal Court - Operations - Projects - Equipment			
Restricted Funds	-0-	650,878	638,496

Boyd County

001. Ashland Independent Board of Education - Ground and other improvements			
Restricted Funds	-0-	15,000	-0-
002. Boyd County Board of Education - Ground and other improvements			
Restricted Funds	-0-	15,000	-0-
003. Boyd County Fiscal Court - CASA of Northeast KY Improvements - Services and Operations			
Restricted Funds	-0-	15,000	10,000
004. Boyd County Fiscal Court - First Book - Improvements, Services, and Operations			
Restricted Funds	-0-	5,000	-0-
005. Boyd County Fiscal Court - Shelter of Hope - Improvements, Services, and Operations			
Restricted Funds	-0-	5,579	2,153
006. City of Ashland - Economic Development and Tourism			
Restricted Funds	-0-	28,000	25,000
007. City of Catlettsburg - Facility Equipment - Other Improvements			
Restricted Funds	-0-	-0-	10,000
008. Paramount Arts Center - Operations and Improvements			
Restricted Funds	-0-	-0-	28,000

Breathitt County

001. Breathitt County Board of Education - Renovations			
Restricted Funds	-0-	85,500	81,750

002. Breathitt County Board of Education - Road Equipment - Improvements			
Restricted Funds	-0-	235,000	235,000
003. Breathitt County Fiscal Court - Volunteer Fire Departments - Operations and Equipment			
Restricted Funds	-0-	42,000	42,000
004. Breathitt County Senior Citizens Program - Vehicle, Equipment, Building Upgrades, and Supplies			
Restricted Funds	-0-	10,582	9,326
005. Breathitt County Water District - Robinson Fork - End of Hwy 205 Roark Branch 30 East - War Creek Road Pump Station, Tank Site Equipment			
Restricted Funds	-0-	50,000	50,000
006. City of Jackson - Water Plant Improvements			
Restricted Funds	-0-	51,500	51,500
007. Jackson Independent Board of Education - Jackson Independent Board of Education			
Restricted Funds	-0-	20,000	20,000
008. Jackson Independent Board of Education - Renovations			
Restricted Funds	-0-	90,250	87,400
Clay County			
001. City of Manchester - Police Cruiser			
Restricted Funds	-0-	50,000	-0-
002. City of Manchester - Swimming Pool Repairs and Operation			
Restricted Funds	-0-	50,000	-0-
003. Clay County Fiscal Court - "Stay on Clay" Historical Restoration and Preservation			
Restricted Funds	-0-	25,000	-0-
004. Clay County Fiscal Court - Equipment/Operations			
Restricted Funds	-0-	20,000	50,000
005. Clay County Fiscal Court - Library Renovations			
Restricted Funds	-0-	25,000	-0-
006. Clay County Fiscal Court - Sheriff's Department - Communication Equipment			
Restricted Funds	-0-	30,000	-0-
007. Clay County Fiscal Court - Sherriff's Department - Police Cruiser			
Restricted Funds	-0-	50,000	-0-
008. Clay County Fiscal Court - Transportation Infrastructure			
Restricted Funds	-0-	50,000	100,000
009. Clay County Fiscal Court - Waterline Extension			
Restricted Funds	-0-	50,000	100,000

Daviess County

001. Daviess County Fiscal Court - Economic Development

Restricted Funds	-0-	138,558	93,987
------------------	-----	---------	--------

Elliott County**001. City of Sandy Hook - Upgrades and Improvement Property Purchase**

Restricted Funds	-0-	-0-	8,150
------------------	-----	-----	-------

002. Elliott County Board of Education - Elliott County Public Library and Elliott County Schools - Supplies - Upgrades - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

003. Elliott County Fiscal Court - Elliott County Ambulance Department - Improvements - Equipment

Restricted Funds	-0-	25,000	20,000
------------------	-----	--------	--------

004. Elliott County Fiscal Court - Equipment, Facility, Ground, and other Improvements

Restricted Funds	-0-	10,033	12,500
------------------	-----	--------	--------

005. Elliott County Fiscal Court - Improvement - Equipment - Operations

Restricted Funds	-0-	20,000	20,000
------------------	-----	--------	--------

006. Elliott County Fiscal Court - Isonville Fire Department - Equipment - Facility and Ground Improvements

Restricted Funds	-0-	10,000	7,500
------------------	-----	--------	-------

007. Elliott County Fiscal Court - Loral Gorge Heritage Center - Facility Upgrades - Equipment - Operations

Restricted Funds	-0-	15,000	15,000
------------------	-----	--------	--------

008. Elliott County Fiscal Court - Route 504 Fire Department - Equipment - Facility and Ground Improvements

Restricted Funds	-0-	10,000	7,500
------------------	-----	--------	-------

009. Elliott County Fiscal Court - Sandy Hook Fire Department - Equipment - Facility and Ground Improvements

Restricted Funds	-0-	10,000	7,500
------------------	-----	--------	-------

Floyd County

(1) Project Priority: The following shall be the priority order of funding for the projects enumerated below for Floyd County: 001., all fire department projects, all veterans organization projects, 019., 025., park projects, 032., 033., 034., 035., 036., 037., 038., 039., and 040..

001. Floyd County Fiscal Court - Floyd County Senior Citizens, Inc.

Restricted Funds	-0-	200,000	200,000
------------------	-----	---------	---------

002. City of Martin - Martin Fire Department - Equipment and Expenses

Restricted Funds	-0-	1,750	1,750
------------------	-----	-------	-------

003. City of Prestonsburg - Prestonsburg Fire Department - Expenses

Restricted Funds	-0-	1,750	1,750
------------------	-----	-------	-------

004. City of Wayland - Wayland Fire Department - Expenses

Restricted Funds	-0-	1,750	1,750
------------------	-----	-------	-------

005. City of Wheelwright - Wheelwright Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
006. Floyd County Fiscal Court - Cow Creek Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
007. Floyd County Fiscal Court - Allen Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
008. Floyd County Fiscal Court - Auxier Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
009. Floyd County Fiscal Court - Betsy Layne Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
010. Floyd County Fiscal Court - David Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
011. Floyd County Fiscal Court - Garrett Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
012. Floyd County Fiscal Court - Left Beaver Fire Department and Rescue Squad - Expenses			
Restricted Funds	-0-	1,750	1,750
013. Floyd County Fiscal Court - Maytown Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
014. Floyd County Fiscal Court - Middle Creek Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
015. Floyd County Fiscal Court - Mud Creek Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
016. Floyd County Fiscal Court - Southeast Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
017. Floyd County Fiscal Court - Toler Creek Fire Department - Expenses			
Restricted Funds	-0-	1,750	1,750
018. City of Prestonsburg - VFW Post 5839 - Equipment and Improvements			
Restricted Funds	-0-	1,750	1,750
019. Floyd County Fiscal Court - DAV Chapter 128 - Bus			
Restricted Funds	-0-	25,000	-0-
020. Floyd County Fiscal Court - American Legion Post 283 - Equipment and Improvements			
Restricted Funds	-0-	1,750	1,750
021. Floyd County Fiscal Court - DAV Post #128 - Equipment and Operations			
Restricted Funds	-0-	1,750	1,750
022. Floyd County Fiscal Court - DAV Post #169 - Equipment and Operations			
Restricted Funds	-0-	1,750	1,750
023. Floyd County Fiscal Court - DAV Post #18 - Equipment and Operations			

Restricted Funds	-0-	1,750	1,750
024. Floyd County Fiscal Court - Martin American Veterans - Equipment and Improvements			
Restricted Funds	-0-	1,750	1,750
025. City of Prestonsburg - Floyd County Rescue Squad - Equipment, Operations, and Repairs			
Restricted Funds	-0-	10,000	10,000
026. City of Wayland - Wayland Park			
Restricted Funds	-0-	2,500	2,500
027. Floyd County Fiscal Court - Elkhorn Park - ATV Trails			
Restricted Funds	-0-	12,500	12,500
028. Floyd County Fiscal Court - Garrett Park			
Restricted Funds	-0-	-0-	20,000
029. Floyd County Fiscal Court - Ishmeal Abner Caudill Park - Playground Equipment and Blacktop Walking Track			
Restricted Funds	-0-	-0-	20,000
030. Floyd County Fiscal Court - Minnie Park - Restrooms, Sewer, and Various Improvements			
Restricted Funds	-0-	10,000	10,000
031. Floyd County Fiscal Court - Weeksbury Parks - Playground Equipment and Blacktop Walking Track			
Restricted Funds	-0-	-0-	20,000
032. City of Wheelwright - Streets and Sidewalks			
Restricted Funds	-0-	15,000	15,000
033. City of Wheelwright - Wheelwright Swimming Pool			
Restricted Funds	-0-	10,000	10,000
034. Floyd County Fiscal Court - Left Beaver Fire Department and Rescue Squad - New Building			
Restricted Funds	-0-	75,000	75,000
035. Floyd County Fiscal Court - Highland Autistic School - Autism Scholarships			
Restricted Funds	-0-	75,000	75,000
036. Floyd County Fiscal Court - Floyd County Drug Court			
Restricted Funds	-0-	50,000	50,000
037. City of Prestonsburg - Mountain Top Recreational - Repairs, Maintenance, and Renovations to Stone Crest			
Restricted Funds	-0-	65,000	75,000
038. City of Prestonsburg - Mountain Arts Center			
Restricted Funds	-0-	40,000	40,000
039. Floyd County Fiscal Court - Wayland Historical Society - Purchase Clinic,			

Renovation, Planning, Development, and Construction - Mountain Sports Hall
of Fame

Restricted Funds	-0-	35,000	35,000
------------------	-----	--------	--------

040. Floyd County Board of Education - Technology Implementation

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

041. Floyd County Board of Education - Wheelwright Gym - Operating Expenses

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

042. Floyd County Fiscal Court - Floyd County Offices - Establishment of Branch
Office in Left Beaver Area

Restricted Funds	-0-	48,000	50,000
------------------	-----	--------	--------

043. Floyd County Fiscal Court - Bridge Deck Rte-404 toward Blue River

Restricted Funds	-0-	-0-	30,000
------------------	-----	-----	--------

044. Floyd County Fiscal Court - German Bridge Campground

Restricted Funds	-0-	-0-	20,000
------------------	-----	-----	--------

Greenup County

001. City of South Shore - Parks and Recreation

Restricted Funds	-0-	1,000	-0-
------------------	-----	-------	-----

002. Eastern Kentucky University - Feasibility study of Aviation/Aerospace
academic program at the Ashland Regional Airport in Worthington

Restricted Funds	-0-	3,000	-0-
------------------	-----	-------	-----

003. Greenup County Health Department - Ovarian Screening Project

Restricted Funds	-0-	10,000	-0-
------------------	-----	--------	-----

Hancock County

001. Hancock County Fiscal Court - Fire and Rescue - Equipment

Restricted Funds	-0-	-0-	38,472
------------------	-----	-----	--------

002. Hancock County Fiscal Court - Water Lines - Improvements

Restricted Funds	-0-	39,065	-0-
------------------	-----	--------	-----

Harlan County

001. Harlan County Fiscal Court - Benham Volunteer Fire Department -
Equipment - Improvements

Restricted Funds	-0-	3,000	3,000
------------------	-----	-------	-------

002. Harlan County Fiscal Court - Bledsoe Volunteer Fire Department - Equipment
- Improvements

Restricted Funds	-0-	3,000	3,000
------------------	-----	-------	-------

003. Harlan County Fiscal Court - Cawood Ledford Boys and Girls Club -
Operations

Restricted Funds	-0-	25,000	25,000
------------------	-----	--------	--------

004. Harlan County Fiscal Court - City of Benham - Projects - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

005. Harlan County Fiscal Court - City of Cumberland - Projects - Operations			
Restricted Funds	-0-	10,000	10,000
006. Harlan County Fiscal Court - City of Evarts - Projects - Operations			
Restricted Funds	-0-	10,000	10,000
007. Harlan County Fiscal Court - City of Harlan - Projects - Operations			
Restricted Funds	-0-	10,000	10,000
008. Harlan County Fiscal Court - City of Loyall - Projects - Operations			
Restricted Funds	-0-	10,000	10,000
009. Harlan County Fiscal Court - City of Lynch - Projects - Operations			
Restricted Funds	-0-	10,000	10,000
010. Harlan County Fiscal Court - Cloverfork Rescue Squad - Equipment			
Restricted Funds	-0-	3,000	3,000
011. Harlan County Fiscal Court - Cumberland Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
012. Harlan County Fiscal Court - Debt Retirement			
Restricted Funds	-0-	690,000	700,000
013. Harlan County Fiscal Court - District 1 - Projects - Equipment			
Restricted Funds	-0-	20,000	20,000
014. Harlan County Fiscal Court - District 2 - Projects - Equipment			
Restricted Funds	-0-	20,000	20,000
015. Harlan County Fiscal Court - District 3 - Projects - Equipment			
Restricted Funds	-0-	20,000	20,000
016. Harlan County Fiscal Court - District 4 - Projects - Equipment			
Restricted Funds	-0-	20,000	20,000
017. Harlan County Fiscal Court - District 5 - Projects - Equipment			
Restricted Funds	-0-	20,000	20,000
018. Harlan County Fiscal Court - Evarts Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
019. Harlan County Fiscal Court - Evarts Senior Citizens - Operations - Improvements			
Restricted Funds	-0-	10,000	10,000
020. Harlan County Fiscal Court - Harlan County Pop Basketball Club - Equipment			
Restricted Funds	-0-	5,000	5,000
021. Harlan County Fiscal Court - Harlan Rescue Squad - Equipment			
Restricted Funds	-0-	3,000	3,000
022. Harlan County Fiscal Court - Harlan Volunteer Fire Department - Equipment			

- Improvements			
Restricted Funds	-0-	3,000	3,000
023. Harlan County Fiscal Court - Harlan/Green Hill Senior Citizens Centers - Operations - Improvements			
Restricted Funds	-0-	25,000	25,000
024. Harlan County Fiscal Court - Lower Clover Fork Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
025. Harlan County Fiscal Court - Loyall Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
026. Harlan County Fiscal Court - Lynch Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
027. Harlan County Fiscal Court - Martins Fork Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
028. Harlan County Fiscal Court - Putney Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
029. Harlan County Fiscal Court - Sunshine Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000
030. Harlan County Fiscal Court - The Laurels - Debt Retirement			
Restricted Funds	-0-	50,000	50,000
031. Harlan County Fiscal Court - Tri-City Rescue Squad - Equipment			
Restricted Funds	-0-	3,000	3,000
032. Harlan County Fiscal Court - Tri-City Senior Citizens - Operations - Improvements			
Restricted Funds	-0-	10,000	10,000
033. Harlan County Fiscal Court - Upper Clover Fork Volunteer Fire Department - Equipment - Operations			
Restricted Funds	-0-	3,000	3,000
034. Harlan County Fiscal Court - Wallins Fellowship Center - Operations - Improvements			
Restricted Funds	-0-	10,000	10,000
035. Harlan County Fiscal Court - Wallins Volunteer Fire Department - Equipment - Improvements			
Restricted Funds	-0-	3,000	3,000

0036. Harlan County Fiscal Court - Water Line -Sewer Projects

Restricted Funds	-0-	579,000	600,000
------------------	-----	---------	---------

0037. Harlan County Fiscal Court - Yocum Creek Volunteer Fire Department - Equipment - Improvements

Restricted Funds	-0-	3,000	3,000
------------------	-----	-------	-------

Henderson County**001. Henderson County Fiscal Court - Audubon Park Road to Boardwalk - Improvements**

Restricted Funds	-0-	100,000	-0-
------------------	-----	---------	-----

002. Henderson County Fiscal Court - Bluegrass in the Park

Restricted Funds	-0-	10,000	-0-
------------------	-----	--------	-----

003. Henderson County Fiscal Court - County Projects

Restricted Funds	-0-	132,224	296,527
------------------	-----	---------	---------

004. Henderson County Fiscal Court - Fairgrounds - Improvements

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

005. Henderson County Fiscal Court - Fire Hydrants - Improvements

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

006. Henderson County Fiscal Court - HCC Surface and Underground Mining Certification Classes

Restricted Funds	-0-	23,400	23,400
------------------	-----	--------	--------

007. Henderson County Fiscal Court - WC Handy Blues Festival

Restricted Funds	-0-	10,000	-0-
------------------	-----	--------	-----

Hopkins County**001. City of Dawson Springs - Dawson Springs City Project**

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

002. City of Earlington - Earlington Water Line Repair Project

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

003. City of Hanson - Hanson Water Project - Improvements

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

004. City of Madisonville - Madisonville Old City Building - Removal - Construction

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

005. City of Mortons Gap - Mortons Gap - City Building - Improvements

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

006. City of Nebo - Community Project

Restricted Funds	-0-	-0-	50,000
------------------	-----	-----	--------

007. City of Nortonville - Nortonville City Project

Restricted Funds	-0-	-0-	30,000
------------------	-----	-----	--------

008. City of Saint Charles - St. Charles City Hall and Park - Improvements

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	-0-	37,500	-0-
009. City of White Plains - White Plains - Water Project - Improvements			
Restricted Funds	-0-	50,000	-0-
010. Hopkins County Fiscal Court - Anton Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
011. Hopkins County Fiscal Court - Ballard Convention Center - Upgrades			
Restricted Funds	-0-	30,000	30,000
012. Hopkins County Fiscal Court - Charleston Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
013. Hopkins County Fiscal Court - Dawson Springs Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
014. Hopkins County Fiscal Court - Earlington Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
015. Hopkins County Fiscal Court - Grapevine Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
016. Hopkins County Fiscal Court - Hanson Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
017. Hopkins County Fiscal Court - Manitou Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
018. Hopkins County Fiscal Court - Mortons Gap Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
019. Hopkins County Fiscal Court - Nebo Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
020. Hopkins County Fiscal Court - Nortonville Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
021. Hopkins County Fiscal Court - Projects Appropriated by Fiscal Court			
Restricted Funds	-0-	200,000	200,000
022. Hopkins County Fiscal Court - Richland Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
023. Hopkins County Fiscal Court - Roads - Equipment			
Restricted Funds	-0-	200,000	250,000
024. Hopkins County Fiscal Court - Rosenwald-Smith Center - Repairs			
Restricted Funds	-0-	30,000	30,000
025. Hopkins County Fiscal Court - South Hopkins Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000
026. Hopkins County Fiscal Court - Sports Complex - Construction			
Restricted Funds	-0-	200,000	200,000
027. Hopkins County Fiscal Court - St. Charles Fire Department - Equipment			
Restricted Funds	-0-	5,000	5,000

028. Hopkins County Fiscal Court - Unallocated Projects

Restricted Funds	-0-	29,386	68,580
------------------	-----	--------	--------

029. Hopkins County Fiscal Court - White Plains Fire Department - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

030. Madisonville Community College - School Counts - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

031. Madisonville Community College - Synergy Lab

Restricted Funds	-0-	100,000	100,000
------------------	-----	---------	---------

Jackson County**001. Jackson County Fiscal Court - Flat Lick Falls Park - Construction -
Playground Area - Equipment**

Restricted Funds	-0-	155,303	151,971
------------------	-----	---------	---------

**002. Jackson County Fiscal Court - Gray Hawk Fire Department - Equipment -
Supplies**

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

**003. Jackson County Fiscal Court - McKee Fire Department - Equipment -
Supplies**

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

**004. Jackson County Fiscal Court - Pond Creek Fire Department - Equipment -
Supplies**

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

**005. Jackson County Fiscal Court - Sand Gap Fire Department - Equipment -
Supplies**

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

Johnson County**001. Johnson County Fiscal Court - Fire Hydrants - Improvements**

Restricted Funds	-0-	-0-	25,000
------------------	-----	-----	--------

**002. Johnson County Fiscal Court - Flat Gap Volunteer Fire Department -
Equipment**

Restricted Funds	-0-	4,000	4,000
------------------	-----	-------	-------

003. Johnson County Fiscal Court - Johnson County Rescue Squad - Equipment

Restricted Funds	-0-	4,000	4,000
------------------	-----	-------	-------

**004. Johnson County Fiscal Court - Oil Springs Volunteer Fire Department -
Equipment**

Restricted Funds	-0-	4,000	4,000
------------------	-----	-------	-------

005. Johnson County Fiscal Court - Recreation - Operations - Equipment

Restricted Funds	-0-	25,000	25,000
------------------	-----	--------	--------

**006. Johnson County Fiscal Court - Red Bush Volunteer Fire Department -
Equipment**

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	-0-	4,000	4,000
007. Johnson County Fiscal Court - River Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
008. Johnson County Fiscal Court - Road Department - Equipment			
Restricted Funds	-0-	75,000	-0-
009. Johnson County Fiscal Court - Rockhouse Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
010. Johnson County Fiscal Court - Senior Citizens - Operations			
Restricted Funds	-0-	50,000	50,000
011. Johnson County Fiscal Court - Thealka Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
012. Johnson County Fiscal Court - Thelma Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
013. Johnson County Fiscal Court - Van Lear Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
014. Johnson County Fiscal Court - W.R. Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
015. Johnson County Fiscal Court - Water Lines - Improvements			
Restricted Funds	-0-	100,000	100,000
016. Johnson County Fiscal Court - West Van Lear Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
017. Johnson County Fiscal Court - Williamsport Volunteer Fire Department - Equipment			
Restricted Funds	-0-	4,000	4,000
Knott County			
001. Knott County Fiscal Court - Jail Bond Payment			
Restricted Funds	-0-	-0-	100,000
002. Knott County Fiscal Court - Sportsplex Bond Payment, Maintenance, Equipment, Improvements, and Operations			
Restricted Funds	-0-	-0-	800,000
003. Knott County Fiscal Court - Tourism and Economic Development Projects			
Restricted Funds	-0-	-0-	225,000
004. Knott County Fiscal Court - Various Water & Sewer Projects			
Restricted Funds	-0-	-0-	350,000

005. Knott County Fiscal Court - Volunteer Fire Department and Rescue Squads

Restricted Funds	-0-	-0-	55,000
------------------	-----	-----	--------

Knox County**001. City of Barbourville - Barbourville Police Department - Equipment - Operations**

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

002. City of Barbourville - Equipment

Restricted Funds	-0-	20,000	-0-
------------------	-----	--------	-----

003. City of Barbourville - Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

004. Knox County Board of Education - TV-4 - Equipment

Restricted Funds	-0-	-0-	10,000
------------------	-----	-----	--------

005. Knox County Fiscal Court - Appalachian Children's Home - Equipment

Restricted Funds	10,000	-0-	-0-
------------------	--------	-----	-----

006. Knox County Fiscal Court - Artemus Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

007. Knox County Fiscal Court - Bailey Switch Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

008. Knox County Fiscal Court - Christian Life Fellowship Food Pantry - Equipment - Operations

Restricted Funds	2,500	-0-	-0-
------------------	-------	-----	-----

009. Knox County Fiscal Court - Corbin Senior Citizens - Equipment

Restricted Funds	5,000	-0-	-0-
------------------	-------	-----	-----

010. Knox County Fiscal Court - East Knox Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

011. Knox County Fiscal Court - Emergency Fund and Service, Inc. - Equipment

Restricted Funds	10,000	-0-	-0-
------------------	--------	-----	-----

012. Knox County Fiscal Court - Knox County Jail - Equipment

Restricted Funds	-0-	20,000	20,000
------------------	-----	--------	--------

013. Knox County Fiscal Court - Knox County Junior Football League - Equipment

Restricted Funds	2,500	-0-	-0-
------------------	-------	-----	-----

014. Knox County Fiscal Court - Knox Utility Commission - Whitley Line Extension

Restricted Funds	-0-	20,000	-0-
------------------	-----	--------	-----

015. Knox County Fiscal Court - Knox/Whitley County Animal Shelter - Capital

Construction

Restricted Funds	-0-	30,000	5,000
------------------	-----	--------	-------

016. Knox County Fiscal Court - Lend-A-Hand Center - Equipment - Operations

Restricted Funds	5,000	-0-	-0-
------------------	-------	-----	-----

017. Knox County Fiscal Court - Poplar Creek Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

018. Knox County Fiscal Court - Richland Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

019. Knox County Fiscal Court - Sheriff's Department - Cruisers - Equipment

Restricted Funds	25,000	25,000	25,000
------------------	--------	--------	--------

020. Knox County Fiscal Court - Stinking Creek Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

021. Knox County Fiscal Court - West Knox Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

022. Knox County Fiscal Court - Woodbine Fire Department - Equipment - Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

023. Knox County Utility Commission - New Water Line Extensions

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

Laurel County**001.** Laurel County Fiscal Court - Baldrock Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
------------------	-----	-------	-------

002. Laurel County Fiscal Court - Bush Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
------------------	-----	-------	-------

003. Laurel County Fiscal Court - Campground Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
------------------	-----	-------	-------

004. Laurel County Fiscal Court - Colony Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
------------------	-----	-------	-------

005. Laurel County Fiscal Court - Crossroad Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
------------------	-----	-------	-------

006. Laurel County Fiscal Court - East Bernstadt Fire Department - Equipment - Supplies

Restricted Funds	-0-	7,287	7,321
007. Laurel County Fiscal Court - Keavy Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
008. Laurel County Fiscal Court - Laurel County Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
009. Laurel County Fiscal Court - Laurel Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
010. Laurel County Fiscal Court - Lily County Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
011. Laurel County Fiscal Court - London Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
012. Laurel County Fiscal Court - McWhorter Fire Department - Equipment - Supplies			
Restricted Funds	-0-	7,287	7,321
013. Laurel County Fiscal Court - OPAC			
Restricted Funds	-0-	15,000	13,000

Lawrence County

001. City of Louisa - Downtown Beautification and Improvements			
Restricted Funds	-0-	15,000	10,000
002. Lawrence County Board of Education - Facility and Ground - Improvements			
Restricted Funds	-0-	15,000	10,000
003. Lawrence County Fire Department - Seven Fire Departments - Money to be divided equally - Equipment - Improvements			
Restricted Funds	-0-	17,500	17,500
004. Lawrence County Fiscal Court - Courthouse Annex Facility - Renovations - Operations - Improvements			
Restricted Funds	-0-	40,000	37,370
005. Lawrence County Fiscal Court - Lawrence County - Water Line Extensions			
Restricted Funds	-0-	-0-	75,000
006. Lawrence County Fiscal Court - Lawrence County Parks - Improvements - Upgrades			
Restricted Funds	-0-	45,000	40,000
007. Lawrence County Fiscal Court - Recycling Center - Improvements - Equipment			
Restricted Funds	-0-	-0-	15,000
008. Lawrence County Fiscal Court - Water Line Extensions			
Restricted Funds	-0-	75,925	-0-

Leslie County**001. City of Hyden - General Government**

Restricted Funds	-0-	80,000	60,000
------------------	-----	--------	--------

002. Leslie County Fiscal Court - Beechfork Senior Citizens operations

Restricted Funds	-0-	150,000	150,000
------------------	-----	---------	---------

003. Leslie County Fiscal Court - Coon Creek Volunteer Fire Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

004. Leslie County Fiscal Court - Cutshin Senior Citizens Operations

Restricted Funds	-0-	150,000	150,000
------------------	-----	---------	---------

005. Leslie County Fiscal Court - Cutshin Volunteer Fire Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

006. Leslie County Fiscal Court - General Government

Restricted Funds	-0-	60,000	60,000
------------------	-----	--------	--------

007. Leslie County Fiscal Court - Hyden Senior Citizens Operations

Restricted Funds	-0-	150,000	150,000
------------------	-----	---------	---------

008. Leslie County Fiscal Court - Hyden Volunteer Fire Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

009. Leslie County Fiscal Court - Leslie County 911 operations

Restricted Funds	-0-	300,000	300,000
------------------	-----	---------	---------

010. Leslie County Fiscal Court - Stinnett Senior Citizens Operations

Restricted Funds	-0-	150,000	150,000
------------------	-----	---------	---------

011. Leslie County Fiscal Court - Stinnett Volunteer Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

012. Leslie County Fiscal Court - Thousand Sticks Volunteer Fire Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

013. Leslie County Fiscal Court - Wooten Volunteer Fire Department Operations

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

Letcher County**001. Letcher County Fiscal Court - Domestic Violence**

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

002. Letcher County Fiscal Court - Letcher County Road Department, Sanitation Department, Senior Citizen Centers, Park and Recreation, Tourism, Maintenance, Operational - Improvements - Equipment

Restricted Funds	-0-	625,000	625,000
------------------	-----	---------	---------

003. Letcher County Fiscal Court - Recreation Center - Debt Service - Operations - Improvements

Restricted Funds	-0-	600,000	600,000
------------------	-----	---------	---------

004. Letcher County Fiscal Court - Volunteer Fire Departments - Equipment -
Supplies - Operations - Improvements - To be divided equally

Restricted Funds	-0-	75,000	75,000
------------------	-----	--------	--------

Magoffin County

001. Magoffin County Fiscal Court - Bloomington Volunteer Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

002. Magoffin County Fiscal Court - District 3 Volunteer Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

003. Magoffin County Fiscal Court - Magoffin County Fiscal Court - Economic
Development Initiative or Tourism or Community Center

Restricted Funds	-0-	664,416	528,722
------------------	-----	---------	---------

004. Magoffin County Fiscal Court - Magoffin County Rescue Squad -
Equipment/Infrastructure

Restricted Funds	-0-	-0-	25,000
------------------	-----	-----	--------

005. Magoffin County Fiscal Court - Magoffin County Sheriff's Department -
Equipment/Infrastructure

Restricted Funds	-0-	-0-	25,000
------------------	-----	-----	--------

006. Magoffin County Fiscal Court - Magoffin Senior Citizens Center -
Operations/Equipment

Restricted Funds	-0-	12,500	12,500
------------------	-----	--------	--------

007. Magoffin County Fiscal Court - Middle Fork Volunteer Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

008. Magoffin County Fiscal Court - North Magoffin Volunteer Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

009. Magoffin County Fiscal Court - Ramey Park - Facility
Upgrades/Equipment/Maintenance

Restricted Funds	-0-	-0-	25,000
------------------	-----	-----	--------

010. Magoffin County Fiscal Court - Salyersville Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

011. Magoffin County Fiscal Court - South Magoffin Volunteer Fire Department -
Equipment/Infrastructure

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

Martin County

001. Martin County Fiscal Court - Courthouse - Debt Service

Restricted Funds	-0-	700,000	700,000
002. Martin County Fiscal Court - Family Resource Centers - Operations			
Restricted Funds	-0-	30,000	30,000

Meniffee County

001. Meniffee County Fiscal Court - City of Frenchburg Sign			
Restricted Funds	-0-	10,000	-0-
002. Meniffee County Fiscal Court - Hope Shelter - Operations			
Restricted Funds	-0-	5,000	5,000
003. Meniffee County Fiscal Court - Meniffee County Actors Guild			
Restricted Funds	-0-	5,000	10,000
004. Meniffee County Fiscal Court - Meniffee County Ambulance Retirement Fund			
Restricted Funds	-0-	20,000	15,000
005. Meniffee County Fiscal Court - Meniffee County Champion			
Restricted Funds	-0-	5,000	5,000
006. Meniffee County Fiscal Court - Meniffee County Crime Watch			
Restricted Funds	-0-	2,500	2,500
007. Meniffee County Fiscal Court - Meniffee County Horse Trail - Improvements			
Restricted Funds	-0-	-0-	30,000
008. Meniffee County Fiscal Court - Meniffee County Park - Improvements			
Restricted Funds	-0-	1,500	1,500
009. Meniffee County Fiscal Court - Meniffee County Senior Citizens - Blacktop - Landscaping			
Restricted Funds	-0-	20,000	-0-
010. Meniffee County Fiscal Court - Meniffee County Sheriff - K9			
Restricted Funds	-0-	5,000	5,000
011. Meniffee County Fiscal Court - Meniffee County Solid Waste Trucks			
Restricted Funds	-0-	-0-	20,000
012. Meniffee County Fiscal Court - Meniffee Elementary - Middle School - Security Wall			
Restricted Funds	-0-	10,000	-0-
013. Meniffee County Fiscal Court - Project Worth			
Restricted Funds	-0-	5,000	5,000
014. Meniffee County Fiscal Court - Senior Citizens - Operations			
Restricted Funds	-0-	30,000	-0-

Morgan County

001. City of West Liberty - Gas Line Extension - Dogwood Lane			
Restricted Funds	-0-	13,000	-0-
002. City of West Liberty - Gas Line Extension - Old Kentucky 172			
Restricted Funds	-0-	-0-	70,000

003. City of West Liberty - Gas Line Extension - Starting at City Limits at Neal Valley Along Liberty Road

Restricted Funds	-0-	140,000	-0-
------------------	-----	---------	-----

004. City of West Liberty - Gateway Homeless Shelter - Operations

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

005. City of West Liberty - Sidewalk - Improvements

Restricted Funds	-0-	-0-	25,000
------------------	-----	-----	--------

006. City of West Liberty - West Liberty Fire Department - Equipment - Improvements

Restricted Funds	-0-	32,000	32,000
------------------	-----	--------	--------

007. Morgan County Fiscal Court - Eight Volunteer Fire Departments - Divided Equally - Equipment - Improvements

Restricted Funds	-0-	40,000	-0-
------------------	-----	--------	-----

008. Morgan County Fiscal Court - Food Pantry - Operations

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

Muhlenberg County

001. Muhlenberg County Fiscal Court - Debt Reduction Bond Indebtedness

Restricted Funds	-0-	755,542	744,064
------------------	-----	---------	---------

Ohio County

001. Ohio County Fiscal Court - 1st District Infrastructure

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

002. Ohio County Fiscal Court - 2nd District Infrastructure

Restricted Funds	-0-	-0-	50,000
------------------	-----	-----	--------

003. Ohio County Fiscal Court - 4th District Infrastructure

Restricted Funds	-0-	50,000	50,000
------------------	-----	--------	--------

004. Ohio County Fiscal Court - Centertown Area Infrastructure

Restricted Funds	-0-	-0-	50,000
------------------	-----	-----	--------

005. Ohio County Fiscal Court - Centertown/Rosine Internet

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

006. Ohio County Fiscal Court - County Buildings - Renovation - Repairs - New Building

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

007. Ohio County Fiscal Court - Countywide Road Improvements

Restricted Funds	-0-	-0-	100,000
------------------	-----	-----	---------

008. Ohio County Fiscal Court - Countywide - Fire Hydrants or Water Line District 1

Restricted Funds	-0-	10,000	-0-
------------------	-----	--------	-----

009. Ohio County Fiscal Court - Countywide - Fire Hydrants or Water Line District 2

Restricted Funds	-0-	10,000	-0-
010. Ohio County Fiscal Court - Countywide - Fire Hydrants or Water Line District 3			
Restricted Funds	-0-	10,000	-0-
011. Ohio County Fiscal Court - Countywide - Fire Hydrants or Water Line District 4			
Restricted Funds	-0-	10,000	-0-
012. Ohio County Fiscal Court - Countywide - Fire Hydrants or Water Line District 5			
Restricted Funds	-0-	10,000	-0-
013. Ohio County Fiscal Court - Dundee Fire Department - Equipment			
Restricted Funds	-0-	10,000	-0-
014. Ohio County Fiscal Court - Hartford Fire Department - Improvements - Equipment			
Restricted Funds	-0-	-0-	25,000
015. Ohio County Fiscal Court - Hartford Infrastructure			
Restricted Funds	-0-	-0-	50,000
016. Ohio County Fiscal Court - Jail - Vehicle			
Restricted Funds	-0-	-0-	30,000
017. Ohio County Fiscal Court - McHenry Area - Improvements			
Restricted Funds	-0-	50,000	-0-
018. Ohio County Fiscal Court - Ohio County Economic Development			
Restricted Funds	-0-	150,000	100,000
019. Ohio County Fiscal Court - Ohio County Park - Improvements			
Restricted Funds	-0-	48,234	39,312
020. Ohio County Fiscal Court - Ohio County Veterans Museum - Operations			
Restricted Funds	-0-	-0-	10,000
021. Ohio County Fiscal Court - Rockport Area Infrastructure			
Restricted Funds	-0-	-0-	50,000
022. Ohio County Fiscal Court - Rosine Fire Department - Horse Branch Sub Station			
Restricted Funds	-0-	30,000	-0-
023. Ohio County Fiscal Court - Sheriff's Department - Vehicles - Equipment			
Restricted Funds	-0-	50,000	25,000

Owsley County

001. Owsley County Board of Education - Owsley County Library			
Restricted Funds	-0-	-0-	27,032
002. Owsley County Board of Education - Owsley County School Board - Lighting and rebuilding sidewalks (safety factor)			

Restricted Funds	-0-	54,930	-0-
003. Owsley County Fiscal Court - Booneville Fire Department			
Restricted Funds	-0-	10,000	10,000
004. Owsley County Fiscal Court - Booneville Rescue Squad			
Restricted Funds	-0-	10,000	10,000
005. Owsley County Fiscal Court - Civil Center			
Restricted Funds	-0-	-0-	100,000
006. Owsley County Fiscal Court - Health Department and lot			
Restricted Funds	-0-	75,000	-0-
007. Owsley County Fiscal Court - Island City Fire Department			
Restricted Funds	-0-	10,000	10,000
008. Owsley County Fiscal Court - Vicent Fire Department			
Restricted Funds	-0-	10,000	10,000

Perry County

001. City of Buckhorn - Operations - Maintenance			
Restricted Funds	-0-	45,000	45,000
002. City of Vicco - Operations - Maintenance			
Restricted Funds	-0-	45,000	45,000
003. Perry County Fiscal Court - Airport Maintenance and Tree Removal			
Restricted Funds	-0-	10,000	10,000
004. Perry County Fiscal Court - Animal Shelters - Supplies			
Restricted Funds	-0-	10,000	10,000
005. Perry County Fiscal Court - Care Cottage - Operations			
Restricted Funds	-0-	30,000	30,000
006. Perry County Fiscal Court - Challenger Center - Supplies			
Restricted Funds	-0-	25,000	25,000
007. Perry County Fiscal Court - Fire Department - Equipment			
Restricted Funds	-0-	65,000	65,000
008. Perry County Fiscal Court - Hazard Community Ministries - Operations			
Restricted Funds	-0-	25,000	25,000
009. Perry County Fiscal Court - Hazard Indenpdent - Supplies			
Restricted Funds	-0-	100,000	100,000
010. Perry County Fiscal Court - Homeless Shelter - Operations - Supplies			
Restricted Funds	-0-	25,000	25,000
011. Perry County Fiscal Court - Hospice - Supplies			
Restricted Funds	-0-	90,000	90,000
012. Perry County Fiscal Court - Little Flower Clinic - Operations			
Restricted Funds	-0-	30,000	30,000
013. Perry County Fiscal Court - Maintenance - Recycling - Improvements			

Restricted Funds	-0-	105,000	105,000
014. Perry County Fiscal Court - Park Improvement and Maintenance			
Restricted Funds	-0-	37,500	37,500
015. Perry County Fiscal Court - Perry County Schools - Supplies			
Restricted Funds	-0-	137,500	137,500
016. Perry County Fiscal Court - Perry County Sheriff's Department - Operations- Equipment			
Restricted Funds	-0-	45,000	45,000
017. Perry County Fiscal Court - Sewer Plant - Chavies			
Restricted Funds	-0-	180,000	180,000
018. Perry County Fiscal Court - University College of the Mountains - Supplies			
Restricted Funds	-0-	90,000	90,000
019. Perry County Fiscal Court - Water Projects - North Perry			
Restricted Funds	-0-	112,500	112,500
020. Perry County Fiscal Court - Water Projects - South Perry			
Restricted Funds	-0-	225,000	225,000

Pike County

001. Pike County Fiscal Court - Economic and Industrial Development Project Pool			
Restricted Funds	-0-	2,445,800	2,404,100

(1) Use of Funds: Any qualified government agency in Pike County may apply to the Department for Local Government for grants from the above project pool. Grants shall only be approved for bona fide economic and industrial development projects as prescribed by KRS 42.4588. The Department for Local Government shall consult with the Pike County legislative delegation prior to the approval of any grant agreement.

Pulaski County

001. City of Burnside - Burnside Cole Park - Infrastructure Needs			
Restricted Funds	-0-	-0-	5,000
002. City of Burnside - Burnside Police Department - Infrastructure Needs			
Restricted Funds	-0-	-0-	10,000
003. City of Eubank - Eubank Community Park - Improvements			
Restricted Funds	-0-	10,000	-0-
004. Pulaski County Fiscal Court - Emergency Infrastructure - Local 911 Center			
Restricted Funds	-0-	10,000	-0-
005. Pulaski County Fiscal Court - Future Development of Mt. Victory Community Park			
Restricted Funds	-0-	-0-	35,000
006. Pulaski County Fiscal Court - Future Development of Pleasant Hill Community Park			
Restricted Funds	-0-	34,631	-0-
007. Pulaski County Fiscal Court - Woodstock Community Park - Operations			

Restricted Funds	-0-	-0-	23,358
------------------	-----	-----	--------

008. Somerset Community College - Recreational Infrastructure - Somerset Campus

Restricted Funds	-0-	20,000	-0-
------------------	-----	--------	-----

Rockcastle County

001. Rockcastle County Fiscal Court - Brindle Ridge Volunteer Fire Department - Equipment

Restricted Funds	-0-	5,000	-0-
------------------	-----	-------	-----

002. Rockcastle County Fiscal Court - Brodhead Depot Park - Construction on Entertainment Stage

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

003. Rockcastle County Fiscal Court - Brodhead Volunteer Fire Department - Equipment

Restricted Funds	-0-	5,000	-0-
------------------	-----	-------	-----

004. Rockcastle County Fiscal Court - Climax Volunteer Fire Department - Equipment

Restricted Funds	-0-	30,000	-0-
------------------	-----	--------	-----

005. Rockcastle County Fiscal Court - Economic Development to update Parking Lot and Building

Restricted Funds	-0-	12,500	12,500
------------------	-----	--------	--------

006. Rockcastle County Fiscal Court - Library - Operations

Restricted Funds	-0-	15,000	15,000
------------------	-----	--------	--------

007. Rockcastle County Fiscal Court - Livingston Volunteer Fire Department - Equipment

Restricted Funds	-0-	5,000	-0-
------------------	-----	-------	-----

008. Rockcastle County Fiscal Court - Mt. Vernon Volunteer Fire Department - Equipment

Restricted Funds	-0-	5,000	-0-
------------------	-----	-------	-----

009. Rockcastle County Fiscal Court - Music Hall of Fame - Audit

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

010. Rockcastle County Fiscal Court - Music Hall of Fame - Business Plan

Restricted Funds	-0-	12,500	-0-
------------------	-----	--------	-----

011. Rockcastle County Fiscal Court - Music Kentucky - Operations

Restricted Funds	-0-	12,500	12,500
------------------	-----	--------	--------

012. Rockcastle County Fiscal Court - Pongo Volunteer Fire Department - Equipment

Restricted Funds	-0-	5,000	-0-
------------------	-----	-------	-----

013. Rockcastle County Fiscal Court - Recreational Fund (\$100,000 to be used with tax collected from occupational tax for Recreational Park Rehab)

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	-0-	50,000	50,000
014. Rockcastle County Fiscal Court - Road Department - Equipment			
Restricted Funds	-0-	15,000	15,000
015. Rockcastle County Fiscal Court - Rockcastle E911 - Equipment			
Restricted Funds	-0-	17,500	17,500
016. Rockcastle County Fiscal Court - Rockcastle Rescue Squad - Equipment			
Restricted Funds	-0-	5,000	-0-
017. Rockcastle County Fiscal Court - Trail Town Buildings - Improvements			
Restricted Funds	-0-	15,000	15,000
018. Rockcastle County Fiscal Court - Water Line Extensions for area in Hummel (seven houses) and Lower River Road (five houses)			
Restricted Funds	-0-	10,000	10,000
019. Rockcastle County Fiscal Court - Western Volunteer Fire Department - Equipment			
Restricted Funds	-0-	5,000	-0-

Union County

001. City of Morganfield - Any Water or Sewer Repair or Extension to System			
Restricted Funds	500,000	-0-	-0-
002. Union County Fiscal Court - Braves to College			
Restricted Funds	-0-	100,000	100,000
003. Union County Fiscal Court - County Projects			
Restricted Funds	-0-	447,814	1,217,167
004. Union County Fiscal Court - HCC Surface and Underground Mining Education Certification Classes			
Restricted Funds	-0-	23,400	23,400
005. Union County Fiscal Court - Sturgis/Union County Water District Interconnect			
Restricted Funds	-0-	250,000	-0-
006. Union County Fiscal Court - Union County Museum - Operations			
Restricted Funds	-0-	40,000	-0-

Webster County

001. City of Providence - KIA Loan Payment A90-01.05			
Restricted Funds	-0-	319,000	-0-

(1) Project Priority: The project listed above shall be funded prior to any other project listed in this section for Webster County.

002. City of Clay - Purchase Equipment			
Restricted Funds	-0-	75,000	75,000
003. City of Clay - Sewer Line - Improvements			
Restricted Funds	-0-	75,000	-0-

004. City of Dixon - Roads and Equipment

Restricted Funds	-0-	-0-	100,000
------------------	-----	-----	---------

005. City of Providence - Purchase Equipment

Restricted Funds	-0-	75,000	100,000
------------------	-----	--------	---------

006. City of Providence - Sewer and Water Improvements

Restricted Funds	-0-	75,000	75,000
------------------	-----	--------	--------

007. City of Sebree - Water and Sewer Repair or Enhancements

Restricted Funds	-0-	200,000	200,000
------------------	-----	---------	---------

008. City of Slaughters - Park Improvements and Purchase Playground Equipment

Restricted Funds	-0-	35,000	-0-
------------------	-----	--------	-----

009. City of Wheatcroft - Purchase Equipment

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

010. Webster County Fiscal Court - All City/County Fire Departments - Equally Divided - Equipment - Training

Restricted Funds	-0-	-0-	63,000
------------------	-----	-----	--------

011. Webster County Fiscal Court - Projects Appropriated by Fiscal Court

Restricted Funds	-0-	200,000	250,000
------------------	-----	---------	---------

012. Webster County Fiscal Court - Roads and Equipment

Restricted Funds	-0-	-0-	250,000
------------------	-----	-----	---------

Whitley County**001. Cedar Ridge Ministries - Supplies - Equipment - Operations**

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

002. City of Corbin - Fire Department - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

003. City of Corbin - Library - Equipment

Restricted Funds	-0-	2,500	2,500
------------------	-----	-------	-------

004. City of Corbin - Police Department - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

005. City of Williamsburg - Fire Department - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

006. City of Williamsburg - Police Department - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

007. City of Williamsburg - Senior Citizens Center - Equipment

Restricted Funds	-0-	5,000	5,000
------------------	-----	-------	-------

008. Corbin Independent Board of Education - Equipment and Upgrades

Restricted Funds	-0-	10,000	10,000
------------------	-----	--------	--------

009. Corbin Independent Board of Education - Youth Centers - Supplies

Restricted Funds	-0-	4,000	-0-
------------------	-----	-------	-----

010. Knox Utility Commission - Whitley Line Extension

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	-0-	40,000	-0-
011. Whitley County Board of Education - Equipment and Upgrades			
Restricted Funds	-0-	10,000	10,000
012. Whitley County Fiscal Court - Animal Shelter - Capital Construction			
Restricted Funds	-0-	15,000	5,000
013. Whitley County Fiscal Court - County Jail - Equipment			
Restricted Funds	-0-	5,000	5,000
014. Whitley County Fiscal Court - Emlyn Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
015. Whitley County Fiscal Court - Goldbug Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
016. Whitley County Fiscal Court - Oak Grove Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
017. Whitley County Fiscal Court - Patterson Creek Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
018. Whitley County Fiscal Court - Pleasant View Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
019. Whitley County Fiscal Court - Rockhold Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
020. Whitley County Fiscal Court - South Whitley Fire Department - Equipment			
Restricted Funds	-0-	3,000	3,000
021. Whitley County Fiscal Court - Whitley County Library - Equipment			
Restricted Funds	-0-	2,500	2,500
022. Whitley County Fiscal Court - Whitley County Sheriff's Department - Equipment			
Restricted Funds	-0-	5,000	5,000
023. Williamsburg Independent Board of Education - Equipment and Upgrades			
Restricted Funds	-0-	10,000	10,000
024. Williamsburg Independent Board of Education - Youth Center - Supplies			
Restricted Funds	-0-	2,000	-0-
025. Williamsburg Independent Board of Education - Youth Centers - Supplies			
Restricted Funds	-0-	18,000	-0-
Wolfe County			
001. City of Campton - Campton City Park - Improvements			
Restricted Funds	-0-	-0-	5,000
002. City of Campton - Water Improvements			
Restricted Funds	-0-	-0-	25,000
003. Wolfe County Board of Education - Red River Elementary - Employee Retainment			

Restricted Funds	-0-	20,000	-0-
004. Wolfe County Board of Education - Rogers Elementary - Building Addition			
Restricted Funds	-0-	14,000	-0-
005. Wolfe County Board of Education - Rogers Elementary Computer Change Out			
Restricted Funds	-0-	4,000	2,000
006. Wolfe County Board of Education - Wolfe County Boys Athletics - Supplies - Equipment			
Restricted Funds	-0-	2,000	1,500
007. Wolfe County Board of Education - Wolfe County Girls Athletics - Supplies - Equipment			
Restricted Funds	-0-	2,000	1,500
008. Wolfe County Board of Education - Wolfe County Middle School Athletics - Supplies - Equipment			
Restricted Funds	-0-	2,000	1,500
009. Wolfe County Board of Education - Wolfe County Teacher Enrichment Retention			
Restricted Funds	-0-	15,000	5,000
010. Wolfe County Fiscal Court - Adult Community Education			
Restricted Funds	-0-	10,000	5,000
011. Wolfe County Fiscal Court - American Legion - Operations			
Restricted Funds	-0-	2,500	2,500
012. Wolfe County Fiscal Court - City of Campton Fire Department - Equipment - Supplies			
Restricted Funds	-0-	10,000	10,000
013. Wolfe County Fiscal Court - County Garage - Improvements - Upgrades			
Restricted Funds	-0-	10,000	10,000
014. Wolfe County Fiscal Court - Hazel Green Fire Department - Equipment - Supplies			
Restricted Funds	-0-	10,000	10,000
015. Wolfe County Fiscal Court - Hazel Green Park Project			
Restricted Funds	-0-	15,000	10,000
016. Wolfe County Fiscal Court - Hazel Green/Lee City Fire Department - Equipment - Supplies			
Restricted Funds	-0-	10,000	10,000
017. Wolfe County Fiscal Court - Lacey Creek, Amburgey Fork, Johnson Fork, and Perkins Fork - Water Line Improvements			
Restricted Funds	-0-	40,000	-0-
018. Wolfe County Fiscal Court - Salt Supplies			

Restricted Funds	-0-	5,000	5,000
019. Wolfe County Fiscal Court - Search and Rescue - Supplies - Equipment			
Restricted Funds	-0-	3,000	3,000
020. Wolfe County Fiscal Court - Silver Mine Festival - Supplies - Equipment			
Restricted Funds	-0-	5,000	5,000
021. Wolfe County Fiscal Court - Wolfe County American Legion - Operations			
Restricted Funds	-0-	2,500	2,500
022. Wolfe County Fiscal Court - Wolfe County Community Park - Improvements			
Restricted Funds	-0-	7,500	7,500
023. Wolfe County Fiscal Court - Wolfe County Jailer - Supplies - Equipment			
Restricted Funds	-0-	10,000	10,000
024. Wolfe County Fiscal Court - Wolfe County Library - Operations			
Restricted Funds	-0-	2,500	2,500
025. Wolfe County Fiscal Court - Wolfe County Senior Citizens - Operations			
Restricted Funds	-0-	10,000	10,000
026. Wolfe County Fiscal Court - Wolfe County Sheriff - Supplies - Equipment			
Restricted Funds	-0-	5,000	7,500
027. Wolfe County Fiscal Court - Wolfe County Tourism - Operations			
Restricted Funds	-0-	2,500	2,500

PART III

GENERAL PROVISIONS

1. Funds Designations: Restricted Funds designated in the biennial budget bills are classified in the state financial records and reports as the Agency Revenue Fund, State Enterprise Funds (State Parks, State Fair Board, Insurance Administration, and Kentucky Horse Park), Internal Services Funds (Fleet Management, Computer Services, Correctional Industries, Central Printing, Risk Management, and Property Management), and selected Fiduciary Funds (Other Expendable Trust Funds). Separate funds records and reports shall be maintained in a manner consistent with the branch budget bills.

The sources of Restricted Funds appropriations in this Act shall include all fees (which includes fees for room and board, athletics, and student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments, and other miscellaneous receipts produced or received by a budget unit, except as otherwise specifically provided, for the purposes, use, and benefit of the budget unit as authorized by law. Restricted Funds receipts shall be credited and allotted to the respective fund or account out of which a specified appropriation is made in this Act. All receipts of Restricted Funds shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

The sources of Federal Funds appropriations in this Act shall include federal subventions, grants, contracts, or other Federal Funds received, income from investments, other miscellaneous federal receipts received by a budget unit, and the Unemployment Compensation Fund, except as otherwise provided, for the purposes, use, and benefit of the budget unit as authorized by law. Federal Funds receipts shall be credited and allotted to the respective fund account out of which a specified appropriation is made in this Act. All Federal Funds receipts shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

2. Expenditure of Excess Restricted Funds or Federal Funds Receipts: If receipts received or credited to the Restricted Funds accounts or Federal Funds accounts of a budget unit during fiscal year 2014-2015 or fiscal year 2015-2016, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by specific sum for these accounts of the budget unit as provided in Part I, Operating Budget, of this Act, for the fiscal year in which the excess occurs, the excess funds in the accounts of the budget unit shall become available for expenditure for the purpose of the account during the fiscal year only upon compliance with the conditions and procedures specified in KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.730, and

48.800, and with the authorization of the State Budget Director and approval of the Secretary of the Finance and Administration Cabinet.

Prior to authorizing the appropriation of any excess, unbudgeted Restricted Funds pursuant to this section, the State Budget Director and the Secretary of the Finance and Administration Cabinet shall review the adequacy of the General Fund Surplus Account with respect to its availability to support authorized expenditures from the General Fund Surplus Account, known as Necessary Government Expenses. If General Fund Surplus Account moneys are determined by this review to be adequate to meet known or anticipated Necessary Government Expenses during fiscal year 2014-2015 or fiscal year 2015-2016, respectively, then the appropriation increase may be approved. If the review indicates that there are insufficient funds available or reasonably estimated to become available to the General Fund Surplus Account to meet known or projected Necessary Government Expenses for the fiscal years enumerated above, the State Budget Director and the Secretary of the Finance and Administration Cabinet may disapprove the request for additional Restricted Funds expenditure authority and may direct the excess Restricted Funds identified to the General Fund Surplus Account in order to meet Necessary Government Expense obligations. The results of any review shall be reported to the Interim Joint Committee on Appropriations and Revenue in accordance with KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.730, and 48.800.

Any request made by a budget unit pursuant to KRS 48.630 that relates to Restricted Funds or Federal Funds shall include documentation showing a comparative statement of revised estimated receipts by fund source and the proposed expenditures by proposed use, with the appropriated sums specified in the Budget of the Commonwealth, and statements which explain the cause, source, and use for any variances which may exist.

Each budget unit shall submit its reports in print and electronic format consistent with the Restricted Funds and Federal Funds records contained in the fiscal biennium 2014-2016 Branch Budget Request Manual and according to the following schedule in each fiscal year: (a) On or before the beginning of each fiscal year; (b) On or before October 1; (c) On or before January 1; and (d) On or before April 1.

3. Interim Appropriation Increases: No appropriation from any fund source shall exceed the sum specified in this Act until the agency has documented the necessity, purpose, use, and source, and the documentation has been submitted to the Interim Joint Committee on Appropriations and Revenue for its review and action in accordance with KRS 48.630. Proposed revisions to an appropriation contained in the enacted Executive Budget or allotment of an unbudgeted appropriation shall conform to the conditions and procedures of KRS 48.630 and this Act.

Notwithstanding KRS 48.630(3), (4), and (5), any proposed and recommended actions to increase appropriations for funds specified in Section 2. of this Part shall be scheduled consistent with the timetable contained in that section in order to provide continuous and timely budget information.

4. Revision of Appropriation Allotments: Allotments within appropriated sums for the activities and purposes contained in the enacted Executive Budget shall conform to KRS 48.610 and may be revised pursuant to KRS 48.605 and this Act.

5. Appropriations Expenditure Purpose and Transfer Restrictions: Funds appropriated in this Act shall not be expended for any purpose not specifically authorized by the General Assembly in this Act nor shall funds appropriated in this Act be transferred to or between any cabinet, department, board, commission, institution, agency, or budget unit of state government unless specifically authorized by the General Assembly in this Act and KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

6. Permitted Appropriation Obligations: No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund or Road Fund appropriations contained in this Act unless the obligation may be reasonably determined to have been contemplated in the enacted budget and is based upon supporting documentation considered by the General Assembly and legislative and executive records.

7. Lapse of General Fund or Road Fund Appropriations Supplanted by Federal Funds: Any General Fund or Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the General Fund or Road Fund Surplus Account, respectively, to the extent the Federal Funds otherwise become available.

8. Federally Funded Agencies: A state agency entitled to Federal Funds, which would represent 100 percent of the cost of a program, shall conform to KRS 48.730.

9. Lapse of General Fund or Road Fund Excess Debt Service Appropriations: Pursuant to KRS 48.720, any excess General Fund or Road Fund debt service shall lapse to the respective surplus account unless otherwise directed in this Act.

10. Statutes in Conflict: All statutes and portions of statutes in conflict with any of the provisions of this Act, to the extent of the conflict, are suspended unless otherwise provided by this Act.

11. Construction of Budget Provisions on Statutory Budget Administration Powers and Duties: Nothing in this Act is to be construed as amending or altering Chapters 42, 45, and 48 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Finance and Administration Cabinet except as otherwise provided in this Act.

12. Interpretation of Appropriations: All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which the appropriation may be expended shall be decided by the Secretary of the Finance and Administration Cabinet pursuant to KRS 48.500, and the decision of the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

13. Publication of the Budget of the Commonwealth: The State Budget Director shall cause the Governor's Office for Policy and Management, within 60 days of adjournment of the 2014 Regular Session of the General Assembly, to publish a final enacted budget document, styled the Budget of the Commonwealth, based upon the Legislative Budget, Executive Budget, Transportation Cabinet Budget, and Judicial Budget as enacted by the 2014 Regular Session, as well as other Acts which contain appropriation provisions for the 2014-2016 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2014 Regular Session. This document shall include, for each agency and budget unit, a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class, and any other fiscal data and commentary considered necessary for budget execution by the Governor's Office for Policy and Management and oversight by the Interim Joint Committee on Appropriations and Revenue. The enacted Executive Budget and Transportation Cabinet Budget shall be revised or adjusted only upon approval by the Governor's Office for Policy and Management as provided in each Part of this Act and by KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810, and upon review and action by the Interim Joint Committee on Appropriations and Revenue.

14. State Financial Condition: Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the financial condition of the Commonwealth.

15. Prorating Administrative Costs: The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for prorating the administrative costs of the Finance and Administration Cabinet, the Department of the Treasury, and the Office of the Attorney General relative to the administration of programs in which there is joint participation by the state and federal governments for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing the programs. The receipts and allotments under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue prior to any transfer of funds.

16. Construction of Budget Provisions Regarding Executive Reorganization Orders: Nothing in this Act shall be construed to confirm or ratify, under KRS 12.027 or 12.028, any executive reorganization order unless the executive order was confirmed or ratified by appropriate amendment to the Kentucky Revised Statutes in another Act of the 2014 Regular Session of the General Assembly. If any executive reorganization order issued from the sine die adjournment of the 2013 Regular Session to the sine die adjournment of the 2014 Regular Session was not confirmed by the 2014 Regular Session of the General Assembly, the Secretary of the Finance and Administration Cabinet shall, in consultation with agency heads and with notification to the Legislative Research Commission, transfer the balance of funds for any affected program or function for fiscal year 2013-2014 and any related appropriations and funds for each of the next two fiscal years from the budget unit in which the program or function was placed by the executive reorganization order to the budget unit in which the program or function resided prior to the reorganization action or in which it was placed by action of the 2014 Regular Session of the General Assembly.

17. Budget Planning Report: By August 15, 2015, the State Budget Director, in conjunction with the Consensus Forecasting Group, shall provide to each branch of government, pursuant to KRS 48.120, a budget planning report.

18. Tax Expenditure Revenue Loss Estimates: By November 30, 2015, the Office of State Budget Director shall provide to each branch of government detailed estimates for the General Fund and Road Fund for the current and next two fiscal years of the revenue loss affected by tax expenditures. The Department of Revenue shall

provide assistance and furnish data which is not restricted by KRS 131.190. "Tax expenditure" as used in this section means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or a preferential tax rate. The estimates shall include for each tax expenditure the amount of revenue loss, a citation of the legal authority for the tax expenditure, the year in which it was enacted, and the tax year in which it became effective.

19. Duplicate Appropriations: Any appropriation item and sum in Parts I to X of this Act and in an appropriation provision in any Act of the 2014 Regular Session which constitutes a duplicate appropriation shall be governed by KRS 48.312.

20. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

21. Severability of Budget Provisions: Appropriation items and sums in Parts I to X of this Act shall conform to KRS 48.311. If any section, any subsection, or any provision is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

22. Unclaimed Lottery Prize Money: For fiscal year 2014-2015 and fiscal year 2015-2016, all unclaimed lottery prize money under KRS 154A.110(3) shall be credited to the Kentucky Educational Excellence Scholarship Reserve Account to be held as a subsidiary account within the Finance and Administration Cabinet for the purpose of funding the KEES Program as appropriated in this Act. If the Kentucky Higher Education Assistance Authority certifies to the State Budget Director that the appropriations in this Act for the KEES Program under the existing award schedule are insufficient to meet funds required for eligible applicants, then the State Budget Director shall provide the necessary allotment of funds in the balance of the KEES Reserve Account to fund the KEES Program. Actions taken under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue on a timely basis.

23. Workers' Compensation: Notwithstanding KRS 342.340(1) or any other provision of law, public sector self-insured employers are not required to deposit funds as security, indemnity, or bond to secure the payment of compensation liabilities, provided that each public sector employer has the authority to impose taxes or raise tuition in an amount sufficient to recoup payments of compensation liabilities as they are incurred. Notwithstanding KRS 342.340(1) and 803 KAR 25:021, Section 5, the Personnel Cabinet shall be exempt from procuring excess risk insurance in fiscal year 2014-2015 and fiscal year 2015-2016 for the Workers' Compensation Benefits and Reserve program administered by the Cabinet.

24. Premium and Retaliatory Taxes: Notwithstanding KRS 304.17B-021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

25. Carry Forward and Undesignated General Fund and Road Fund Carry Forward: Notwithstanding KRS 48.700, 48.705, and other Parts of this Act, the Secretary of the Finance and Administration Cabinet shall determine and certify within 30 days of the close of fiscal year 2013-2014 and fiscal year 2014-2015 the actual amount of undesignated balance of the General Fund and the Road Fund for the year just ended. The amounts from the undesignated fiscal year 2013-2014 and fiscal year 2014-2015 General Fund and Road Fund balances that are designated and carried forward for budgeted purposes in the 2014-2016 fiscal biennium shall be determined by the State Budget Director during the close of the respective fiscal year and shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the close of the fiscal year. Any General Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the General Fund Surplus Expenditure Plan contained in Part VII of this Act unless otherwise provided in this Act. The Road Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the Road Fund Surplus Expenditure Plan contained in Part IX of this Act unless otherwise provided in this Act. ~~On June 30, 2016, the Secretary of the Finance and Administration Cabinet shall estimate the General Fund receipts for fiscal year 2015-2016, and an amount equal to the estimated fiscal year 2015-2016 General Fund receipts in excess of \$10,067,223,600 net of the necessary adjustment for severance taxes shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705). All amounts transferred to the Budget Reserve Trust Fund Account (KRS 48.705) under this subsection shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the date of the transfer.] Any General Fund undesignated balance in excess of the amount designated for budgeted purposes [and the amount transferred to the Budget Reserve Trust Fund Account (KRS 48.705)] under this subsection shall be made available for the General Fund Surplus Expenditure Plan contained in Part VII of this Act unless otherwise provided in this Act. The Road Fund undesignated balance in excess of the amount designated for budgeted purposes under this subsection shall be made available for the Road Fund Surplus Expenditure Plan contained in Part IX of this Act unless otherwise provided in this Act.~~

26. Next Generation Kentucky Information Highway Fund: The Next Generation Kentucky Information Highway Fund is established within the Finance and Administration Cabinet. All funds appropriated for network connections and services within the Executive Branch shall be deposited within the Fund and used to support the financing and operations of the capital project in Part II, F., 1., 001. of this Act. Upon approval of the Kentucky Board of Education and the Council on Postsecondary Education, the Secretary of the Finance and Administration Cabinet may utilize funds appropriated to the Department of Education and the Council on Postsecondary Education for network connections and services necessary to support the financing and operations of the capital project in Part II, F., 1., 001. of this Act. Some or all of those funds shall be deposited within the Next Generation Kentucky Information Highway Fund.

27. Budget Implementation: The General Assembly directs that the Executive Branch shall carry out all appropriations and budgetary language provisions as contained in the State/Executive Budget. The Legislative Research Commission shall review quarterly expenditure data to determine if an agency is out of compliance with this directive. If the Legislative Research Commission suspects that any entity has acted in non-conformity with this section, the Legislative Research Commission may order an audit or review at the agency's expense. Such audit findings, reviews, and reports shall be subject to the Kentucky Open Records law.

28. Information Technology: All authorized computer information technology projects shall submit a semiannual progress report to the Interim Joint Committee on Appropriations and Revenue. The reporting process shall begin six months after the project is authorized and shall continue through completion of the project. The initial report shall establish a timeline for completion and cash disbursement schedule. Each subsequent report shall update the timeline and budgetary status of the project and explain in detail any issues with completion date and funding.

~~[29. **Lottery Dividends:** In fiscal year 2014-2015, excluding the funds transfer amount in Part V, F., 4. of this Act, any lottery proceeds in excess of \$238,000,000 received by the Commonwealth, except unclaimed prize money pursuant to KRS 154A.110(3), shall be deposited in the Budget Reserve Trust Fund Account (KRS 48.705). In fiscal year 2015-2016, any lottery proceeds in excess of \$251,500,000 received by the Commonwealth, except unclaimed prize money pursuant to KRS 154A.110(3), shall be deposited in the Budget Reserve Trust Fund Account (KRS 48.705).~~

~~30. **Executive Branch Budget Recommendation:** The Executive Branch budget recommendation submitted pursuant to KRS 48.110(6) for the 2016-2018 fiscal biennium shall contain, for all budget units not including the budget units within the Transportation Cabinet, total Road Fund appropriations not exceeding six and one-half percent of the official revenue estimate made by the Consensus Forecasting Group for the Road Fund for each fiscal year, or \$101,500,000 in each year, whichever is the lesser amount. All other Road Fund appropriations shall be contained in the Transportation Cabinet budget recommendation submitted pursuant to KRS 48.110(6)(f).]~~

31. Civil War Reenactors: Notwithstanding KRS 38.440, Civil War reenactors may associate, drill, and parade with firearms and/or swords without permission from the Governor before, during, and after Civil War reenactments and events.

32. Equipment Service Contracts and Energy Efficiency Measures: The General Assembly mandates that the Finance and Administration Cabinet review all equipment service contracts to maximize savings to the Commonwealth to strictly adhere to the provisions of KRS 56.722, 56.782, and 56.784 in maximizing the use of energy efficiency measures.

33. Kentucky Wine and Vine Fest: The Kentucky Wine and Vine Fest of Nicholasville, Kentucky, is named and designated as the official state wine festival.

34. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, no General Fund or Road Fund debt restructuring transactions shall be undertaken during the 2014-2016 fiscal biennium.

~~[35. **Language Provisions:** Any language provision in this Act that expresses legislative intent regarding a specific appropriation shall be expended only for the purposes outlined in that language provision. Any funds not expended for that specific purpose shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705) by June 30 of each fiscal year.]~~

36. Fiscal Year 2015-2016 Funds Expenditure Restriction: Except in the case of a declared emergency, the Governor, all agency heads, and all other constitutional officers shall not expend or encumber in the aggregate more than 55 percent of the funds appropriated by this Act during the first half of fiscal year 2015-2016.

37. Unexpended Debt Service: Notwithstanding KRS 48.720, any General Fund moneys appropriated for debt service in fiscal years 2014-2015 and 2015-2016 that are not expended specifically for debt service shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

38. Affordable Care Act: The Governor of Kentucky, through the promulgation of administrative regulations and executive orders, has implemented the provisions of the Affordable Care Act (ACA) in the Commonwealth. Subsequent to these Executive Branch actions, no executive order related to the ACA has been codified by the General Assembly, nor has any administrative regulation related to the ACA been approved by a vote of the majority of the members of a legislative committee. Providing that the Governor continues unilateral implementation and operation of the ACA in the Commonwealth, the General Assembly shall limit the ACA's impact on the 2014-2016 State/Executive Branch Budget and future biennial budgets so as not to bind future General Assemblies. Therefore, no provision within this Act shall be deemed, adjudged, or constructed as being a recognition, finding, or admission of the General Assembly's approval of the operation of the ACA in Kentucky.

39. Health Benefit Exchange: The appropriations contained within this Act are for the sole purpose of the operations of the Executive Branch of government. There are no General Fund appropriations for the Affordable Care Act, and specifically, no General Fund dollars are appropriated for any expenditure in operating or maintaining the Health Benefit Exchange. The Governor is expressly prohibited from expending any General Fund resources on any expenditure directly or indirectly associated with the Health Benefit Exchange.

40. Medicaid Funding: Notwithstanding any statute or regulation to the contrary, if the Medicaid funding schedule for newly eligible individuals provided in 42 U.S.C. sec. 1396d(y)(1) as it existed on January 1, 2014, is modified to require any increased state funding, all Medicaid services and eligibility standards for those services shall return to the levels of service and eligibility standards in effect on January 1, 2013.

41. Affordable Care Act - Use of Funds: The General Assembly recognizes that the Kentucky Revised Statutes provide certain discretion to the Governor to make application for, and expend federal funding for, Kentucky's Medicaid Program. As the only body in the Commonwealth with the constitutional power to make appropriations, the General Assembly recognizes that federal funding for the expansion of Kentucky's Medicaid Program is not recurring in nature; therefore, the intent of the General Assembly is that funds received from the Affordable Care Act, or its successor, shall not be used to permanently expand existing programs, permanently create new programs, or in any way increase the requirements to be placed on the General Fund or Road Fund above the adjusted appropriation level as of June 30, 2014.

42. Effects of Subsequent Legislation: If any measure enacted during the 2014 Regular Session of the General Assembly subsequent to this Act contains an appropriation or is projected to increase or decrease General Fund revenues, the amount in the Budget Reserve Trust Fund shall be revised to accommodate the appropriation or the reduction or increase in projected revenues. Notwithstanding any provision of KRS 48.120(4) and (5) to the contrary, the official enacted revenue estimates of the Commonwealth described in KRS 48.120(5) shall be adjusted at the conclusion of the 2014 Regular Session of the General Assembly to incorporate any projected revenue increases or decreases that will occur as a result of actions taken by the General Assembly subsequent to the passage of this Act by both chambers.

43. Appropriation of Budget Reserve Trust Fund: Pursuant to KRS 48.705, \$12,043,400 in fiscal year 2015-2016 from the Budget Reserve Trust Fund is available to be appropriated by the General Assembly in this Act.

44. Debt Service Template Interest Rates: Appropriated amounts for debt service for new debt and currently authorized but unissued debt assume a five percent tax-exempt interest rate and a six percent taxable interest rate for 20 years and a four and one-half percent tax-exempt interest rate and a four and one-half percent taxable interest rate for ten years. This language provision shall not apply in cases in which the debt service amount for a project is not calculated using the template provided by the Finance and Administration Cabinet's Office of Financial Management, or the debt service amount is based on specific terms or interest rates.

PART IV

STATE SALARY/COMPENSATION, BENEFIT, AND EMPLOYMENT POLICY

1. Authorized Personnel Complement: On July 1, 2014, the Personnel Cabinet and the Office of State Budget Director shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted Executive Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. An agency head may request an increase in the number of authorized positions to the State Budget Director. Upon approval, the Secretary of the Personnel Cabinet may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

2. Salary Adjustments: Notwithstanding KRS 18A.355 and KRS 156.808(6)(e) and (12), a salary adjustment amounting to a percentage value on the base salary or wages of each eligible full-time and part-time

employee on his or her anniversary date is provided in fiscal year 2014-2015. The amount of salary adjustment is determined by each eligible employee's annual base salary or wages on his or her anniversary date, and the following table reflects the percentage of the salary adjustment for fiscal year 2014-2015:

Annual Base Salary or Wages	2014-15
\$0 to \$27,000.00	5%
\$27,000.01 to \$36,000.00	3%
\$36,000.01 to \$50,000.00	2%
\$50,000.01 and above	1%

In fiscal year 2015-2016, a cost-of-living adjustment of one percent is provided on the base salary or wages of each state employee on his or her anniversary date.

3. Monthly Per Employee Health Insurance Benefits Assessment: The Personnel Cabinet shall collect a benefits assessment per month per employee eligible for health insurance coverage in the state group for duly authorized use by the Personnel Cabinet in administering its statutory and administrative responsibilities, including but not limited to administration of the Commonwealth's health insurance program.

4. Employee Cross-Reference: The Personnel Cabinet may permit married couples who are both eligible to participate in the state health insurance plan to be covered under one family health benefit plan.

5. State Group Health Insurance Plan – Plan Year Closure: Notwithstanding KRS 18A.2254, Plan Years 2010 and 2011 shall be considered closed as of December 31, 2013, and all balances from those plan years shall be transferred to Plan Year 2012. All other income and expenses attributable to the closed plan years shall be deposited in or charged to the Plan Year 2012 account after that date. This section shall apply retroactively to December 31, 2013, and any action to the contrary shall be considered null and void.

6. Full-Time Positions: Notwithstanding KRS 18A.005(18)(a), full-time positions in the state parks, where the work assigned is dependent upon fluctuation in tourism, may be assigned work hours from 25 hours per week and remain in full-time positions.

7. Employer Retirement Contribution Rates: Pursuant to KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement Systems from July 1, 2014, through June 30, 2016, shall be 38.77 percent, consisting of 30.84 percent for pension and 7.93 percent for insurance for nonhazardous duty employees and 26.34 percent, consisting of 16.37 percent for pension and 9.97 percent for insurance for hazardous duty employees; for the same period the employer contribution for employees of the State Police Retirement System shall be 75.76 percent, consisting of 53.90 percent for pension and 21.86 percent for insurance. The rates above apply to wages and salaries earned for work performed during the described period regardless of when the employee is paid for the time worked.

8. Issuance of Paychecks to State Employees: Notwithstanding 101 KAR 2:095, Section 10, the state payroll that would normally be scheduled to be paid on June 30, 2015, and June 30, 2016, shall not be issued prior to July 1, 2015, and July 1, 2016.

9. Health Care Spending Account: Notwithstanding KRS 18A.2254(2)(a) and (b), if a public employee waives coverage provided by his or her employer under the Public Employee Health Insurance Program, the employer shall forward a monthly amount to be determined by the Secretary of the Personnel Cabinet for that employee as an employer contribution to a health reimbursement account or a health flexible spending account, but not less than one hundred seventy-five dollars (\$175) per month, subject to any conditions or limitations imposed by the Secretary of the Personnel Cabinet to comply with applicable federal law. The administrative fees associated with a health reimbursement account or health flexible spending account shall be an authorized expense to be charged to the Public Employee Health Insurance Trust Fund.

PART V

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2014-2015 and fiscal year 2015-2016:

2013-14	2014-15	2015-16
---------	---------	---------

A. GENERAL GOVERNMENT

1. Kentucky Infrastructure Authority			
Agency Revenue Fund	-0-	615,200	-0-
2. Military Affairs			
Agency Revenue Fund	-0-	1,500,000	-0-
3. Military Affairs			
Other Special Revenue Fund	-0-	450,000	-0-
(KRS 39E.050(3))			
4. Department for Local Government			
Other Special Revenue Fund	-0-	110,800	-0-
5. Secretary of State			
Agency Revenue Fund	-0-	1,300,000	1,300,000
6. Accountancy			
Agency Revenue Fund	-0-	150,000	100,000
(KRS 325.250)			
7. Auctioneers			
Recovery Fund	-0-	-0-	50,000
(KRS 330.192)			
8. Chiropractic Examiners			
Agency Revenue Fund	-0-	50,000	-0-
9. Licensure for Professional Engineers and Land Surveyors			
Agency Revenue Fund	-0-	50,000	-0-
(KRS 322.420)			
10. Hairdressers and Cosmetologists			
Agency Revenue Fund	-0-	100,000	100,000
(KRS 317A.080(2))			
11. Medical Licensure			
Agency Revenue Fund	-0-	250,000	250,000
(KRS 311.610)			
12. Licensure for Occupational Therapy			
Agency Revenue Fund	-0-	50,000	-0-
13. Pharmacy			
Agency Revenue Fund	-0-	100,000	100,000
(KRS 315.195)			
14. Physical Therapy			
Agency Revenue Fund	-0-	50,000	50,000
(KRS 327.080(1))			
15. Real Estate Appraisers			

	Agency Revenue Fund	-0-	50,000	50,000
16.	Real Estate Commission			
	Recovery Fund	-0-	100,000	50,000
	(KRS 324.410)			
17.	Social Work			
	Agency Revenue Fund	-0-	50,000	-0-
	(KRS 335.140)			

B. ECONOMIC DEVELOPMENT CABINET

1.	Economic Development			
	Other Special Revenue Fund	-0-	435,000	435,000

Balances remaining in the Special Revenue Fund accounts after all appropriations authorized in this Act shall lapse to the General Fund Surplus Account at the end of each fiscal year.

C. DEPARTMENT OF EDUCATION

1.	Operations and Support Services			
	Agency Revenue Fund	-0-	250,000	-0-
2.	Operations and Support Services			
	Other Special Revenue Fund	-0-	150,000	-0-

D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

1.	Direct Local Aid			
	Agency Revenue Fund	-0-	300,000	-0-
	(KRS 142.010(5))			
2.	Education Professional Standards Board			
	Agency Revenue Fund	-0-	600,000	-0-

E. ENERGY AND ENVIRONMENT CABINET

1.	Secretary			
	Kentucky Heritage Land			
	Conservation Fund	-0-	5,000,000	3,000,000
	(KRS 146.570)			
2.	Secretary			
	Kentucky Pride Trust Fund	-0-	2,006,300	2,006,300

Pursuant to KRS 224.43-505(2)(a)3., these funds transfers to the General Fund support the General Fund debt service on the bonds sold as appropriated by 2003 Ky. Acts ch. 156, Part II, A., 3., c.

3.	Environmental Protection			
	Insurance Administration Fund	-0-	7,477,000	7,723,000
	(KRS 224.60-130, 224.60-140, and 224.60-145)			
4.	Natural Resources			
	Equipment Loans Revolving Loan			
	Fund	-0-	1,125,000	-0-
	(KRS 262.640)			
5.	Environmental Quality Commission			

Agency Revenue Fund	-0-	288,100	293,200
(KRS 224.01-100 to 224.01-115)			

6. Public Service Commission

Telecommunication Relay Service

Fund	-0-	2,400,000	-0-
(KRS 278.5499)			

F. FINANCE AND ADMINISTRATION CABINET**1. General Administration**

Agency Revenue Fund	-0-	-0-	1,000,000
---------------------	-----	-----	-----------

2. General Administration

Other Special Revenue Fund	-0-	1,247,900	2,495,700
----------------------------	-----	-----------	-----------

3. Revenue

Agency Revenue Fund	-0-	6,000,000	-0-
(KRS 132.672(1) and 134.552(2))			

4. Kentucky Lottery Corporation

Kentucky Lottery Corporation	-0-	11,000,000	-0-
(KRS 154A.130 (3) and (4))			

Notwithstanding KRS 154A.130 (3) and (4), the funds transfer included above shall be deposited to the credit of the General Fund. The funds transfer shall be transferred from the net unrestricted reserves held by the Kentucky Lottery Corporation, as identified in the Kentucky Lottery Annual Financial Report, June 30, 2013.

G. HEALTH AND FAMILY SERVICES CABINET**1. General Administration and Program Support**

Malt Beverage Education Fund	-0-	500,000	500,000
------------------------------	-----	---------	---------

2. Health Benefit Exchange

Trust Fund	3,100,000	-0-	-0-
(KRS 304.17B-021(10))			

H. JUSTICE AND PUBLIC SAFETY CABINET**1. Criminal Justice Training**

Agency Revenue Fund	-0-	10,530,000	11,000,000
(KRS 15.430 and 136.392(2))			

2. Criminal Justice Training

Agency Revenue Fund	-0-	3,000,000	-0-
---------------------	-----	-----------	-----

3. Juvenile Justice

Agency Revenue Fund	-0-	3,000,000	-0-
---------------------	-----	-----------	-----

I. PERSONNEL CABINET**1. General Operations**

Agency Revenue Fund	-0-	2,692,400	2,688,900
---------------------	-----	-----------	-----------

These fund transfers to the General Fund support General Fund debt service on bonds sold for the new Personnel/Payroll system.

2. Workers' Compensation Benefits and Reserve

Agency Revenue Fund	-0-	2,000,000	-0-
(KRS 18A.375(3))			

3. Public Employee Health Trust Fund

Enterprise Fund	-0-	93,000,000	-0-
(KRS 18A.2254(3))			

This fund transfer to the General Fund partially supports the salary increases for Local School District Certified and Classified employees as recommended in Part I, C., 1., (3) of this Act and for full-time and part-time employees of the Executive Branch as set out in Part IV, 3. of this Act.

J. POSTSECONDARY EDUCATION**1. Council on Postsecondary Education**

Agency Revenue Fund	-0-	500,000	-0-
---------------------	-----	---------	-----

2. Kentucky Higher Education Assistance Authority

Other Special Revenue Fund	-0-	200,000	200,000
(KRS 164.7891(11))			

3. Kentucky Community and Technical College System

Agency Revenue Fund	-0-	10,000,000	5,000,000
(KRS 95A.220, 95A.262, and 136.392(2))			

4. Kentucky Community and Technical College System

Other Special Revenue Fund	-0-	8,000,000	-0-
(KRS 95A.262(14))			

K. PUBLIC PROTECTION CABINET**1. Alcoholic Beverage Control**

Agency Revenue Fund	-0-	700,000	700,000
(KRS 243.025(3))			

2. Financial Institutions

Agency Revenue Fund	-0-	6,500,000	6,000,000
(KRS 286.01-485)			

3. Horse Racing Commission

Agency Revenue Fund	-0-	1,000,000	-0-
(KRS 138.510 and 230.265)			

4. Insurance

Agency Revenue Fund	-0-	23,250,000	21,750,000
(KRS 304.2-300(1) and (4), 304.2-400, and 304.2-440(4))			

L. TOURISM, ARTS AND HERITAGE CABINET**1. Secretary**

Agency Revenue Fund	-0-	6,000,000	3,000,000
(KRS 142.406(2) and (3))			

2. Arts Council

Agency Revenue Fund	-0-	600,000	-0-
(KRS 153.220(8))			
TOTAL - FUNDS TRANSFER	3,100,000	214,727,700	69,842,100

PART VI**GENERAL FUND BUDGET REDUCTION PLAN**

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected revenue shortfall in General Fund revenue receipts, excluding Tobacco Settlement – Phase I receipts, of \$9,801,299,200 in fiscal year 2014-2015 and \$10,067,223,600 in fiscal year 2015-2016, as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session. Direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address a proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected revenue shortfall.

The Governor, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective branch budget units as may be necessary, as well as take other measures which shall be consistent with the provisions of this Part and general branch budget bills.

Notwithstanding KRS 48.130(4)(a) and (b), in the event of a revenue shortfall of five percent or less, General Fund budget reduction actions shall be implemented in the following sequence:

(1) The Local Government Economic Assistance and the Local Government Economic Development Funds shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act;

(2) Transfers of excess unappropriated Restricted Funds, notwithstanding any statutes to the contrary, other than fiduciary funds, to the General Fund shall be applied as determined by the head of each branch for its respective budget units. No transfers to the General Fund shall be made from the following:

- (a) Local Government Economic Assistance and Local Government Economic Development Funds;
- (b) Unexpended debt service from the Tobacco-Settlement Phase I Funds in either fiscal year;
- (c) Tobacco Unbudgeted Interest Income-Rural Development Trust Fund; and
- (d) Multi-County Coal Severance Fund;

(3) Any unanticipated Phase I Master Settlement Agreement revenues in both fiscal years shall be appropriated according to KRS 248.654;

(4) Use of the unappropriated balance of the General Fund surplus shall be applied;

~~[(5) Any language provision that expresses legislative intent regarding a specific appropriation shall not be reduced by a greater percentage than the reduction to the General Fund appropriation for that budget unit;]~~

(6) Reduce General Fund appropriations in Executive Branch agencies' operating budget units by a sufficient amount to balance either fiscal year. No reductions of General Fund appropriations shall be made from the Local Government Economic Assistance Fund or the Local Government Economic Development Fund;

~~[(7) Notwithstanding subsection (10) of this Part, no reductions shall be made to the Constitutional Officers or their offices, Commonwealth's Attorneys or their offices, or County Attorneys or their offices. The Governor may request their participation in a budget reduction; however, the level of participation shall be at the discretion of the Constitutional Officer, or the Prosecutors Advisory Council;]~~

(8) Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth;

(9) Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 25 percent of the Trust Fund balance in fiscal year 2014-2015 and 50 percent in fiscal year 2015-2016; and

(10) Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to (5) of this Part are insufficient to eliminate an actual or projected General Fund revenue shortfall, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in this Part.

PART VII

GENERAL FUND SURPLUS EXPENDITURE PLAN

(1) Notwithstanding KRS 48.130(7), 48.140(3), 48.700, and 48.705, there is established a plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus Expenditure Plan contained in this Part for fiscal years 2014-2015 and 2015-2016. Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys made available for the General Fund Surplus Expenditure Plan pursuant to Part III, General Provisions, Section 25, of this Act are appropriated to the following:

(a) Authorized expenditures without a sum-specific appropriation amount, known as Necessary Government Expenses, including but not limited to Emergency Orders formally declared by the Governor in an Executive Order subject to the following limitation: General Fund moneys made available for the General Fund Surplus Expenditure Plan in fiscal year 2015-2016 shall not be reserved for Necessary Government Expenses in fiscal year 2016-2017; and

(b) Increased support to the Budget Reserve Trust Fund.

(2) The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of fiscal year 2013-2014, and the close of fiscal year 2014-2015, based on the official financial records of the Commonwealth, the amount of actual General Fund undesignated fund balance for the General Fund Surplus Account that may be available for expenditure pursuant to the Plan respectively in fiscal year 2014-2015 and fiscal year 2015-2016. The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal year 2014-2015 and fiscal year 2015-2016. Pursuant to KRS 48.130, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of \$1,593,200,000 in fiscal year 2014-2015 and \$1,619,200,000 in fiscal year 2015-2016 as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session, the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service.

PART IX

ROAD FUND SURPLUS EXPENDITURE PLAN

Notwithstanding KRS 48.110, 48.140, and 48.710, there is established a plan for the expenditure of the Road Fund Surplus Account. All moneys in the Road Fund Surplus Account shall be appropriated in the State Construction Account within the Highways budget unit and utilized to support projects in the fiscal biennium 2014-2016 Biennial Highway Construction Program.

PART X

PHASE I TOBACCO SETTLEMENT

(1) **General Purpose:** This Part prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA are made to the states annually in April of each year.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended.

(5) **MSA Payment Estimates and Adjustments:** Based on the current estimates as reviewed by the Consensus Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2014-2015 is \$99,700,000 and in fiscal year 2015-2016 is \$72,400,000. It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. Any appropriations made from the estimated receipts are subject to adjustments based on actual receipts as received and certified by the Secretary of the Finance and Administration Cabinet.

a. **State Enforcement:** Notwithstanding KRS 248.654, a total of \$250,000 of the MSA payments received in each fiscal year is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's enforcement of noncompliant nonparticipating manufacturers.

b. **Debt Service:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$30,570,000 in MSA payments received in fiscal year 2014-2015 and a total of \$30,657,000 in MSA payments received in fiscal year 2015-2016 is appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

c. **Agricultural Development Initiatives:** Notwithstanding KRS 248.654 and 248.703(4), \$37,701,600 in fiscal year 2014-2015 and \$12,821,200 in fiscal year 2015-2016 is appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives.

d. **Early Childhood Development Initiatives:** Twenty-five percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2014-2015, estimated to be \$24,198,900, and notwithstanding KRS 248.654, in fiscal year 2015-2016, \$24,198,900 is appropriated for early childhood development initiatives as specified in this Part.

e. **Health Care Initiatives:** Notwithstanding KRS 248.654, \$9,159,000 in fiscal year 2014-2015 and \$6,652,400 in fiscal year 2015-2016 is appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

(6) **MSA Appropriation Adjustments:** Excluding any amounts received under Part X, (9), Nonparticipating Manufacturer Settlement Proceeds, if Phase I Master Settlement Agreement revenues exceed \$99,700,000 in fiscal year 2014-2015, or \$72,400,000 in fiscal year 2015-2016, these unanticipated revenues are hereby appropriated as follows: 50 percent to the Agricultural Development Fund, 25 percent to the Early Childhood Development Fund, and 25 percent to the Health Care Improvement Fund.

(7) **MSA Appropriation Adjustment - Fiscal Year 2013-2014:** The Consensus Forecasting Group reduced the fiscal year 2013-2014 Phase I Master Settlement Agreement revenue forecast by 50 percent from the enacted estimate of \$90,800,000 to \$45,400,000. The reduction in the MSA revenue estimate was based on the expectation that a nonparticipating manufacturer adjustment would be applied to the annual MSA payment in fiscal year 2013-2014. To accommodate this reduction in estimated revenues, the following fiscal year 2013-2014 appropriations and continuing appropriations are hereby reduced:

a. **Agricultural Development:** General Government - Governor's Office of Agricultural Policy, \$14,379,300 in fiscal year 2013-2014; Energy and Environment Cabinet - Natural Resources, \$2,938,600 (\$2,500,000 in fiscal year 2013-2014 and \$438,600, continuing appropriation); and Finance and Administration Cabinet - Debt Service, \$5,806,300 in fiscal year 2013-2014.

b. **Early Childhood Development:** General Government - Governor's Office: \$2,101,800 (\$1,912,500 in fiscal year 2013-2014 and \$189,300, continuing appropriation); Health and Family Services Cabinet - Community Based Services, \$100,000 in fiscal year 2013-2014; Health and Family Services Cabinet - Public Health, \$3,682,900 in fiscal year 2013-2014; Health and Family Services Cabinet - Behavioral Health, Developmental and Intellectual Disabilities, \$75,600 in fiscal year 2013-2014; and Council on Postsecondary Education - Kentucky Higher Education Assistance Authority, \$301,000 in fiscal year 2013-2014.

c. **Health Care Improvement:** Health and Family Services Cabinet - Public Health - Smoking Cessation, \$839,400 in fiscal year 2013-2014; Justice and Public Safety Cabinet - Justice Administration, \$47,100 in fiscal year

2013-2014; Health and Family Services Cabinet - Health Benefit Exchange - Kentucky Access, \$14,657,300 in fiscal year 2013-2014; and Postsecondary Education - Council on Postsecondary Education, \$442,000 in fiscal year 2013-2014.

(8) Kentucky Access: To accommodate the fiscal year 2013-2014 budget reduction associated with Kentucky Access, the Cabinet for Health and Family Services may use surplus, unexpended, or continuing appropriations from any source, excluding General Fund (Tobacco) dollars, within the Cabinet to fund the Kentucky Access program in fiscal year 2013-2014.

(9) Nonparticipating Manufacturer Settlement Proceeds: Notwithstanding KRS 248.654, in the event a settlement is reached between the Commonwealth and the participating manufacturers regarding the nonparticipating manufacturer adjustment issue, any settlement proceeds shall be deposited into the Tobacco Settlement Agreement Fund and shall not be expended without appropriation authority granted by the General Assembly.

(10) Fiscal Year 2013-2014 County Accounts: Due to the budget reduction actions specified in Part X, (7), (a), the Governor's Office of Agricultural Policy shall transfer \$6,000,000 in continuing appropriations to the county accounts in fiscal year 2013-2014.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2014-15	2015-16
a. Revenue	250,000	250,000

B. DEBT SERVICE

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2014-15	2015-16
a. Debt Service	30,570,000	30,657,000

(1) Debt Service: To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. If revenues received from the Tobacco Settlement Program in fiscal year 2013-2014 are insufficient to support the required debt service appropriations, notwithstanding 2012 Ky. Acts ch. 144, Part X., B., no more than \$5,751,000 of General Fund (Tobacco) moneys from the Governor's Office of Agricultural Policy shall be transferred to the Finance and Administration Cabinet, Debt Service budget unit to pay the necessary debt service. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco-supported funding program accounts to other accounts of the General Fund.

(2) General Fund (Tobacco) Debt Service Lapse: Notwithstanding Part X., (4), of this Act, \$2,179,500 in fiscal year 2014-2015 and \$2,179,500 in fiscal year 2015-2016 shall lapse.

C. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. GENERAL GOVERNMENT

Budget Units	2014-15	2015-16
a. Governor's Office of Agricultural Policy	31,101,600	12,221,200

(1) Tobacco Settlement Funds - Allocations: Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(2) Agricultural Development Appropriations: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$19,350,000 in fiscal year 2014-2015 and \$9,850,000 in fiscal year 2015-2016, for the counties account as specified in KRS 248.703(1)(a).

b. Agriculture	600,000	600,000
----------------	---------	---------

(1) Farms to Food Banks: Included in the above General Fund (Tobacco) appropriation is \$600,000 in each fiscal year to support the Farms to Food Banks program to benefit both Kentucky farmers and the needy by providing fresh, locally grown produce to food pantries.

2. ENERGY AND ENVIRONMENT CABINET

Budget Unit	2014-15	2015-16
a. Natural Resources	6,000,000	-0-

(1) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is \$6,000,000 in fiscal year 2014-2015 for the Environmental Stewardship Program.

TOTAL - AGRICULTURAL APPROPRIATIONS	37,701,600	12,821,200
-------------------------------------	------------	------------

D. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. GENERAL GOVERNMENT

Budget Unit	2014-15	2015-16
a. Office of the Governor	1,912,500	1,912,500

(1) Governor's Office for Early Childhood Development: Included in the above General Fund (Tobacco) appropriation is \$1,912,500 in fiscal year 2014-2015 and \$1,912,500 in fiscal year 2015-2016 for the Early Childhood Advisory Council.

2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	2014-15	2015-16
a. Community Based Services	8,715,000	8,715,000

(1) Early Childhood Development Program: Included in the above General Fund (Tobacco) appropriation is \$8,715,000 in each fiscal year for the Early Childhood Development Program.

b. Public Health	11,580,000	11,580,000
------------------	------------	------------

(1) HANDS Program, Healthy Start, Folic Acid Program, Early Childhood Mental Health, and Early Childhood Oral Health: Included in the above General Fund (Tobacco) appropriation is \$9,000,000 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program, \$1,000,000 in each fiscal year for Healthy Start initiatives, \$80,000 in each fiscal year for the Folic Acid Program, \$1,000,000 in each fiscal year for Early Childhood Mental Health, and \$500,000 in each fiscal year for Early Childhood Oral Health.

c. Behavioral Health, Developmental and Intellectual Disabilities Services	891,400	891,400
--	---------	---------

(1) Substance Abuse Prevention and Treatment: Included in the above General Fund (Tobacco) appropriation is \$891,400 in each fiscal year for substance abuse prevention and treatment.

3. POSTSECONDARY EDUCATION

Budget Unit	2014-15	2015-16
a. Kentucky Higher Education Assistance Authority	1,100,000	1,100,000

(1) Early Childhood Scholarships: Included in the above General Fund (Tobacco) appropriation is \$1,100,000 in each fiscal year for Early Childhood Scholarships.

TOTAL - EARLY CHILDHOOD APPROPRIATIONS	24,198,900	24,198,900
--	------------	------------

E. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Unit	2014-15	2015-16
a. Public Health	2,486,300	1,803,800

(1) Smoking Cessation Program: Included in the above General Fund (Tobacco) appropriation is \$2,486,300 in fiscal year 2014-2015 and \$1,803,800 in fiscal year 2015-2016 for the Smoking Cessation Program.

2. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit	2014-15	2015-16
a. Justice Administration	1,700,200	1,241,100

(1) Office of Drug Control Policy: Included in the above General Fund (Tobacco) appropriation is \$1,700,200 in fiscal year 2014-2015 and \$1,241,100 in fiscal year 2015-2016 for the Office of Drug Control Policy.

3. POSTSECONDARY EDUCATION

Budget Unit	2014-15	2015-16
a. Council on Postsecondary Education	4,972,500	3,607,500

(1) Ovarian Cancer Screening: Notwithstanding KRS 164.476, General Fund (Tobacco) moneys in the amount of \$775,000 in each fiscal year shall be allotted from the Lung Cancer Research Fund to the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

TOTAL - HEALTH CARE APPROPRIATIONS	9,159,000	6,652,400
TOTAL - PHASE I TOBACCO SETTLEMENT		
FUNDING PROGRAM	101,879,500	74,579,500

PART XI**STATE/EXECUTIVE BRANCH BUDGET SUMMARY****OPERATING BUDGET**

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	101,879,500	74,579,500
General Fund	32,884,900	9,643,517,900	9,857,513,500
Restricted Funds	58,893,300	7,080,979,600	7,245,308,400
Federal Funds	751,684,200	10,164,654,700	10,477,467,800
Road Fund	-0-	100,301,100	101,489,300
SUBTOTAL	843,462,400	27,091,332,800	27,756,358,500

CAPITAL PROJECTS BUDGET

	2013-14	2014-15	2015-16
General Fund	-0-	5,776,000	-0-
Restricted Funds	-0-	3,668,648,000	86,959,000
Federal Funds	-0-	140,837,800	37,319,300
Bond Funds	-0-	697,705,200	45,068,000
Agency Bonds	-0-	721,275,000	-0-
Capital Construction Surplus	-0-	1,735,000	-0-
Investment Income	-0-	3,013,000	3,013,000
Other Funds	-0-	1,019,150,000	2,375,000
SUBTOTAL	-0-	6,258,140,000	174,734,300

TOTAL - STATE/EXECUTIVE BUDGET

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	101,879,500	74,579,500
General Fund	32,884,900	9,649,293,900	9,857,513,500
Restricted Funds	58,893,300	10,749,627,600	7,332,267,400
Federal Funds	751,684,200	10,305,492,500	10,514,787,100
Road Fund	-0-	100,301,100	101,489,300
Bond Funds	-0-	697,705,200	45,068,000
Agency Bonds	-0-	721,275,000	-0-
Capital Construction Surplus	-0-	1,735,000	-0-
Investment Income	-0-	3,013,000	3,013,000
Other Funds	-0-	1,019,150,000	2,375,000
TOTAL FUNDS	843,462,400	33,349,472,800	27,931,092,800

The above capital projects are directly funded in Part II, Capital Projects Budget, of this Act. The above Budget Reserve Trust Fund is directly funded in Part III, General Provisions, of this Act.

Vetoed portions are displayed with brackets and strike-throughs. Vetoed in part April 11, 2014. Portions not vetoed became law April 12, 2014, without Governor's signature.

CHAPTER 118**(HB 99)**

AN ACT relating to the carrying of concealed deadly weapons by retired peace officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 237.140 is amended to read as follows:

- (1) (a) Certification for a retired peace officer to carry a concealed deadly weapon pursuant to KRS 237.138 to 237.142 shall be administered by the Department of Kentucky State Police.
- (b) Costs of certification shall be paid for by moneys generated by the concealed deadly weapon license program under KRS 15.383 and collected by the Department of Kentucky State Police pursuant to that section.
- (c) The Department of Kentucky State Police shall promulgate administrative regulations in accordance with KRS Chapter 13A necessary to implement the provisions of KRS 237.138 to 237.142. *The regulations shall allow the validity of any license or certifying documentation issued to the retired peace officer under this section to be extended in yearly increments not more than four (4) times. To facilitate this objective, the regulations may authorize the material required by subsection (2) of this section to be submitted to the person supervising the firearms qualifications under subsection (4)(b) of this section, with that person then submitting the material to the Department of Kentucky State Police and signing the license or certification in a manner that satisfies the requirements of federal law as to the retiree's passage of the required yearly firearms testing.*
- (2) Each retired peace officer who desires certification to carry a concealed deadly weapon shall annually submit:
 - (a) Evidence of retired status to the commissioner of the Department of Kentucky State Police together with all information required by federal law, this section, and administrative regulations promulgated pursuant to this section;
 - (b) Evidence of successful completion of firearms qualification required under this section; and

- (c) A notarized statement that he or she is not prohibited by state or federal law from possessing a firearm.
- (3) Each law enforcement agency that employed the retired peace officer, or at which the retired peace officer served in an elected capacity, shall provide to the retired officer and the Department of Kentucky State Police the information required by federal law, this section, and the administrative regulations promulgated pursuant to this section in a prompt and efficient manner, without charge either to the Department of Kentucky State Police or the retiree.
- (4) (a) Each retired peace officer shall annually fire twenty (20) rounds at an adult size silhouette target at a range of twenty-one (21) feet, with a handgun, and shall hit the target not less than eleven (11) times to obtain or maintain certification under KRS 237.138 to 237.142.
- (b) The rounds fired pursuant to paragraph (a) of this subsection shall be done under the supervision of:
 - 1. A firearms instructor of the retiree's former employing agency;
 - 2. A currently certified peace officer who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course;
 - 3. A Department of Criminal Justice Training certified police firearms instructor or instructor trainer; or
 - 4. A Department of Criminal Justice Training certified concealed carry instructor or instructor trainer.
- (c) A firearms instructor may, if not compensated pursuant to paragraph (d) of this subsection, charge each participant a fee of not more than twenty dollars (\$20), which shall include the cost of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.
- (d) A local or state law enforcement agency that desires to conduct firearms qualification for its retirees shall schedule not less than two (2) dates for firearms qualification per year, and those dates shall be approximately six (6) months apart. The local or state law enforcement agency may charge each participant a fee of not more than twenty dollars (\$20), which shall include the cost of use of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.
- (e) No employer or appointing authority of a firearms instructor who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course, Department of Criminal Justice Training certified police firearms instructor or instructor trainer, or Department of Criminal Justice Training certified concealed carry instructor or instructor trainer shall prohibit or in any way limit the instructor from qualifying active or retired peace officers in conformity with KRS 237.138 or 237.142 while that instructor is off duty. No employer or appointing authority of an instructor specified in this paragraph shall be liable in civil damages for the actions or omissions of the instructor during qualification of active or retired peace officers when that instructor is off duty.

Signed by Governor April 11, 2014.

CHAPTER 119

(HB 126)

AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 8 of this Act and Section 9 of this Act:

- (1) *"Insurance group" means, for the purpose of conducting an ORSA, those insurers and affiliates included within an insurance holding company system as defined in KRS 304.37-010.*

- (2) *"Insurer" has the same meaning as in KRS 304.37-010.*
- (3) *"Own Risk and Solvency Assessment" (ORSA) means a confidential internal assessment, appropriate to the nature, scale, and complexity of an insurer or insurance group, conducted by that insurer or insurance group of the material and relevant risks associated with the insurer's or insurance group's current business plan, and the sufficiency of capital resources to support those risks.*
- (4) *"ORSA Guidance Manual" means the current version of the Own Risk and Solvency Guidance Manual developed and adopted by the National Association of Insurance Commissioner (NAIC) and as may be amended from time to time. A change in the ORSA Guidance Manual shall be effective on January 1 following the calendar year in which the changes have been adopted by the NAIC.*
- (5) *"ORSA Summary Report" means a confidential high-level summary of an insurer's or insurance group's ORSA.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The requirements of Sections 1 to 8 of this Act and Section 9 of this Act shall apply to all insurers domiciled in this state, unless exempt pursuant to Section 6 of this Act.

➔SECTION 3. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks.*
- (2) *The requirement of subsection (1) of this section may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in Section 6 of this Act, an insurer or the insurance group of which the insurer is a member shall regularly conduct an ORSA consistent with a process comparable to the ORSA Guidance Manual.*
- (2) *The ORSA shall be conducted no less often than annually, but also at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1)
 - (a) *Upon the commissioner's request, and no more than once each year, an insurer shall submit to the commissioner an ORSA Summary Report or any combination of reports that together contain the information described in the ORSA Guidance Manual applicable to the insurer or the insurance group of which the insurer is a member.*
 - (b) *Notwithstanding any request from the commissioner, if the insurer is a member of an insurance group, the insurer shall submit the report required by paragraph (a) of this subsection if the commissioner is the lead state commissioner of the insurance group, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.*
- (2) *The report shall include the signature of the insurer's or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process, attesting to the best of his or her belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA Summary Report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee thereof.*
- (3) *An insurer may comply with subsection (1) of this section by providing the most recent and substantially similar report, provided by the insurer or another member of an insurance group of which the insurer is a member, to the commissioner of insurance of another state or to a supervisor or regulator of a foreign jurisdiction, if the report provides information that is comparable to the information described in the ORSA Guidance Manual. Any such report in a language other than English shall be accompanied by a translation of the report into the English language.*

➔SECTION 6. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *An insurer shall be exempt from the requirements of Sections 1 to 8 of this Act and Section 9 of this Act if:*
 - (a) *The insurer has annual direct written and unaffiliated assumed premium in an amount less than five hundred million dollars (\$500,000,000), including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation or the Federal Flood Program; and*
 - (b) *The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium in an amount less than one billion dollars (\$1,000,000,000), including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation or the Federal Flood Program.*
- (2) *If an insurer qualifies for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which the insurer is a member does not qualify for the exemption pursuant to subsection (1)(b) of this section, the ORSA Summary Report that may be required pursuant to Section 5 of this Act shall include every insurer within the insurance group. This requirement may be satisfied by the submission of more than one ORSA Report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.*
- (3) *If an insurer does not qualify for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which it is a member qualifies for exemption pursuant to subsection (1)(b) of this section, the only ORSA Summary Report that may be required pursuant to Section 5 of this Act shall be the report applicable to the insurer that does not qualify for the exemption.*
- (4) *An insurer that does not qualify for exemption pursuant to subsection (1) of this section may apply to the commissioner for a waiver from the requirements of Sections 1 to 8 of this Act and Section 9 of this Act, based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the commissioner may consider the type and volume of business written, ownership and organizational structure of the insurer, and any other factor the commissioner considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group, with insurers domiciled in more than one state, the commissioner shall coordinate with the lead state commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.*
- (5) *Notwithstanding the exemptions stated in this section:*
 - (a) *The commissioner may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA Summary Report based on unique circumstances including but not limited to the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.*
 - (b) *The commissioner may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA Summary Report if the insurer:*
 1. *Has risk-based capital for a company action level event as set forth in KRS 304.3-120, 304.3-190, and 304.38-070, and any applicable administrative regulations;*
 2. *Meets one (1) or more of the standards of an insurer deemed to be in hazardous financial condition as defined in KRS 304.2-065 and any applicable administrative regulations; or*
 3. *Otherwise exhibits qualities of a troubled insurer as determined by the commissioner.*
- (6) *If an insurer that qualifies for an exemption pursuant to subsection (1) of this section then subsequently does not qualify for that exemption due to changes in premium as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one (1) year, following the year the threshold is exceeded, to comply with the requirements of Sections 1 to 8 and Section 9 of this Act.*

➔SECTION 7. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *The ORSA Summary Report shall be prepared in accordance with the ORSA Guidance Manual, subject to the requirements of subsection (2) of this section. Documentation and supporting information shall be maintained and made available upon examination or request by the commissioner.*
- (2) *The review of the ORSA Summary Report, and any additional requests for information, shall be made using similar procedures currently used in the analysis and examination of multi-state or global insurers and insurance groups.*

➔SECTION 8. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Documents, materials, or other information, including the ORSA Summary Report, in the possession of or control of the department that are obtained by, created by, or disclosed to the commissioner or any other person pursuant to Sections 1 to 8 of this Act and Section 9 of this Act, are recognized as being proprietary and containing trade secrets. All documents, materials, or other information shall be confidential by law and privileged, and shall not be subject to disclosure under the Kentucky Open Records Act, KRS 61.872 to 61.884, and shall not be subject to subpoena, discovery, or admission as evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer.*
- (2) *Neither the commissioner nor any person who received documents, materials, or other ORSA-related information through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to Sections 1 to 8 of this Act and Section 9 of this Act, shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.*
- (3) *To assist in the performance of the commissioner's regulatory duties, the commissioner:*
 - (a) *May share documents, materials, or information, upon request, subject to subsection (1) of this section, including proprietary information or trade secrets, with other state, federal, and international financial regulatory agencies, including members of any supervisory college, as defined in KRS 304.37-010, the NAIC, and any third-party consultants designated by the commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;*
 - (b) *May receive documents, materials, or other ORSA-related information including confidential and privileged documents, materials, or information including proprietary and trade-secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college, as defined in KRS 304.37-010, and the NAIC, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and*
 - (c) *Shall enter into a written agreement with the NAIC or a third-party consultant governing the sharing and use of information provided pursuant to this section that shall:*
 1. *Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant pursuant to this section, including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;*
 2. *Specify that ownership of information shared with the NAIC or a third-party consultant pursuant to this section shall remain with the commissioner, and that the NAIC's or third-party consultant's use of the information is subject to the direction of the commissioner;*
 3. *Prohibit the NAIC or third-party consultant from storing the shared information pursuant to this section in a permanent database after the analysis is completed;*

4. *Require prompt notice be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant pursuant to this section is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;*
 5. *Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer that was shared with the NAIC or a third-party consultant pursuant to this section; and*
 6. *If an agreement involves a third-party consultant, provide for the insurer's written consent.*
- (4) *The sharing of information and documents by the commissioner pursuant to this section shall not constitute a delegation of regulatory authority and the commissioner shall be solely responsible for the administration, execution, and enforcement of the provisions of this section.*
 - (5) *No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade-secret materials, or other ORSA-related information shall occur as a result of disclosure of the ORSA-related information or documents to the commissioner under this section or as a result of sharing as authorized in this section.*
 - (6) *Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant pursuant to this section shall be confidential by law and privileged, shall not be subject to the Kentucky Open Records Act, KRS 61.872 to 61.884, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.*

➔SECTION 9. A NEW SECTION OF SUBTITLE 99 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Any insurer failing, without just cause, to timely file the ORSA Summary Report as required by Section 5 of this Act shall be required, after notice and hearing, to pay a penalty of one hundred dollars (\$100) for each day's delay. The maximum penalty under this section is one thousand dollars (\$1,000). The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

➔Section 10. KRS 304.32-130 is amended to read as follows:

The commissioner shall not issue or renew a certificate of authority to any corporation operating or proposing to operate a nonprofit hospital, medical-surgical, dental, or other health service plan unless:

- (1) The subscription or membership certificates which the corporation offers to its subscribers or members, together with a schedule of the dues and fees to be paid by subscribers or members, or the formula for developing dues or fees, has been filed with the commissioner in accordance with the provisions of KRS 304.32-160.
- (2) The schedule of the dues and fees to be paid by subscribers or members is one which will enable the corporation to meet the expenses of the hospital, medical-surgical, and other health services which are made available to its subscribers or members without impairing the guarantee fund required by KRS 304.32-140, and one which will not result in an accumulation of excess reserves over and above reserves established for claims in process, unreported and unbilled claims, retroactive cost adjustment to the purveyors of hospital, medical-surgical, and other health services and membership dues or fees received in advance but not yet earned. ~~[So long as a corporation's unencumbered reserve or surplus over and above the required reserves specified in this section do not exceed a sum equal to one-half (1/2) of the corporation's total membership dues or subscription fees received during the immediate preceding calendar year, the unencumbered reserve or surplus shall not be deemed an excessive accumulation for the purposes of this section.]~~

➔SECTION 11. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *For purposes of this section:*

- (a) *"Anticancer medications" means drugs and biologics that are used to kill, slow, or prevent the growth of cancerous cells; and*
- (b) *"Cost sharing" means the cost to an individual insured under an individual or group health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan.*

- (2) *A health benefit plan that covers anticancer medications that are injected or intravenously administered by a health care provider and patient-administered anticancer medications, including but not limited to those orally administered or self-injected, shall not require a higher copayment, deductible, or coinsurance amount for patient-administered anticancer medications than it requires for injected or intravenously administered anticancer medications, regardless of the formulation or benefit category determination by the health benefit plan.*
- (3) *A health benefit plan shall not comply with subsection (2) of this section by:*
 - (a) *Increasing the copayment, deductible, or coinsurance amount required for injected or intravenously administered anticancer medications that are covered under the health benefit plan; or*
 - (b) *Reclassifying benefits with respect to anticancer medications.*
- (4) *Notwithstanding any provision of this section to the contrary, an individual or group health benefit plan shall be deemed to be in compliance with this section if the cost sharing imposed under such a policy does not exceed one hundred dollars (\$100) per prescription fill for a thirty (30) day period.*
- (5) *For a health benefit plan that meets the definition of a high deductible health plan as defined by 26 U.S.C. 223(c)(2), to be used in conjunction with a health savings account as defined by 26 U.S.C. 223(d)(1), the provisions of subsection (4) of this section shall only apply after an insured's deductible has been satisfied for the year.*

➔Section 12. Sections 1 to 9 and 11 of this Act take effect January 1, 2015.

Signed by Governor April 11, 2014.

CHAPTER 120

(HB 128)

AN ACT relating to firearms and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 527.020 is amended to read as follows:

- (1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person.
- (2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
- (3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
- (4) Persons, except those specified in subsection (5) of this section, licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of that section. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

- (5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 *or 237.138 to 237.142*, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without any limitation other than as provided in this subsection:
1. A Commonwealth's attorney or assistant Commonwealth's attorney;
 2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
 3. A county attorney or assistant county attorney;
 4. A retired county attorney or retired assistant county attorney;
 5. A justice or judge of the Court of Justice; ~~and~~
 6. A retired or senior status justice or judge of the Court of Justice; *and*
 7. *A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.*
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of Kentucky State Police.
- (6) (a) Except provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:
1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
 2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; and
 3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a

detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

- (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.
- (9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person without a license issued pursuant to KRS 237.110:
 - (a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;
 - (b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or
 - (c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.
- (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

➔Section 2. KRS 16.220 is amended to read as follows:

- (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to KRS 500.090, all firearms confiscated by the Department of Kentucky State Police and not retained for official use pursuant to KRS 500.090 shall be sold at public auction to federally licensed firearms dealers holding a license appropriate for the type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to disposition of property to the contrary notwithstanding, the Department of Kentucky State Police shall:
 - (a) Conduct any auction specified by this section;
 - (b) Retain for departmental use twenty percent (20%) of the gross proceeds from any auction specified by this section; and
 - (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office of Homeland Security for use as provided in subsection (4) of this section.
- (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make an attempt to determine if the firearm to be sold has been stolen or otherwise unlawfully obtained from an innocent owner and return the firearm to its lawful innocent owner, unless that person is ineligible to purchase a firearm under federal law.
- (3) The Department of Kentucky State Police shall receive firearms and ammunition confiscated by or abandoned to every law enforcement agency in Kentucky. The department shall dispose of the firearms received in the manner specified in subsection (1) of this section. However, firearms which are not retained for official use, returned to an innocent lawful owner, or transferred to another government agency or public museum shall be sold as provided in subsections (1) and (3) of this section.
- (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of Homeland Security to provide grants to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments; university safety and security departments organized pursuant to KRS 164.950; *school districts that employ special law enforcement officers as defined in KRS 61.900*; and sheriff's departments for the purchase of:
 - (a) Body armor for sworn peace officers of those departments and service animals, as defined in KRS 525.010, of those departments;

- (b) Firearms or ammunition; and
- (c) Electronic control devices, electronic control weapons, or electro-muscular disruption technology.

In awarding grants under this section, the Kentucky Office of Homeland Security shall give first priority to providing and replacing body armor and second priority to providing firearms and ammunition, with residual funds available for the purchase of electronic control devices, electronic control weapons, or electro-muscular disruption technology. Body armor purchased by the department receiving grant funds shall meet or exceed the standards issued by the National Institute of Justice for body armor. No police or sheriff's department shall apply for a grant to replace existing body armor unless that body armor has been in actual use for a period of five (5) years or longer.

- (5) The Department of Kentucky State Police may transfer a machine gun, short-barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any other weapon, or destructive device as defined by the National Firearms Act which is subject to registration under the National Firearms Act and is not properly registered in the national firearms transfer records for those types of weapons, to the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice, after a reasonable attempt has been made to transfer the firearm to an eligible state or local law enforcement agency or to an eligible museum and no eligible recipient will take the firearm or weapon. National Firearms Act firearms and weapons which are properly registered and not returned to an innocent lawful owner or retained for official use as provided in this section shall be sold to properly licensed dealers under subsection (3) of this section.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*

- (a) *"Certification" means the participation and assent of the chief law-enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm;*
- (b) *"Chief law-enforcement officer" means the sheriff of the county of the applicant's residence, notwithstanding the provisions of 27 C.F.R. secs. 479.63 and 479.85; and*
- (c) *"Firearm" has the same meaning as provided in the National Firearms Act, 26 U.S.C. § 5845 (a).*

- (2) (a) *When a chief law enforcement officer's certification is required by federal law or regulation for the transfer or making of a firearm, the chief law-enforcement officer shall, within fifteen (15) days of receipt of a request for certification, provide this certification if the applicant is not prohibited by law from receiving or possessing the firearm and is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm. If the chief law enforcement officer is unable to make a certification as required by this section, he or she shall provide the applicant a written notification of the denial and the reason for this determination.*
- (b) *A chief law enforcement officer is not required to make any certification under this subsection he or she knows to be untrue, but he or she may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm the possession of which is not prohibited by law.*
- (3) *Chief law-enforcement officers and their employees who act in good faith are immune from liability arising from any act or omission in making a certification as required by this section.*
- (4) *An applicant whose request for certification is denied may appeal the chief law-enforcement officer's decision to the Circuit Court that is located in the county in which the applicant resides. The court shall review the chief law-enforcement officer's decision to deny the certification de novo. If the court finds that the applicant is not prohibited by law from receiving or possessing the firearm, is not the subject of a proceeding that could result in such prohibition, and that no substantial evidence supports the chief law enforcement officer's determination that he or she cannot truthfully make the certification, the court shall order the chief law-enforcement officer to issue the certification and award court costs and reasonable attorney's fees to the applicant.*

➔SECTION 4. A NEW SECTION OF KRS 403.715 TO 403.785 IS CREATED TO READ AS FOLLOWS:

- (1) *A petitioner for an order of protection granted under KRS 403.715 to 403.785 may apply for a temporary permit to carry a concealed deadly weapon on or about his or her person into those places and under the same conditions as a person holding a carry concealed deadly weapon license issued under KRS 237.110.*

- (2) *To request a temporary permit authorized by this section, the petitioner shall apply electronically for a license to carry a concealed deadly weapon in the manner set forth in KRS 237.110 and administrative regulation promulgated by the Department of Kentucky State Police, unless the electronic application is unavailable. If the electronic application is unavailable, applications for temporary permits under this section shall not be accepted.*
- (3) *Prior to the issuance of a temporary permit authorized by this section, the Department of Kentucky State Police, upon receipt of a completed application, application fee, and any documentation required by KRS 237.110 or administrative regulation promulgated by the Department of Kentucky State Police, shall conduct the background check as set forth in KRS 237.110.*
- (4) *The Department of Kentucky State Police shall issue a temporary permit authorized by this section if the applicant is not disqualified under the standards set forth in KRS 237.110(4)(a) to (h).*
- (5) *A temporary permit issued under this section shall be valid for forty-five (45) days from the date of issuance and not be subsequently extended or reissued. A temporary permit which has expired shall be void and shall not be valid for any purpose.*
- (6) *The Department of Kentucky State Police shall, within one (1) working day or as soon as practically possible after the date of receipt of the completed application, a recent color photograph of the applicant, and, for applicants who are not citizens of the United States, any documentation required under KRS 237.110, either issue the temporary permit or deny the application based solely on the grounds that the applicant fails to qualify under the criteria set forth in KRS 237.110.*
- (7) *In order to convert the temporary permit issued under this section into a license to carry a concealed deadly weapon issued under KRS 237.110, the applicant shall meet the firearms safety training requirement under KRS 237.110(4) within the forty-five (45) day period the temporary permit is valid. If firearms safety training is not completed within the forty-five (45) day temporary permit period, a new application for a license to carry a concealed deadly weapon shall be required.*
- (8) *If the Department of Kentucky State Police denies the application for a temporary permit, that decision shall be final but the applicant's application for a license to carry a concealed deadly license shall continue to be processed and either issued or denied in accordance with KRS 237.110.*
- (9) *The holder of a permit issued under this section shall carry the permit at all times the permit holder is carrying a concealed firearm or other deadly weapon and shall display the permit upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the clerk of the District Court, but no court costs shall be assessed.*
- (10) *The Department of Kentucky State Police shall maintain an automated listing of temporary permit holders and pertinent information under the same circumstances and restrictions set forth in KRS 237.110.*
- (11) *Nothing in this section shall authorize the carrying of a concealed deadly weapon by a person prohibited from possessing such a weapon by state or federal law.*

➔Section 5. KRS 237.110 is amended to read as follows:

- (1) The Department of Kentucky State Police is authorized to issue and renew licenses to carry concealed firearms or other deadly weapons, or a combination thereof, to persons qualified as provided in this section.
- (2) An original or renewal license issued pursuant to this section shall:
 - (a) Be valid throughout the Commonwealth and, except as provided in this section or other specific section of the Kentucky Revised Statutes or federal law, permit the holder of the license to carry firearms, ammunition, or other deadly weapons, or a combination thereof, at any location in the Commonwealth;
 - (b) Unless revoked **or suspended** as provided by law, be valid for a period of five (5) years from the date of issuance;
 - (c) Authorize the holder of the license to carry a concealed firearm or other deadly weapon, or a combination thereof, on or about his or her person; and
 - (d) Authorize the holder of the license to carry ammunition for a firearm on or about his or her person.
- (3) Prior to the issuance of an original or renewal license to carry a concealed deadly weapon, the Department of Kentucky State Police, **upon receipt of a completed application, applicable fees, and any documentation**

required by this section or administrative regulation promulgated by the Department of Kentucky State Police, shall conduct a background check to ascertain whether the applicant is eligible under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law to purchase, receive, or possess a firearm or ammunition, or both. The background check shall include:

- (a) A state records check covering the items specified in this subsection, together with any other requirements of this section;
 - (b) A federal records check, which shall include a National Instant Criminal Background Check System (NICS) check;
 - (c) A federal Immigration Alien Query if the person is an alien who has been lawfully admitted to the United States by the United States government or an agency thereof; and
 - (d) In addition to the Immigration Alien Query, if the applicant has not been lawfully admitted to the United States under permanent resident status, the Department of Kentucky State Police shall, if a doubt exists relating to an alien's eligibility to purchase a firearm, consult with the United States Department of Homeland Security, United States Department of Justice, United States Department of State, or other federal agency to confirm whether the alien is eligible to purchase a firearm in the United States, bring a firearm into the United States, or possess a firearm in the United States under federal law.
- (4) The Department of Kentucky State Police shall issue an original or renewal license if the applicant:
- (a) Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable federal or state law;
 - (b)
 - 1. Is a citizen of the United States who is a resident of this Commonwealth;
 - 2. Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky;
 - 3. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, **and is a resident of this Commonwealth**; or
 - 4. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, is, at the time of the application, assigned to a military posting in Kentucky, and has been assigned to a posting in the Commonwealth;
 - (c) Is twenty-one (21) years of age or older;
 - (d) Has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances, within a three (3) year period immediately preceding the date on which the application is submitted;
 - (e) Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having two (2) or more convictions for violating KRS 189A.010 within the three (3) years immediately preceding the date on which the application is submitted, or having been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the three (3) year period immediately preceding the date on which the application is submitted;
 - (f) Does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, if the Department of Kentucky State Police has been notified of the arrearage by the Cabinet for Health and Family Services;
 - (g) Has complied with any subpoena or warrant relating to child support or paternity proceedings. If the Department of Kentucky State Police has not been notified by the Cabinet for Health and Family Services that the applicant has failed to meet this requirement, the Department of Kentucky State Police shall assume that paternity and child support proceedings are not an issue;
 - (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the three (3) years immediately preceding the date on which the application is submitted. The commissioner of the Department of Kentucky State Police may waive this requirement upon good cause shown and a determination that the applicant is not a danger and that a waiver would not violate federal law; and
 - (i) Demonstrates competence with a firearm by successful completion of a firearms safety course offered or approved by the Department of Criminal Justice Training. The firearms safety course shall:

1. Be not more than eight (8) hours in length;
 2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;
 3. Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and
 4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503.
- (5) (a) A legible photocopy *or electronic copy* of the certificate of completion issued by the Department of Criminal Justice Training shall constitute evidence of qualification under subsection (4)(i) of this section.
- (b) Persons qualifying under subsection (6)(~~d~~)(~~e~~) of this section may submit with their application:
1. At least one (1) of the following *paper or electronic* forms or their successor forms showing evidence of handgun training or handgun qualifications:
 - a.~~{1-}~~ Department of Defense Form DD 2586;
 - b.~~{2-}~~ Department of Defense Form DD 214;
 - c.~~{3-}~~ Coast Guard Form CG 3029;
 - d.~~{4-}~~ Department of the Army Form DA 88-R;
 - e.~~{5-}~~ Department of the Army Form DA 5704-R;
 - f.~~{6-}~~ Department of the Navy Form OPNAV 3591-1; ~~{or}~~
 - g.~~{7-}~~ Department of the Air Force Form AF 522; *or*
 2.
 - a. ***Documentary evidence of an honorable discharge; and***
 - b. ***A notarized affidavit on a form provided by the Department of Kentucky State Police, signed under penalty of perjury, stating the person has met the training requirements of subsection (6)(c) of this section.***
- (6) (a) Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement.
- (b) Current and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:
1. Any peace officer employed by a federal agency specified in KRS 61.365;
 2. Any peace officer employed by a federal civilian law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;
 3. Any military peace officer of the United States Army, Navy, Marine Corps, or Air Force, or a reserve component thereof, or of the Army National Guard or Air National Guard who has successfully completed the military law enforcement training course required by that branch of the military; and
 4. Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard.
- (c) ***Corrections officers who are currently employed by a county containing a consolidated local government or an urban-county government who have successfully completed a basic firearms training course required for their employment, and corrections officers who were formerly employed by a county containing a consolidated local government or an urban-county government who are***

retired, and who successfully completed a basic firearms training course required for their employment, and are members of a state-administered retirement system or other retirement system operated by or for a city, county, or urban-county government in Kentucky shall be deemed to have met the training requirement.

(d)(e) Active or *honorably* discharged service members in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army National Guard or Air National Guard shall be deemed to have met the training requirement if these persons:

1. Successfully completed handgun training~~[of not less than four (4) hours,]~~ which was conducted by the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army National Guard or Air National Guard; or
2. Successfully completed handgun qualification within the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or of the Army National Guard or Air Force National Guard.

(7) (a) 1. *A paper*~~[The]~~ application for a license, or renewal of a license, to carry a concealed deadly weapon shall be obtained from *and submitted to* the office of the sheriff in the county in which the person resides.

2. *An applicant, in lieu of a paper application, may submit an electronic application for a license, or renewal of a license, to carry a concealed deadly weapon to the Department of Kentucky State Police.*

3. Persons qualifying under subsection (6)(d)(e) of this section shall be supplied the information in subsection (4)(i)4. of this section upon obtaining an application.

(b) 1. The completed *paper* application and *any documentation required by this section*~~[all accompanying material]~~ plus an application fee or renewal fee, as appropriate, of sixty dollars (\$60) shall be presented to the office of the sheriff of the county in which the applicant resides.~~[A full time or part time peace officer who is currently certified as a peace officer by the Kentucky Law Enforcement Council who is authorized by his or her employer or government authority to carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020 or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban county in Kentucky shall be exempt from paying the application or renewal fees.]~~

2. The sheriff shall transmit the *paper* application and accompanying material to the Department of Kentucky State Police within five (5) working days.

3. Twenty dollars (\$20) of the *paper* application fee shall be retained by the office of the sheriff for official expenses of the office. Twenty dollars (\$20) shall be sent to the Department of Kentucky State Police with the application. Ten dollars (\$10) shall be transmitted by the sheriff to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapons.

(c) 1. *A completed electronic application submitted in lieu of a paper application, any documentation required by this section, and an application fee or renewal fee, as appropriate, of seventy dollars (\$70) shall be presented to the Department of Kentucky State Police.*

2. *If an electronic application is submitted in lieu of a paper application, thirty dollars (\$30) of the electronic application fee shall be retained by the Department of Kentucky State Police. Twenty dollars (\$20) shall be sent to the office of the sheriff of the applicant's county of residence for official expenses of the office. Ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapon carry permit.*

(d) *A full-time or part-time peace officer who is currently certified as a peace officer by the Kentucky Law Enforcement Council and who is authorized by his or her employer or government authority to*

carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020, or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban-county government in Kentucky, shall be exempt from paying the paper or electronic application or renewal fees.

- (e) The application *whether paper or electronic*, shall be completed, under oath, on a form *or in a manner* promulgated by the Department of Kentucky State Police by administrative regulation which shall ~~only~~ include:

1. ~~a.{(a)-1.}~~ The name, address, place and date of birth, citizenship, gender, Social Security number of the applicant; and
 - ~~b.{(2)-}~~ If not a citizen of the United States, alien registration number if applicable, passport number, visa number, mother's maiden name, and other information necessary to determine the immigration status and eligibility to purchase a firearm under federal law of a person who is not a citizen of the United States;
2. ~~{(b)}~~ A statement that, to the best of his or her knowledge, the applicant is in compliance with criteria contained within subsections (3) and (4) of this section;
3. ~~{(c)}~~ *A statement that the applicant, if qualifying under subsection (6)(c) of this section, has provided:*
 - a. *At least one (1) of the forms listed in subsection (5) of this section; or*
 - b. *i. Documentary evidence of an honorable discharge; and*
 - ii. *A notarized affidavit on a form provided by the Department of Kentucky State Police stating the person has met the training requirements of subsection (6)(c) of this section;*
4. A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;
5. ~~{(d)}~~ A statement that the applicant has been furnished a copy of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and
6. ~~{(e)}~~ A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.

- (8) The applicant ~~, if a resident of the Commonwealth,~~ shall submit to the sheriff of the applicant's county of residence *or county of military posting if submitting a paper application, or to the Department of Kentucky State Police if submitting an electronic application:*

- (a) A completed application as described in subsection (7) of this section;
- (b) A recent color photograph of the applicant, as prescribed by administrative regulation;
- (c) *A paper or electronic* ~~{photocopy of a}~~ certificate or an affidavit or document as described in subsection (5) of this section; ~~{and}~~
- (d) *A paper or electronic document establishing the training exemption as described in subsection (6) of this section; and*
- (e) For an applicant who is not a citizen of the United States and has been lawfully admitted to the United States by the United States government or an agency thereof, *an affidavit as prescribed by administrative regulation concerning his or her immigration status and* his or her United States government issued:
 1. Permanent Resident Card I-551 or its equivalent successor identification;
 2. Other United States government issued evidence of lawful admission to the United States which includes the category of admission, if admission has not been granted as a permanent resident; and
 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5), 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part 178, including, as appropriate, but not

limited to evidence of ninety (90) day residence in the Commonwealth, a valid current Kentucky hunting license if claiming exemption as a hunter, or other evidence of eligibility to purchase a firearm by an alien which is required by federal law or regulation.

If an applicant presents identification specified in this paragraph, the sheriff shall examine the identification, may record information from the identification presented, and shall return the identification to the applicant.

- (9) The Department of Kentucky State Police shall, within sixty (60) days after the date of receipt of the items listed in subsection (8) of this section ***if the applicant submitted a paper application, or within fifteen (15) business days after the date of receipt of the items listed in subsection (8) of this section if the applicant applied electronically***~~from the sheriff~~, either:
 - (a) Issue the license; or
 - (b) Deny the application based solely on the grounds that the applicant fails to qualify under the criteria listed in subsection (3) or (4) of this section. If the Department of Kentucky State Police denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to submit, within thirty (30) days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the Department of Kentucky State Police shall reconsider its decision and inform the applicant within twenty (20) days of the result of the reconsideration. The applicant shall further be informed of the right to seek de novo review of the denial in the District Court of his or her place of residence within ninety (90) days from the date of the letter advising the applicant of the denial.
- (10) The Department of Kentucky State Police shall maintain an automated listing of license holders and pertinent information, and this information shall be available~~on-line~~ upon request, at all times to all Kentucky, federal, and other states' law enforcement agencies. A request for the entire list of licensees, or for all licensees in a geographic area, shall be denied. Only requests relating to a named licensee shall be honored or available ***to law enforcement agencies***~~on-line~~. Information on applications for licenses, names and addresses, or other identifying information relating to license holders shall be confidential and shall not be made available except to law enforcement agencies. No request for lists of local or statewide permit holders shall be made to any state or local law enforcement agency, peace officer, or other agency of government other than the Department of Kentucky State Police, and no state or local law enforcement agency, peace officer, or agency of government, other than the Department of Kentucky State Police, shall provide any information ***to any requester*** not entitled to it by law.
- (11) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after the loss, theft, or destruction of a license, the licensee shall notify the Department of Kentucky State Police of the loss, theft, or destruction. Failure to notify the Department of Kentucky State Police shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the District Court. No court costs shall be assessed for a violation of this subsection. When a licensee makes application to change his or her residence address or other information on the license, neither the sheriff nor the Department of Kentucky State Police shall require a surrender of the license until a new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff.
- (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of fifteen dollars (\$15) ***for a paper request, or twenty-five dollars (\$25) for an electronic request submitted in lieu of a paper request***, to the Department of Kentucky State Police, obtain a duplicate, upon furnishing a notarized statement to the Department of Kentucky State Police that the license has been lost, stolen, or destroyed.
- (13)
 - (a) The commissioner of the Department of Kentucky State Police, or his or her designee in writing, shall revoke the license of any person who becomes permanently ineligible to be issued a license or have a license renewed under the criteria set forth in this section.
 - (b) The commissioner of the Department of Kentucky State Police, or his or her designee in writing, shall suspend the license of any person who becomes temporarily ineligible to be issued a license or have a license renewed under the criteria set forth in this section. The license shall remain suspended until the person is again eligible for the issuance or renewal of a license.
 - (c) Upon the suspension or revocation of a license, the commissioner of the Department of Kentucky State Police, or his or her designee in writing, shall:

1. Order any peace officer to seize the license from the person whose license was suspended or revoked; or
 2. Direct the person whose license was suspended or revoked to surrender the license to the sheriff of the person's county of residence within two (2) business days of the receipt of the notice.
- (d) If the person whose license was suspended or revoked desires a hearing on the matter, the person shall surrender the license as provided in paragraph (c)2. of this subsection and petition the commissioner of the Department of Kentucky State Police to hold a hearing on the issue of suspension or revocation of the license.
 - (e) Upon receipt of the petition, the commissioner of the Department of Kentucky State Police shall cause a hearing to be held in accordance with KRS Chapter 13B on the suspension or revocation of the license. If the license has not been surrendered, no hearing shall be scheduled or held.
 - (f) If the hearing officer determines that the licensee's license was wrongly suspended or revoked, the hearing officer shall order the commissioner of the Department of Kentucky State Police to return the license and abrogate the suspension or revocation of the license.
 - (g) Any party may appeal a decision pursuant to this subsection to the District Court in the licensee's county of residence in the same manner as for the denial of a license.
 - (h) If the license is not surrendered as ordered, the commissioner of the Department of Kentucky State Police shall order a peace officer to seize the license and deliver it to the commissioner.
 - (i) Failure to surrender a suspended or revoked license as ordered is a Class A misdemeanor.
 - (j) The provisions of this subsection relating to surrender of a license shall not apply if a court of competent jurisdiction has enjoined its surrender.
 - (k) When a domestic violence order or emergency protective order is issued pursuant to the provisions of KRS Chapter 403 against a person holding a license issued under this section, the holder of the permit shall surrender the license to the court or to the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until the judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the license, upon proper motion by the license holder. Subject to the same conditions as above, a peace officer against whom an emergency protective order or domestic violence order has been issued shall not be permitted to carry a concealed deadly weapon when not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.
- (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the license, the Department of Kentucky State Police shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Kentucky State Police. The outside of the envelope containing the license renewal notice shall bear only the name and address of the applicant. No other information relating to the applicant shall appear on the outside of the envelope sent to the applicant. The licensee may renew his or her license on or before the expiration date by filing with the sheriff of his or her county of residence the *paper* renewal form, ***or by filing with the Department of Kentucky State Police an electronic renewal form in lieu of a paper renewal form***~~[a notarized affidavit]~~ stating that the licensee remains qualified pursuant to the criteria specified in subsections (3) and (4) of this section, and the required renewal fee ***set forth in subsection (7) of this section***. The sheriff shall issue to the applicant a receipt for the *paper* application for renewal of the license and shall date the receipt. ***The Department of Kentucky State Police shall issue to the applicant a receipt for an electronic application for renewal of the license submitted in lieu of a paper application for renewal and shall date the receipt.***
 - (b) A license which has expired shall be void and shall not be valid for any purpose other than surrender to the sheriff in exchange for a renewal license.
 - (c) The license shall be renewed to a qualified applicant upon receipt of the completed renewal application, records check as specified in subsection (3) of this section, determination that the renewal applicant is not ineligible for a license as specified in subsection (4), and appropriate payment of fees. Upon the issuance of a new license, the old license shall be destroyed by the sheriff. A licensee who fails to file a renewal application on or before its expiration date may renew his or her license by paying, in addition to the license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or more

after its expiration date, and the license shall be deemed to be permanently expired six (6) months after its expiration date. A person whose license has permanently expired may reapply for licensure pursuant to subsections (7), (8), and (9) of this section.

- (15) The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the clerk of the District Court, but no court costs shall be assessed.
- (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:
 - (a) Any police station or sheriff's office;
 - (b) Any detention facility, prison, or jail;
 - (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
 - (d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
 - (e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
 - (f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;
 - (g) An area of an airport to which access is controlled by the inspection of persons and property; or
 - (h) Any place where the carrying of firearms is prohibited by federal law.
- (17) The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice and Public Safety Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.
- (18) All moneys collected by the Department of Kentucky State Police pursuant to this section shall be used to administer the provisions of this section and KRS 237.138 to 237.142. By March 1 of each year, the Department of Kentucky State Police and the Administrative Office of the Courts shall submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the amounts of money collected and the expenditures related to this section, KRS 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the administration of the provisions of this section, KRS 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070.

- (19) The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. The General Assembly does not delegate to the Department of Kentucky State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.
- (20) (a) A person ***who is not a resident of Kentucky and*** who has a valid license issued by another state of the United States to carry a concealed deadly weapon in that state may, subject to provisions of Kentucky law, carry a concealed deadly weapon in Kentucky, and his or her license shall be considered as valid in Kentucky.
- (b) ***If a person with a valid license to carry a concealed deadly weapon issued from another state that has entered into a reciprocity agreement with the Department of Kentucky State Police becomes a resident of Kentucky, the license issued by the other state shall be considered as valid for the first one hundred and twenty (120) days of the person's residence in Kentucky, if within sixty (60) days of moving to Kentucky, the person completes a form promulgated by the Department of Kentucky State Police which shall include:***
- 1. A signed and notarized statement averring that to the best of his or her knowledge the person's license to carry a concealed deadly weapon is valid and in compliance with applicable out-of-state law, and has not been revoked or suspended for any reason except for valid forfeiture due to departure from the issuing state;***
 - 2. The person's name, date of birth, citizenship, gender, Social Security number if applicable, proof that he or she is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, former out-of-state address, current address within the state of Kentucky, date on which Kentucky residence began, state which issued the concealed carry license, the issuing state's concealed carry license number, and the state of issuance of license; and***
 - 3. A photocopy of the person's out-of-state license to carry a concealed deadly weapon.***
- (c) ***Within sixty (60) days of moving to Kentucky, the person shall deliver the form and accompanying documents by registered or certified mail, return receipt requested, to the address indicated on the form provided by the Department of Kentucky State Police pursuant to this subsection.***
- (d) ***The out-of-state concealed carry license shall become invalid in Kentucky upon the earlier of:***
- 1. The out-of-state person having resided in Kentucky for more than one hundred twenty (120) days; or***
 - 2. The person being issued a Kentucky concealed deadly weapon license pursuant to this section.***
- (e) The Department of Kentucky State Police shall, not later than thirty (30) days after July 15, 1998, and not less than once every ***twelve (12)***~~six (6)~~ months thereafter, make written inquiry of the concealed deadly weapon carrying licensing authorities in each other state as to whether a Kentucky resident may carry a concealed deadly weapon in their state based upon having a valid Kentucky concealed deadly weapon license, or whether a Kentucky resident may apply for a concealed deadly weapon carrying license in that state based upon having a valid Kentucky concealed deadly weapon license. The Department of Kentucky State Police shall attempt to secure from each other state permission for Kentucky residents who hold a valid Kentucky concealed deadly weapon license to carry concealed deadly weapons in that state, either on the basis of the Kentucky license or on the basis that the Kentucky license is sufficient to permit the issuance of a similar license by the other state. The Department of Kentucky State Police shall enter into a written reciprocity agreement with the appropriate agency in each state that agrees to permit Kentucky residents to carry concealed deadly weapons in the other state on the basis of a Kentucky-issued concealed deadly weapon license or that will issue a license to carry concealed deadly weapons in the other state based upon a Kentucky concealed deadly weapon license. If a reciprocity agreement is reached, the requirement to recontact the other state each ***twelve (12)***~~six (6)~~ months shall be eliminated as long as the reciprocity agreement is in force. The information shall be a public record and shall be available to individual requesters free of charge for the first copy and at the normal rate for open records requests for additional copies.

- (21) By March 1 of each year, the Department of Kentucky State Police shall submit a statistical report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the number of licenses issued, revoked, suspended, and denied since the previous report and in total and also the number of licenses currently valid. The report shall also include the number of arrests, convictions, and types of crimes committed since the previous report by individuals licensed to carry concealed weapons.
- (22) The following provisions shall apply to concealed deadly weapon training classes conducted by the Department of Criminal Justice Training or any other agency pursuant to this section:
- (a) No concealed deadly weapon instructor trainer shall have his or her certification as a concealed deadly weapon instructor trainer reduced to that of instructor or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;
 - (b) No concealed deadly weapon instructor shall have his or her certification as a concealed deadly weapon instructor license suspended or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;
 - (c) The department shall not require prior notification that an applicant class or instructor class will be conducted by a certified instructor or instructor trainer;
 - (d) Each concealed deadly weapon instructor or instructor trainer who teaches a concealed deadly weapon applicant or concealed deadly weapon instructor class shall supply the Department of Criminal Justice Training with a class roster indicating which students enrolled and successfully completed the class, and which contains the name and address of each student, within five (5) working days of the completion of the class. The information may be sent by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the information. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent. Concealed deadly weapon class applicant, instructor, and instructor trainer information and records shall be confidential. The department may release to any person or organization the name, address, and telephone number of a concealed deadly weapon instructor or instructor trainer if that instructor or instructor trainer authorizes the release of the information in writing. The department shall include on any application for an instructor or instructor trainer certification a statement that the applicant either does or does not desire the applicant's name, address, and telephone number to be made public;
 - (e) An instructor trainer who assists in the conduct of a concealed deadly weapon instructor class or concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her certification. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon instructor or concealed deadly weapon class;
 - (f) An instructor who assists in the conduct of a concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her license. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon class;
 - (g) If the Department of Criminal Justice Training believes that a firearms instructor trainer or certified firearms instructor has not in fact complied with the requirements for teaching a certified firearms instructor or applicant class by not teaching the class as specified in KRS 237.126, or who has taught an insufficient class as specified in KRS 237.128, the department shall send to each person who has been listed as successfully completing the concealed deadly weapon applicant class or concealed deadly weapon instructor class a verification form on which the time, date, date of range firing if different from the date on which the class was conducted, location, and instructor of the class is listed by the department and which requires the person to answer "yes" or "no" to specific questions regarding the conduct of the training class. The form shall be completed under oath and shall be returned to the Department of Criminal Justice Training not later than forty-five (45) days after its receipt. A person who fails to complete the form, to sign the form, or to return the form to the Department of Criminal Justice Training within the time frame specified in this section or who, as a result of information on the returned form, is determined by the Department of Criminal Justice Training, following a hearing pursuant to KRS Chapter 13B, to not have received the training required by law shall have his or her concealed deadly weapon license revoked by the Department of Kentucky State Police, following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B, at

which hearing the person is found to have violated the provisions of this section or who has been found not to have received the training required by law;

- (h) The department shall annually, not later than December 31 of each year, report to the Legislative Research Commission:
 - 1. The number of firearms instructor trainers and certified firearms instructors whose certifications were suspended, revoked, denied, or who were otherwise disciplined;
 - 2. The reasons for the imposition of suspensions, revocations, denials, or other discipline; and
 - 3. Suggestions for improvement of the concealed deadly weapon applicant training program and instructor process;
- (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon license shall be forthwith revoked by the Department of Kentucky State Police as a matter of law;
- (j) If a concealed deadly weapon instructor or instructor trainer is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon instructor certification or concealed deadly weapon instructor trainer certification shall be revoked by the Department of Criminal Justice Training as a matter of law; and
- (k) The following shall be in effect:
 - 1. Action to eliminate the firearms instructor trainer program is prohibited. The program shall remain in effect, and no firearms instructor trainer shall have his or her certification reduced to that of certified firearms instructor;
 - 2. The Department of Kentucky State Police shall revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations, or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B.

Signed by Governor April 11, 2014.

CHAPTER 121

(HB 183)

AN ACT relating to city civil service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 90.310 is amended to read as follows:

- (1) ***Except as provided in subsection (5) of this section,*** any city of the second or third class may elect to operate under KRS 90.310 to 90.410, and, by ordinance, create a civil service commission which shall hold examinations as to the qualifications of applicants for municipal employment within the several departments of the city that are designated by ordinance. In all cities of the second class, and in cities of the third class, the city may, by ordinance, classify employees and designate the class of employees it desires to include.
- (2) The mayor, subject to the approval of the city legislative body, shall appoint at least three (3) but no more than five (5) persons who shall constitute the civil service commission of that city. Each appointee shall be at least thirty (30) years of age and not related by either blood or marriage to the mayor or any member of the city legislative body. The appointees shall originally be appointed one (1) for a term of three (3) years, one (1) for a term of two (2) years and all remaining appointments shall be for a term of one (1) year, and the successors to these appointees shall be appointed in like manner, each for a period of three (3) years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. At the time of any appointment, if the mayor elects to appoint only three (3) commissioners, not

more than two (2) commissioners shall be adherents of the same political party. If the mayor elects to appoint more than three (3) commissioners not more than three (3) commissioners shall be adherents of the same political party. The appointee originally appointed for the term of three (3) years shall be secretary of the commission. Each appointee shall qualify by taking an oath of office as required by law. The salaries of the members of the commission may be fixed by the city legislative body.

- (3) If the appointing authority of any city fails to appoint a civil service commission within thirty (30) days after he has the power to so appoint or after a vacancy exists, the mayor pro tem shall make the appointment and the appointee shall hold office until the expiration of the term and until his successor is appointed and qualified.
- (4) The civil service commission shall make and enforce rules, not inconsistent with the provisions of KRS 90.310 to 90.410 or the ordinances of the city, for examinations and registrations therefor.
- (5) ***No city shall adopt an ordinance pursuant to this section to create a civil service commission during the months of November or December in any even-numbered year.***
- (6) ***Any city that creates a civil service commission pursuant to this section may repeal or amend the ordinance at the discretion of the city legislative body. The city legislative body shall not repeal any provisions of the ordinance governing the maintenance of a pension fund.***

➔Section 2. KRS 95.761 is amended to read as follows:

- (1) Any city of the fourth or fifth class which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments. ***If a city elects to establish a civil service system for its police and fire employees, under this subsection, it may adopt either KRS 95.761, 95.762, 95.763, 95.764, 95.765, and 95.766 or KRS 90.300 to 90.420. A city of the fourth or fifth class may adopt KRS 90.300 to 90.420 for municipal employees who are not police or fire personnel.***
- (2) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing policemen's and firefighters' pension fund, the same as a city of the third class.
- (3) A city of the fourth or fifth class ~~is authorized to adopt the provisions of KRS 90.300 to 90.420 governing civil service, the same as a city of the third class, and~~ may provide a retirement system for any of its employees, including police and firefighters, pursuant to KRS 90.400 or 90.410. If a city creates a retirement system for its police and firefighters pursuant to KRS 90.400 or 90.410, it shall establish a board of trustees for that system. The provisions of KRS 90.400 and 90.410 notwithstanding, a majority of the board shall be members of the retirement system elected by the members of the retirement system. The board of trustees shall control and manage the retirement fund, for the exclusive purposes of providing benefits to members and their beneficiaries and defraying reasonable expenses of administering the plan. The board may contract with investment advisors or managers to perform investment services as deemed necessary and prudent by the board.
- (4) A city of the fourth or fifth class may adopt the provisions of KRS 79.080 or 78.510 to 78.852 for any of its employees, or KRS 95.767 to 95.784 for its police and firefighters.
- (5) The legislative body of the city of the fourth or fifth class may not establish or continue a retirement system for any of its employees unless such action is taken pursuant to statutes listed in subsection (2), (3) or (4) of this section, or unless the city adopts a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. If a city has adopted a retirement system but has not done so pursuant to the options listed in this subsection or in subsection (2), (3), or (4) of this section, it shall amend its action to comply with the provisions of this subsection. This subsection shall not be construed to limit the application of KRS 82.082(2) with respect to the comprehensive nature of Kentucky law governing city retirement systems. After adoption of the provisions of any of the statutes listed in ***subsection (2), (3) or (4) of this section***, the city may not revoke, rescind or repeal these adoptions for any employee covered thereby.
- (6)
 - (a) Any of the following offices, positions, and places of employment, in the police and fire departments, may be excluded from the classified service: The chief of police, assistant chief of police, chief of firefighters and assistant chief of firefighters.
 - (b) Any classified employee in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of firefighters, or assistant chief of firefighters, shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of

said respective positions. Should any such chief or assistant chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.

- (7) After August 1, 1988, no city shall create a new pension fund pursuant to this section other than by adopting KRS 78.510 to 78.852, or by adopting a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. Any city which adopted a pension system pursuant to this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988.
- (8) *Notwithstanding subsection (1) of this section, no city shall adopt a civil service system for any of its employees under KRS 90.300 to 90.420 or under KRS 95.761, 95.762, 95.763, 95.764, 95.765, and 95.766 during the months of November or December in any even-numbered year.*
- (9) *Any city that creates a civil service commission pursuant to this section may repeal or amend the ordinance at the discretion of the city legislative body. The city legislative body shall not repeal any provisions of the ordinance governing the maintenance of a pension fund.*

Signed by Governor April 11, 2014.

CHAPTER 122

(HB 238)

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Judicial Branch Budget is as follows:

PART I

OPERATING BUDGET

(1) Funds Appropriations: There is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums to be used for the purposes of the Judicial Branch of the government of the Commonwealth of Kentucky, including the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices, including both Circuit and District Court support.

1. Court of Justice

a. Court Operations and Administration

	2014-15	2015-16
General Fund	205,633,000	209,033,000
Restricted Funds	49,267,400	49,611,800
Federal Funds	3,599,300	3,611,200
TOTAL	258,499,700	262,256,000

(1) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2013-2014 shall not lapse and shall continue into fiscal year 2014-2015, and any unexpended balance remaining at the close of fiscal year 2014-2015 shall not lapse and shall continue into fiscal year 2015-2016.

(2) Salary Structure: Included in the above General Fund appropriation is \$8,289,200 in fiscal year 2014-2015 and \$8,907,600 in fiscal year 2015-2016 for salary improvements. The funding shall be allocated in the following manner:

(a) A salary adjustment for non-elected eligible full-time and part-time employees shall be allocated in fiscal year 2014-2015 according to the Chief Justice's Judicial Branch salary structure plan;

(b) A salary adjustment amounting to a percentage value on the base salary or wages of each non-elected eligible full-time and part-time employee on his or her anniversary date is provided in fiscal year 2014-2015. The amount of salary adjustment is determined by each eligible employee's annual base salary or wages on his or her anniversary date, and the following table reflects the percentage of the salary adjustment for fiscal year 2014-2015:

Annual Base Salary or Wages	2014-15
\$0 to \$27,000.00	5%
\$27,000.01 to \$36,000.00	3%
\$36,000.01 to \$50,000.00	2%
\$50,000.01 and above	1%

In fiscal year 2015-2016, a cost-of-living adjustment of one percent is provided on the base salary or wages of each non-elected state employee on his or her anniversary date; and

(c) Any funds remaining from the additional \$8,289,200 provided in fiscal year 2014-2015 and \$8,907,600 in fiscal year 2015-2016 shall be allocated to the elected Circuit Clerks to improve salary parity for the Circuit Clerks with other elected county officials.

(d) Salaries and wages for all judges shall not be increased during the 2014-2016 fiscal biennium.

(3) Civil Filing Fees: Pursuant to its authority, if the Supreme Court retains the increase in civil filings fees that was effective in 2008, the additional income resulting from the fee increases, not to exceed \$5,000,000 in each fiscal year of the biennium, shall be deposited into a trust and agency account for court operations. Any revenue generated by these increases in excess of the \$5,000,000 in each fiscal year of the biennium shall be deposited into the General Fund.

(4) Realignment of Circuit and District Judicial Boundaries: The Administrative Office of the Courts shall develop and implement a weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the Circuit Court, Family Court, and District Court levels for the purpose of recommending a plan for the realignment of the circuit and district judicial boundaries. This plan shall be submitted to the House and Senate Judiciary Committees by January 15, 2016.

(5) Night Court in Jefferson County: The Administrative Office of the Courts shall continue the operations and current schedule of night court in Okolona and Middletown in Jefferson County in fiscal year 2014-2015 and fiscal year 2015-2016.

b. Local Facilities Fund

	2014-15	2015-16
General Fund	111,500,000	111,500,000

(1) Local Court Facility Compensation: Included in the above appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

(2) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2013-2014 shall not lapse and shall continue into fiscal year 2014-2015, and any unexpended balance remaining at the close of fiscal year 2014-2015 shall not lapse and shall be continued into fiscal year 2015-2016.

(3) Fayette County Courthouse Use Allowance: The use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington, Kentucky remaining open to traffic.

c. Local Facilities Use Allowance Contingency Fund

	2014-15	2015-16
General Fund	-0-	-0-

(1) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2013-2014 shall not lapse and shall continue into fiscal year 2014-2015, and any unexpended balance remaining at the close of fiscal year 2014-2015 shall not lapse and shall continue into fiscal year 2015-2016 to

provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KRS Chapter 26A.

TOTAL - COURT OF JUSTICE

	2014-15	2015-16
General Fund	317,133,000	320,533,000
Restricted Funds	49,267,400	49,611,800
Federal Funds	3,599,300	3,611,200
TOTAL	369,999,700	373,756,000

2. Judicial Retirement System

	2014-15	2015-16
General Fund	16,916,600	16,916,600

(1) **Judicial Retirement Benefits:** Included in the above General Fund appropriation are sufficient funds to provide actuarial-assessed judicial retirement benefits pursuant to KRS 21.345 to 21.580.

(2) **Pension Benefit Increase:** Notwithstanding KRS 21.405(5), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 21.345 to 21.570 on July 1, 2014, or July 1, 2015.

TOTAL - OPERATING BUDGET

	2014-15	2015-16
General Fund	334,049,600	337,449,600
Restricted Funds	49,267,400	49,611,800
Federal Funds	3,599,300	3,611,200
TOTAL	386,916,300	390,672,600

PART II

CAPITAL PROJECTS BUDGET

(1) **Authorization of Capital Projects:** It is the intent of the General Assembly that any capital project proposed by any state government entity, including the agencies and subdivisions of the Court of Justice, shall be authorized by the General Assembly prior to the project's financing and construction, in accordance with KRS 7A.010, 7A.120, 45.750, 45.760, 45.763, 45.765, and 48.110. Pursuant to KRS 45.760(1), the amount allotted, from all sources, for expenditure on any capital project, including leases as defined by KRS 45.750, shall not exceed the estimated cost as shown in this Act.

(2) **Capital Projects and Bond Oversight Committee:** Capital construction projects and major items of equipment that are not specifically listed in this Act may be authorized only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(7). Moneys may be transferred to the allotment account of any capital project only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(6). As required by KRS 45.760, all capital construction items authorized in this Act shall be constructed in accordance with this Act, supporting documentation considered by the General Assembly, and Judicial Branch budget records. Any modifications to the scope of a capital construction project or to a lease shall be reported to the Capital Projects and Bond Oversight Committee before execution.

Budget Units	2014-15	2015-16
--------------	---------	---------

1. Court Operations and Administration

001. Phase 1 E-Case and Docket Management System Reauthorization
(\$28,100,000 Agency Bonds)

2. Local Facilities Projects

Project	Project Scope
001. Nicholas	10,368,300

002. Henry 12,225,200

(1) Court Facility Planning Process: The county shall require the Project Development Board to hire a certified architect not otherwise involved with the project to conduct an independent feasibility study to determine whether the needs of the community and the Court of Justice can best be met through the construction of a freestanding building, or through an addition and/or renovation of the existing court facility. The cost for this study shall be an accepted and approved portion of the planning process, and shall be eligible for reimbursement from the bond proceeds.

(2) Deferred Funding: General Fund support to provide operating costs totaling \$586,500, annualized use allowance payments totaling \$2,132,700, and nonrecurring furniture and equipment costs totaling \$1,025,000, less offsetting payments totaling \$97,400 for Nicholas County and Henry County Judicial Center projects is deferred to the 2016-2018 fiscal biennium.

3. Lease Authorizations

001. Franklin County - Lease - Court of Appeals

002. Jefferson County - Lease - Parking

(1) Local Facilities Projects - Authorized: Nothing in this Act shall reduce funding of court facility projects authorized by the General Assembly.

(2) Local Facilities Use Allowance Contingency Fund: For any court facility project which is occupied and use allowance funding is insufficient, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency Fund, the Chief Justice may transfer funds from other Judicial Branch accounts in accordance with Part III, General Provisions, Section 7 of this Act to make the necessary payments.

TOTAL - JUDICIAL BRANCH BUDGET

	2014-15	2015-16
General Fund	334,049,600	337,449,600
Restricted Funds	49,267,400	49,611,800
Federal Funds	3,599,300	3,611,200
TOTAL	386,916,300	390,672,600

PART III

GENERAL PROVISIONS

1. Expenditure Authority: The Director of the Administrative Office of the Courts, with the approval of the Chief Justice, may expend any of the funds appropriated for court operations and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. All expenditures shall conform with Part III, General Provisions, Section 7 of this Act. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the Judicial Branch of government.

2. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

3. Duplicate Appropriations: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2014 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

4. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

5. Carry Forward of Restricted and Federal Funds: Notwithstanding KRS 45.229, any unexpended balance remaining in the Court's Restricted Funds accounts or Federal Funds accounts at the close of the fiscal years ending June 30, 2014, and June 30, 2015, shall not lapse and shall continue into the next fiscal year.

6. Final Budget Document: The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2014-2016 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission and an informational copy shall be furnished to the

Finance and Administration Cabinet within 60 days of the adjournment of the 2014 Regular Session of the General Assembly.

7. Transferability of Funds: The Chief Justice of the Commonwealth of Kentucky may transfer funds among three appropriation units within the Judicial Branch. These are: Court Operations and Administration, Local Facilities Fund, and Local Facilities Use Allowance Contingency Fund. The Chief Justice may transfer funds from any appropriation unit to a capital project, lease, or lease-purchase only if that capital project, lease, or lease-purchase has been authorized by the General Assembly.

8. Appropriations Revisions: Proposed revisions to Restricted Funds and Federal Funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The Director of the Administrative Office of the Courts shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains variations from the anticipated amount.

9. Maximum Salary of Trial Commissioners: Notwithstanding KRS 24A.100(3), funds are included to continue the statutory maximum salary of trial commissioners as provided for in the Judicial Branch Budget Recommendation.

10. Issuance of Paychecks to Employees: Notwithstanding 101 KAR 2:095, Section 10, the state payroll that would normally be scheduled to be paid on June 30, 2014, and June 30, 2015, shall not be issued prior to July 1, 2014, and July 1, 2015.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with the provisions of KRS Chapter 48.

Signed by Governor April 11, 2014.

CHAPTER 123

(HB 253)

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Legislative Branch Budget is as follows:

PART I

OPERATING BUDGET

Funds Appropriations: Funds are appropriated to the Legislative Research Commission for the Legislative Branch of government out of the General Fund and Restricted Funds accounts for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and for the fiscal year beginning July 1, 2015, and ending June 30, 2016, in the following discrete sums, or so much thereof as may be necessary. Each appropriation is made by the source of respective fund or funds accounts to be used for the purposes of the Legislative Branch of government of the Commonwealth of Kentucky.

	2014-15	2015-16
1. General Assembly		
General Fund	19,704,000	20,505,600
Restricted Funds	50,000	120,000
TOTAL	19,754,000	20,625,600

(1) **Legislators Retirement and Compensation:** The above appropriation to the General Assembly includes funds for the Legislators Retirement Plan in each fiscal year. Notwithstanding KRS 6.190 and 6.213, the daily compensation provided by KRS 6.190 and the interim expense allowance provided by KRS 6.213 for members of the General Assembly shall remain at the January 1, 2014, level.

(2) **Kentucky Legislative Ethics Commission:** Included in the above General Fund appropriation is \$388,500 in fiscal year 2014-2015 and \$388,600 in fiscal year 2015-2016 for the Kentucky Legislative Ethics Commission. Included in the above Restricted Funds appropriation is \$50,000 in fiscal year 2014-2015 and \$120,000 in fiscal year 2015-2016 for the Kentucky Legislative Ethics Commission.

(3) **Kentucky Long-Term Policy Research Center:** Notwithstanding KRS 7B.010 to 7B.090, operation of the Kentucky Long-Term Policy Research Center and its governing board shall continue to be suspended effective July 1, 2014, and shall remain suspended for the 2014-2016 fiscal biennium or until funding is restored. No funds are appropriated for the Kentucky Long-Term Policy Research Center for fiscal year 2014-2015 and fiscal year 2015-2016.

(4) **Pension Benefit Increase:** Notwithstanding KRS 6.521(3), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 6.500 to 6.577 on July 1, 2014, or July 1, 2015.

(5) **Legislator Travel and Per Diem Expenses:** The Director of the Legislative Research Commission shall develop a policy recommendation regarding legislator travel and per diem expenses and present the recommendation to the President of the Senate and the Speaker of the House by July 1, 2014, for consideration.

	2014-15	2015-16
2. Legislative Research Commission		
General Fund	36,733,200	39,633,900

(1) **Permanent Full-time Employees:** The total number of permanent full-time employees hired by the Legislative Research Commission with the above appropriation, and not assigned specifically to the House and Senate members of the Legislative Research Commission, shall not exceed 232 in fiscal year 2014-2015 and 232 in fiscal year 2015-2016. In addition to this number, the total number of permanent full-time employees assigned specifically to the House members of the Legislative Research Commission shall not exceed 19 and the permanent full-time employees assigned specifically to the Senate members of the Legislative Research Commission shall not exceed ten.

TOTAL - OPERATING BUDGET

	2014-15	2015-16
General Fund	56,437,200	60,139,500
Restricted Funds	50,000	120,000
TOTAL	56,487,200	60,259,500

Unexpended Balance: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2013-2014 shall not lapse but shall continue into fiscal year 2014-2015, and any unexpended balance in any succeeding fiscal year shall not lapse but shall continue into the following fiscal year.

TOTAL - LEGISLATIVE BRANCH BUDGET

	2014-15	2015-16
General Fund	56,437,200	60,139,500
Restricted Funds	50,000	120,000
TOTAL	56,487,200	60,259,500

PART II

GENERAL PROVISIONS

1. **Expenditure Authority:** The Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, may expend any of the funds appropriated for legislative operation and administration in any lawful manner and for any legal purpose consistent with the policies and practices of the Commission. No executive agency or statute governing the executive agencies of state government shall have the

power to restrict or limit the actions of, or the expenditure of funds appropriated to, the Legislative Research Commission for the Legislative Branch of government.

2. Capitol and Capitol Annex Capital Construction Expenditures: Any expenditure authorized by the Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, relating to implementation of KRS 56.463(4)(b), or relating to the Capitol Building, and funded by previous or current appropriations to the Legislative Research Commission for the Legislative Branch of government shall not be governed by KRS 7A.010, 7A.120, 45.750 to 45.810, 48.010(16), 48.020, and 48.110.

3. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4. Duplicate Appropriation: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2014 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

5. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Appropriations Revisions: Proposed revisions to Restricted Funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The Director of the Legislative Research Commission may transfer any available funds between all appropriation units as needed to meet the constitutional requirements of the Legislative Branch for fiscal years 2013-2014, 2014-2015, and 2015-2016.

7. Allowance in Lieu of Stationery: Notwithstanding KRS 6.220, in lieu of stationery, there shall be allowed to each member of the House of Representatives the sum of \$250 and to each member of the Senate the sum of \$500. This allowance shall be paid out of the State Treasury at the beginning of each legislative session.

8. Issuance of Employee Paychecks: Notwithstanding 101 KAR 2:095, Section 10, the state payroll that would normally be scheduled to be paid on June 30, 2015, and June 30, 2016, shall not be issued prior to July 1, 2015, and July 1, 2016.

9. Salary Adjustments: In each fiscal year, employees of the Legislative Research Commission shall receive a salary adjustment in accordance with the salary adjustment provided to state employees in the state/executive branch budget.

10. Study of Off-Budget Accounts: The staff of the Legislative Research Commission shall study the use of off-budget accounts utilized for Restricted Funds of state agencies. The study shall address the following related to off-budget Restricted Funds accounts:

- (a) The source of funds and purpose for the receipts of all funds maintained in off-budget accounts;
- (b) The specific types of activities funded with the receipts;
- (c) The statutory provisions and legal authority for each account; and
- (d) The history of receipts, expenditures, transfers, and balances in off-budget accounts.

Staff shall transmit the results of the study to the Legislative Research Commission for distribution to the Interim Joint Committee on Appropriations and Revenue by July 1, 2015.

PART III

RESTRICTED FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2014-2015 and fiscal year 2015-2016:

	2014-15	2015-16
1. General Assembly		
Agency Revenue Fund	480,000	-0-
2. Legislative Research Commission		
Long Term Policy Endowment Fund	1,011,500	-0-

(KRS 7B.080(2))		
Agency Revenue Fund	73,200	-0-
(KRS 7B.080(3))		
Agency Revenue Fund	435,300	-0-
TOTAL - FUNDS TRANSFER	2,000,000	-0-

PART IV**FUNDS TRANSFER**

The Legislative Branch shall transfer \$1,929,600 to the General Fund in fiscal year 2014-2015, and \$1,972,800 in fiscal year 2015-2016.

PART V**BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN**

The Legislative Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with the provisions of KRS Chapter 48.

Signed by Governor April 11, 2014.

CHAPTER 124**(HB 527)**

AN ACT relating to community mental health centers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 210.410 is amended to read as follows:

- (1) The secretary of the Cabinet for Health and Family Services is hereby authorized to make state grants and other fund allocations from the Cabinet for Health and Family Services to assist any combination of cities and counties, or nonprofit corporations in the establishment and operation of regional community mental health and intellectual disability programs which *may provide primary care services and* shall provide at least the following services:
 - (a) Inpatient services;
 - (b) Outpatient services;
 - (c) Partial hospitalization or psychosocial rehabilitation services;
 - (d) Emergency services;
 - (e) Consultation and education services; and
 - (f) Services for individuals with an intellectual disability.
- (2) The services required in subsection (1)(a), (b), (c), (d), and (e) of this section, *in addition to primary care services, if provided*, shall be available to the mentally ill, drug abusers and alcohol abusers, and all age groups including children and the elderly. The services required in subsection (1)(a), (b), (c), (d), (e), and (f), *in addition to primary care services, if provided*, shall be available to individuals with an intellectual disability. The services required in subsection (1)(b) of this section shall be available to any child age sixteen (16) or older upon request of such child without the consent of a parent or legal guardian, if the matter for which the services are sought involves alleged physical or sexual abuse by a parent or guardian whose consent would otherwise be required.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section:*

- (a) *"Advanced practice registered nurse" has the same meaning as in KRS 314.011;*

- (b) *"Physician" has the same meaning as in KRS 311.550; and*
- (c) *"Physician assistant" has the same meaning as in KRS 311.840.*
- (2) *The Cabinet for Health and Family Services and any regional managed care partnership or other entity under contract with the cabinet for the administration or provision of the Medicaid program shall provide Medicaid reimbursement for primary care services provided by a licensed physician, advanced practice registered nurse, or physician assistant employed by a community mental health center established pursuant to KRS 210.370 to 210.480, if the community mental health center is in compliance with the Centers for Medicare and Medicaid Services regulations on enhanced primary care reimbursements.*
- (3) *Primary care services provided by a physician, advanced practice registered nurse, or physician assistant in a community mental health center shall be subject to the same reimbursement rates as established by the Department for Medicaid Services for primary care providers operating in Kentucky.*
- (4) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

Signed by Governor April 11, 2014.

CHAPTER 125

(SB 128)

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 227.205 is amended to read as follows:

The Department of Housing, Buildings and Construction (hereinafter referred to as the department of housing) is hereby created within the Public Protection Cabinet. The department shall be headed by a commissioner appointed by the Governor in accordance with KRS 12.040, and who shall report to the secretary of the Public Protection Cabinet. The office of the commissioner shall also include a deputy commissioner and an executive assistant to the commissioner, who shall be the policy making assistants to the commissioner and shall be appointed pursuant to KRS 12.050. The department shall consist of the Division of Fire Prevention, the Division of Building Codes Enforcement, the Division of Plumbing, *the Electrical Division*, and the Division of Heating, Ventilation, and Air Conditioning (HVAC).

➔Section 2. KRS 227.530 is amended to read as follows:

- (1) There is hereby created an Electrical Advisory Committee which shall be attached to the *Electrical Division within the* Department of Housing, Buildings and Construction for administrative purposes. The committee shall be constituted as follows:
 - (a) Two (2) members chosen from public utility companies;
 - (b) Two (2) members who are electricians;
 - (c) Two (2) members who are certified electrical inspectors, one (1) of whom shall be employed by a governmental entity and the other who shall be an independent contractor engaged in the business of inspecting electrical installations;
 - (d) Two (2) members who are licensed professional electrical engineers;
 - (e) Two (2) members who are engaged in the business of electrical contracting; and
 - (f) One (1) member who is engaged in the business of electrical contracting and who employs no more than five (5) full-time employees when appointed.
- (2) Committee members shall be appointed by the Governor for four (4) year terms. No committee member shall be appointed for more than one (1) successive term.
- (3) The committee shall meet at least quarterly or upon request of the department for the purpose of considering matters relating to electrical installations and electrical inspections. The committee shall have the opportunity

to review and comment on relevant administrative regulations that are subject to the requirements of KRS 198B.030(8) and (9) and 198B.040(11) and shall make recommendations to and otherwise advise the department on these matters.

- (4) All committee members shall be compensated for expenses incurred in the conduct of Commonwealth business.

➔Section 3. The General Assembly confirms Executive Order 2013-894, dated December 16, 2013, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 11, 2014.

CHAPTER 126

(SB 192)

AN ACT relating to special law enforcement officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 16.220 is amended to read as follows:

- (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to KRS 500.090, all firearms confiscated by the Department of Kentucky State Police and not retained for official use pursuant to KRS 500.090 shall be sold at public auction to federally licensed firearms dealers holding a license appropriate for the type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to disposition of property to the contrary notwithstanding, the Department of Kentucky State Police shall:
 - (a) Conduct any auction specified by this section;
 - (b) Retain for departmental use twenty percent (20%) of the gross proceeds from any auction specified by this section; and
 - (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office of Homeland Security for use as provided in subsection (4) of this section.
- (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make an attempt to determine if the firearm to be sold has been stolen or otherwise unlawfully obtained from an innocent owner and return the firearm to its lawful innocent owner, unless that person is ineligible to purchase a firearm under federal law.
- (3) The Department of Kentucky State Police shall receive firearms and ammunition confiscated by or abandoned to every law enforcement agency in Kentucky. The department shall dispose of the firearms received in the manner specified in subsection (1) of this section. However, firearms which are not retained for official use, returned to an innocent lawful owner, or transferred to another government agency or public museum shall be sold as provided in subsections (1) and (3) of this section.
- (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of Homeland Security to provide grants to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments; university safety and security departments organized pursuant to KRS 164.950; *school districts that employ special law enforcement officers as defined in KRS 61.900*; and sheriff's departments for the purchase of:
 - (a) Body armor for sworn peace officers of those departments and service animals, as defined in KRS 525.010, of those departments;
 - (b) Firearms or ammunition; and
 - (c) Electronic control devices, electronic control weapons, or electro-muscular disruption technology.

In awarding grants under this section, the Kentucky Office of Homeland Security shall give first priority to providing and replacing body armor and second priority to providing firearms and ammunition, with residual funds available for the purchase of electronic control devices, electronic control weapons, or electro-muscular disruption technology. Body armor purchased by the department receiving grant funds shall meet or exceed the standards issued by the National Institute of Justice for body armor. No police or sheriff's department shall

apply for a grant to replace existing body armor unless that body armor has been in actual use for a period of five (5) years or longer.

- (5) The Department of Kentucky State Police may transfer a machine gun, short-barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any other weapon, or destructive device as defined by the National Firearms Act which is subject to registration under the National Firearms Act and is not properly registered in the national firearms transfer records for those types of weapons, to the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice, after a reasonable attempt has been made to transfer the firearm to an eligible state or local law enforcement agency or to an eligible museum and no eligible recipient will take the firearm or weapon. National Firearms Act firearms and weapons which are properly registered and not returned to an innocent lawful owner or retained for official use as provided in this section shall be sold to properly licensed dealers under subsection (3) of this section.

Signed by Governor April 11, 2014.

CHAPTER 127

(HB 236)

AN ACT relating to fiscal matters and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Transportation Cabinet Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2014-15	2015-16
General Fund	500,000	500,000
Restricted Funds	1,989,100	1,989,100
Road Fund	70,871,200	72,006,800
TOTAL	73,360,300	74,495,900

(1) **Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet shall produce a single document that contains two separately identified sections, as follows:

Section 1 shall detail the enacted fiscal biennium 2014-2016 Biennial Highway Construction Program and Section 2 shall detail the 2014-2016 Highway Preconstruction Program Plan for fiscal year 2014-2015 through fiscal year 2019-2020 as identified by the 2014 General Assembly. This document shall mirror in data type and format the fiscal year 2014-2020 Recommended Six-Year Road Plan as submitted to the 2014 General Assembly. The document shall be published and distributed to members of the General Assembly and the public within 60 days of adjournment of the 2014 Regular Session of the General Assembly.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$6,401,000 in fiscal year 2014-2015 and \$6,780,500 in fiscal year 2015-2016 for debt service on previously authorized bonds for the Transportation Cabinet office building and parking structure.

(3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and the Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(4) **Debt Service:** Included in the above Road Fund appropriation is \$208,000 in fiscal year 2014-2015 and \$415,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) **SAFE Patrol Program:** The Transportation Cabinet shall continue the SAFE Patrol Program at the current service level. The primary mission of the Cabinet's SAFE Patrol shall be motorist assistance. The SAFE Patrol shall be restricted to providing only assistance services on interstates, parkways, and other limited-access highways.

(6) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to improve public riverports within Kentucky. Improvements shall be limited to dredging and maintenance of access. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed.

(7) **Ferry Boat Captain Licensure:** If the United States Congress exempts any small passenger vessels from the operator licensing requirements of 46 U.S.C. sec. 8902, the Transportation Cabinet shall establish a system of state licensure for the operators of any small passenger vessels so affected.

2. AVIATION

	2014-15	2015-16
Restricted Funds	10,412,000	10,421,500
Federal Funds	611,700	611,700
Road Fund	2,862,000	2,884,500
TOTAL	13,885,700	13,917,700

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds appropriation includes operational costs of the program in each fiscal year.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$1,894,500 in fiscal year 2014-2015 and \$1,898,800 in fiscal year 2015-2016 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$992,500 in fiscal year 2014-2015 and \$996,800 in fiscal year 2015-2016 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

~~[(3) **Bowling Green Warren County Regional Airport:** Included in the above Restricted Funds appropriation is \$750,000 in fiscal year 2014-2015 for the Bowling Green Warren County Regional Airport project. No funds shall be disbursed unless \$1,250,000 from other fund sources, including up to \$300,000 in in-kind contributions, is available to complete the project.~~

~~(4) **Pikeville Commercial Air Service:** Included in the above Restricted Funds appropriation is \$250,000 in fiscal year 2014-2015 for the City of Pikeville for the Pikeville Commercial Air Service project.~~

~~(5) **Eastern Kentucky University Aviation Program:** Included in the above Restricted Funds appropriation is \$2,000,000 in fiscal year 2014-2015 for hangars, flight simulators, maintenance, and renovations for the Eastern Kentucky University Aviation Program.]~~

3. DEBT SERVICE

	2014-15	2015-16
Road Fund	154,035,300	170,387,700

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$153,910,300 in fiscal year 2014-2015 and \$170,262,700 in fiscal year 2015-2016 for Economic

Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

(2) Debt Payment Acceleration Fund Account: Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2014-2016 fiscal biennium.

(3) Excess Lease-Rental Payments: Any moneys not required to meet lease-rental payments or to meet the administrative costs of the Kentucky Turnpike Authority shall be transferred to the State Construction Account.

4. HIGHWAYS

	2013-14	2014-15	2015-16
Restricted Funds	100,000,000	349,341,800	199,952,100
Federal Funds	-0-	697,940,400	699,967,300
Road Fund	-0-	821,913,600	779,181,500
TOTAL	100,000,000	1,869,195,800	1,679,100,900

(1) Debt Service: Included in the above Federal Funds appropriation is \$68,477,200 in fiscal year 2014-2015 and \$91,415,700 in fiscal year 2015-2016 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) State Supported Construction Program: Included in the above Road Fund appropriation is \$393,011,900 in fiscal year 2014-2015 and \$345,306,800 in fiscal year 2015-2016 for the State Supported Construction Program.

(3) Biennial Highway Construction Program: Included in the State Supported Construction Program is \$265,019,900 in fiscal year 2014-2015 and \$217,323,800 in fiscal year 2015-2016 from the Road Fund for state construction projects in the fiscal biennium 2014-2016 Biennial Highway Construction Program.

(4) Highway Construction Contingency Account: Included in the State Supported Construction Program is \$31,000,000 in each fiscal year for the Highway Construction Contingency Account. ~~Included in the Highway Construction Contingency Account is \$5,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505.~~ Also included in the Highway Construction Contingency Account for Shortline Railroads is \$1,600,000 in each fiscal year for public safety improvements to at-grade railroad crossings, railroad bridge overpasses, and railroad crossing safety equipment, which shall not be expended unless matched with private funds equaling 20 percent of the total amount for any individual project. Except in the case of a declared emergency, the Governor and the Secretary shall not expend or encumber in the aggregate more than 55 percent of the funds appropriated by this Act to the Highway Construction Contingency Account during the first half of fiscal year 2015-2016.

(5) 2014-2016 Biennial Highway Construction Plan: Projects in the enacted 2012-2014 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2014-2016 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2014-2016 Biennial Highway Construction Plan, the projects in the 2014-2016 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to maintain highway program delivery by adhering to the timeframes included in the 2014-2016 Biennial Highway Construction Plan for those projects.

(6) Kentucky Transportation Center: Notwithstanding KRS 177.320(4), included in the above Road Fund appropriation is \$290,000 in each fiscal year for the Kentucky Transportation Center.

(7) New Highway Equipment Purchases: Notwithstanding KRS 48.710(3), included in the above Restricted Funds appropriation is \$1,500,000 in each fiscal year from the sale of surplus equipment to purchase new highway equipment.

(8) State Match Provisions: The Transportation Cabinet is authorized to utilize state construction moneys or Toll Credits to match federal highway moneys.

(9) Federal Aid Highway Funds: If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific money shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2014-2016 Biennial Highway Construction Plan are funded. If additional

federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Highway Preconstruction Program.

(10) Road Fund Cash Management: The Secretary of the Transportation Cabinet may continue the Cash Management Plan to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2014-2016 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary shall continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on Appropriations and Revenue when the General Assembly is not in session and the Standing Committees on Appropriations and Revenue when the General Assembly is in session beginning July 1, 2014. ~~The report shall include a monthly forecast by fiscal year for fiscal year 2014-2015 through fiscal year 2019-2020.~~

(11) Carry Forward of Appropriation Balances: Notwithstanding KRS 45.229, unexpended Road Fund appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, and the Research Program in fiscal year 2013-2014 and in fiscal year 2014-2015 shall not lapse but shall carry forward. Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, the Equipment Services Program, and the Research Program in fiscal year 2013-2014 and in fiscal year 2014-2015, up to the amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds, and grant balances shall not lapse but shall carry forward.

(12) Federally Supported Construction Program: Included in the above Federal Funds appropriation is \$676,524,300 in fiscal year 2014-2015 and \$678,551,200 in fiscal year 2015-2016 for federal construction projects.

(13) State Resurfacing Program: Included in the State Supported Construction Program is \$97,000,000 in each fiscal year from the Road Fund for the State Resurfacing Program.

(14) Highways Maintenance: Included in the above Highways Road Fund appropriation is \$334,723,000 in fiscal year 2014-2015 and \$338,751,200 in fiscal year 2015-2016 for Highways Maintenance. Highways Maintenance positions may be filled to the extent the above funding level and the Highways Maintenance continuing appropriation are sufficient to support those positions.

(15) Delayed Projects Status Report: The Secretary of the Transportation Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any project included in the enacted Biennial Highway Construction Plan which has been delayed beyond the fiscal year for which the project was authorized. The report shall include:

- (a) The county name;
- (b) The Transportation Cabinet project identification number;
- (c) The route where the project is located;
- (d) The length of the project;
- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;
- (j) A detailed description of the circumstances leading to the delay; and
- (k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.

(16) Transportation Engineering Salaries: The Transportation Cabinet and the Personnel Cabinet shall develop a plan to revise the Transportation Engineering Series salaries in a manner that allows the Transportation Cabinet to become competitive with state transportation engineering salaries in surrounding states and private

entities. The Transportation Cabinet shall submit a report detailing the plan to the Interim Joint Committee on Transportation and the Interim Joint Committee on Appropriations and Revenue no later than October 31, 2014.

(17) Interstate Connecting Spur: The Secretary of the Transportation Cabinet shall submit a report on interstate opportunities using existing infrastructure as it relates to the William H. Natcher Parkway as a connecting spur to I-65 to the Legislative Research Commission and the Interim Joint Committee on Transportation by September 30, 2015.

(18) Jessamine County Bypass: It is the intent of the General Assembly in the 2016-2018 Biennial Highway Construction Plan to provide \$15,000,000 in federal highway funds in fiscal year 2016-2017 for the East Nicholasville Bypass, Section IA.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

6. PUBLIC TRANSPORTATION

	2014-15	2015-16
General Fund	5,728,200	5,728,200
Restricted Funds	484,200	495,600
Federal Funds	25,341,400	25,667,200
TOTAL	31,553,800	31,891,000

(1) Toll Credits: The Transportation Cabinet is authorized to maximize to the extent necessary the use of Toll Credits to match Federal Funds for transit systems capital grants.

(2) Nonpublic School Transportation: Included in the above General Fund appropriation is \$3,500,000 in each fiscal year for nonpublic school transportation.

7. REVENUE SHARING

	2014-15	2015-16
Road Fund	396,861,000	390,753,800

(1) County Road Aid Program: Included in the above Road Fund appropriation is \$149,967,100 in fiscal year 2014-2015 and \$147,643,000 in fiscal year 2015-2016 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by \$38,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(2) Rural Secondary Program: Included in the above Road Fund appropriation is \$181,927,400 in fiscal year 2014-2015 and \$179,108,000 in fiscal year 2015-2016 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by \$46,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(3) Municipal Road Aid Program: Included in the above Road Fund appropriation is \$63,100,900 in fiscal year 2014-2015 and \$62,123,000 in fiscal year 2015-2016 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by \$16,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(4) Energy Recovery Road Fund: Included in the above Road Fund appropriation is \$903,000 in each fiscal year for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

8. VEHICLE REGULATION

	2014-15	2015-16
Restricted Funds	8,952,800	13,663,100
Federal Funds	2,868,600	2,886,600

Road Fund	31,769,200	28,464,000
TOTAL	43,590,600	45,013,700

(1) Debt Service: Included in the above Road Fund appropriation is \$4,802,000 in fiscal year 2014-2015 and \$4,803,800 in fiscal year 2015-2016 for debt service on previously authorized bonds.

TOTAL - TRANSPORTATION CABINET

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200
Restricted Funds	100,000,000	371,179,900	226,521,400
Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,478,312,300	1,443,678,300
TOTAL	100,000,000	2,582,482,500	2,405,560,700

PART II

CAPITAL PROJECTS BUDGET

(1) Capital Construction Fund Appropriations and Reauthorizations: Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2014-2016 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) Expiration of Existing Line-Item Capital Construction Projects: All appropriations to existing line-item capital construction projects expire on June 30, 2014, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2014; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2012-2014 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) Bond Proceeds Investment Income: Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

A. TRANSPORTATION CABINET

Budget Units	2014-15	2015-16
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Maintenance Pool – 2014-2016		
Road Fund	3,000,000	3,000,000
002. Construct C-1 Garage		
Bond Funds	5,000,000	-0-
003. Upgrade AASHTOWare		
Road Fund	1,300,000	1,300,000
004. Construct Ballard County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
005. Construct Crittenden County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,340,000 Road Fund)		

006. Construct Harrison County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
007. Construct Henderson County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
008. Construct Knott County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
009. Construct Menifee County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
010. Construct Muhlenberg County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
011. Construct Nicholas County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)			
012. Construct Jackson (D-10) District Office			
Road Fund	1,300,000	5,300,000	
013. Construct Manchester (D-11) District Office			
Road Fund	1,300,000	5,300,000	
2. AVIATION			
001. Aircraft Major Maintenance Pool - 2014-2016			
Investment Income	600,000	600,000	
3. HIGHWAYS			
001. Road Maintenance Parks - 2014-2016			
Road Fund	1,500,000	1,500,000	
002. Repair Loadometer and Rest Areas - 2014-2016			
Road Fund	750,000	750,000	
003. Various Environmental Compliance - 2014-2016			
Road Fund	583,000	555,000	
4. VEHICLE REGULATION			
001. Replace Kentucky Driver Licensing System Reauthorization (\$12,500,000 Bond Funds)			

PART III**FUNDS TRANSFER**

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2014-2015 and fiscal year 2015-2016:

	2014-15	2015-16
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund	468,000	468,000
(KRS 183.525(4) and (5))		

2. Vehicle Regulation

Agency Revenue Fund	4,100,000	4,100,000
(KRS 186.040(6)(a))		

3. Vehicle Regulation

Agency Revenue Fund	3,000,000	3,000,000
(KRS 186.240(3))		

4. Vehicle Regulation

Agency Revenue Fund	250,000	-0-
(KRS 138.710(2) and 45.345(2))		

TOTAL - FUNDS TRANSFER	7,818,000	7,568,000
------------------------	-----------	-----------

PART IV**ROAD FUND BUDGET REDUCTION PLAN**

Notwithstanding 2014 Regular Session HB 235/EN, Part VIII, there is established a Road Fund Budget Reduction Plan for fiscal year 2014-2015 and fiscal year 2015-2016. Pursuant to KRS 48.130, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of \$1,546,700,000 in fiscal year 2014-2015 and \$1,558,400,000 in fiscal year 2015-2016 as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session, the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service.

PART V**BUDGET RESERVE TRUST FUND**

The Budget Reserve Trust Fund Account (KRS 48.705) balance as appropriated in 2014 Regular Session HB 235/EN shall be reduced by \$1,617,800 for General Fund moneys appropriated in Part I of this section.

PART VI**TRANSPORTATION CABINET BUDGET SUMMARY****OPERATING BUDGET**

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200
Restricted Funds	100,000,000	371,179,900	226,521,400
Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,478,312,300	1,443,678,300
SUBTOTAL	100,000,000	2,582,482,500	2,405,560,700

CAPITAL PROJECTS BUDGET

	2013-14	2014-15	2015-16
Road Fund	-0-	9,733,000	17,705,000
Bond Funds	-0-	5,000,000	-0-
Investment Income	-0-	600,000	600,000
SUBTOTAL	-0-	15,333,000	18,305,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200
Restricted Funds	100,000,000	371,179,900	226,521,400

Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,488,045,300	1,461,383,300
Bond Funds	-0-	5,000,000	-0-
Investment Income	-0-	600,000	600,000
TOTAL FUNDS	100,000,000	2,597,815,500	2,423,865,700

➔Section 2. Notwithstanding KRS 68.197 or any other statute to the contrary, the provisions of this section shall apply as follows from the effective date of this Act through June 30, 2016:

- (1) Any set-off or credit of city license fees against county license fees that exists between a city and county as of the effective date of this Act, shall remain in effect as it is on the effective date of this Act;
- (2) The provisions of subsection (7) of KRS 68.197 shall not apply to a city and county unless both the city and the county have levied and are collecting license fees on the effective date of this Act;
- (3) Any agreement between a city and county related to the sharing of revenues from a license fee that is in effect on the effective date of this Act shall remain in effect, regardless of whether the agreement, by its terms, was set to expire prior to June 30, 2016; and
- (4) Any city and county subject to the provisions of subsections (1) to (3) of this section may enter into an interlocal agreement to establish a revenue-sharing arrangement that differs from the requirements of this section.

➔Section 3. (1) Notwithstanding KRS 68.197 or any other statute to the contrary, the provisions of this section shall only apply to the levy of license fees by a county that levied a license fee that was in effect on the effective date of this Act, and a city within that county that has levied but not collected a license fee as of the effective date of this Act.

(2) From July 1, 2014, through June 30, 2015, the credit established by subsection (7) of KRS 68.197 shall only apply to the first one-tenth of one percent (0.10%) of the tax rate imposed by the county within the corporate limits of the city.

(3) From July 1, 2015, through June 30, 2016, the credit established by subsection (7) of KRS 68.197 shall only apply to the first two-tenths of one percent (0.20%) of the tax rate imposed by the county within the corporate limits of the city.

(4) Any city and county subject to this section may enter into an interlocal agreement to establish a revenue-sharing arrangement that differs from the requirements of this section.

➔Section 4. Notwithstanding the provisions of KRS 68.197, KRS 68.199, or any other statute to the contrary, any county that:

- (1) Enacted an occupational license fee under the authority of KRS 67.083 at a rate of greater than one percent (1%) prior to reaching a population of thirty thousand (30,000); and
- (2) Has an agreement with the largest city in the county to share revenues from the occupational license fee levied by the county;

may increase the occupational license fee rate above the rate that was imposed at the time the population of the county grew to beyond thirty thousand (30,000) if the county and the largest city within the county enter into an agreement approving the rate increase, and providing an agreed distribution of revenues from the levy to the city and the county. Other cities within the county may also be parties to the agreement if agreed to by all the parties.

Vetoed portions are displayed with brackets and strike-throughs. Vetoed in part April 25, 2014. Portions not vetoed became law April 26, 2014, without Governor's signature.

CHAPTER 128

(HB 301)

AN ACT relating to fiscal matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔ Section 1. KRS 154.60-010 is amended to read as follows:

As used in this subchapter:

- (1) **"Authority" means the Kentucky Economic Development Finance Authority;**
- (2) (a) "Average hourly wage" **means the per-hour wage earned by a full-time employee, including wages, tips, overtime, bonuses, and commissions, as reflected on the employee's federal form W-2 wage and tax statement;**
- (b) **"Average hourly wage" does not include employee benefits as defined in KRS 154.32-010, including health insurance and reimbursements**~~[has the same meaning as in KRS 154.28-010];~~
- (3)~~(2)~~ "Base employment" means:
 - (a) For the **first application**~~[initial year]~~ for which credits are **approved**~~[claimed]~~, the number of full-time employees employed on **the day prior to the hire date of the new employee filling the earliest eligible position identified on the application**~~[December 31 of the base year]~~; and
 - (b) For subsequent **applications, the**~~[years, the greater of:~~
 1. ~~The~~ number of full-time employees employed on **the day prior to the hire date of the new employee filling the earliest eligible position identified on the initial approved application**~~[December 31 of the base year]~~ plus each eligible position for which a credit has been **approved**~~[claimed under KRS 141.384; or~~
 2. ~~The number of full-time employees employed on December 31 of the prior year];~~
- (4)~~(3)~~ "Base year" means the later of the first full year of operation of a small business or the year that begins on or after January 1, 2009, and before January 1, 2010;
- (4) ~~"Creates and fills" means establishes a new eligible position and hires a full-time employee and replaces that employee within thirty (30) days if the employee ceases for any reason to be employed by the employer;~~
- (5)~~(4)~~ "Eligible position" means each position that:
 - (a) Is filled by a full-time employee and that increases the total employment of the small business above its base employment; and
 - (b) Carries **an average**~~[a base]~~ hourly wage of no less than one hundred fifty percent (150%) of the federal minimum wage;
- (5)~~(6)~~ "Full-time employee" means a person employed by a small business for at least **an average of** thirty-five (35) hours per week and subject to the state tax imposed by KRS 141.020;
- (6)~~(7)~~ "Qualifying equipment or technology" means equipment or technology that has been approved by the Division of Small Business Services; and
- (7)~~(8)~~ "Small business" **means any business entity organized for profit, including a sole proprietorship, partnership, limited partnership, corporation, limited liability company, joint venture, association, or cooperative, that has fifty (50) or fewer full-time employees at the time it applies**~~[has the same meaning as in KRS 154.12-325].~~

➔ Section 2. KRS 154.60-020 is amended to read as follows:

- (1) ~~The [Kentucky Economic Development Finance] authority shall develop a small business development credit program in consultation with the Division of Small Business Services to assist new or existing small businesses operating in the Commonwealth. The nonrefundable credit shall be allowed against the taxes imposed by KRS 141.020 or 141.040, and 141.0401. The ordering of credits shall be as provided in KRS 141.0205.~~
- (2) The authority shall determine the terms, conditions, and requirements for application for the credit, in consultation with the Division of Small Business Services, subject to the provisions of subsection (3) of this section. The application shall contain identification information about the number of eligible positions created and filled, a calculation of the base employment of the small business~~[for each year from fiscal year 2009-2010 and forward]~~, verification of investment of five thousand dollars (\$5,000) or more in qualifying

equipment or technology, and other information the authority may specify to determine eligibility for the credit.

- (3) (a) The maximum amount of credits that may be committed in each fiscal year by the ~~Kentucky Economic Development Finance~~ authority shall be capped at three million dollars (\$3,000,000).
- (b) *In order to be eligible to receive final approval for a credit, a small business shall:*
1. *Create and fill one (1) or more eligible positions over the base employment; and*
 2. *Invest five thousand dollars (\$5,000) or more in qualifying equipment or technology; within a six (6) month period.*
- (c) *Each eligible position that is created and filled shall be maintained for twelve (12) months. If a full-time employee filling a newly created eligible position ceases to be employed by the small business for any reason, that employee shall be replaced within forty-five (45) days in order for the eligible position to maintain its eligible status, in addition to meeting all other applicable requirements.*
- (d) ~~1.~~ A small business shall *apply for credits within twenty-four (24) months after meeting the earlier of:*
1. *The employment requirement of paragraph (b)1. of this subsection; or*
 2. *The investment requirement of paragraph (b)2. of this subsection*~~[not be eligible to apply for credits and receive final approval for the credits until one (1) year after the small business:~~
 - a. ~~Creates and fills one (1) or more eligible positions over the base employment, and that position or positions are created and filled for twelve (12) months; and~~
 - b. ~~Invests five thousand dollars (\$5,000) or more in qualifying equipment or technology].~~
- (e) ~~2.~~ The small business shall submit all information necessary for the ~~Kentucky Economic Development Finance~~ authority to determine credit eligibility for each year, and the amount of credit for which the small business is eligible.
- (f) ~~(e)~~ The maximum amount of credit for each small business for each year shall not exceed twenty-five thousand dollars (\$25,000).
- (g) ~~(d)~~ The credit shall be claimed on the tax return for the year during which the credit was approved. Unused credits may be carried forward for up to five (5) years.

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 60 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

This subchapter shall be known as the Small Business Tax Credit Program.

➔Section 4. KRS 141.384 is amended to read as follows:

- (1) As used in this section, "small business" has the same meaning as in *Section 1 of this Act*~~[KRS 154.12-325]~~.
- (2) (a) For taxable years beginning after December 31, 2010, a small business may be eligible for a nonrefundable credit of up to one hundred percent (100%) of the Kentucky income tax imposed under KRS 141.020 or 141.040, and the limited liability entity tax imposed under KRS 141.0401.
- (b) A small business that is subject to the tax imposed by KRS 141.020 or 141.040 and that has tax credits approved under Subchapter 60 of KRS Chapter 154 shall apply the credits against the income tax imposed by KRS 141.020 or 141.040 and against the limited liability entity tax imposed by KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (c) A small business that is a pass-through entity not subject to the tax imposed by KRS 141.040 and that has tax credits approved under Subchapter 60 of KRS Chapter 154 shall apply the credits against the limited liability entity tax imposed by KRS 141.0401, and shall also distribute the amount of the approved tax credits to each partner, member, or shareholder based on the partner's, member's, or shareholder's distributive share of income as determined for the year during which the tax credits are approved, with the ordering of credits as provided in KRS 141.0205.

➔Section 5. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school, or other taxing district in which it has a taxable situs, except the class of property described in KRS 132.030 and the following classes of property, which shall be subject to taxation for state purposes only:

- (1) Farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm operation;
- (2) Livestock, ratite birds, and domestic fowl;
- (3) Capital stock of savings and loan associations;
- (4) Machinery actually engaged in manufacturing, products in the course of manufacture, and raw material actually on hand at the plant for the purpose of manufacture. The printing, publication, and distribution of a newspaper or operating a job printing plant shall be deemed to be manufacturing;
- (5)
 - (a) Commercial radio and television equipment used to receive, capture, produce, edit, enhance, modify, process, store, convey, or transmit audio or video content or electronic signals which are broadcast over the air to an antenna;
 - (b) Equipment directly used or associated with the equipment identified in paragraph (a) of this subsection, including radio and television towers used to transmit or facilitate the transmission of the signal broadcast, but excluding telephone and cellular communications towers; and
 - (c) Equipment used to gather or transmit weather information;
- (6) Unmanufactured agricultural products. They shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof, and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (\$0.015) on each one hundred dollars (\$100) of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (\$0.045) on each one hundred dollars (\$100) of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;
- (7) All privately owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103, except that the rate shall not apply to the proportion of value of the leasehold interest created through any private financing;
- (8) Tangible personal property which has been certified as a pollution control facility as defined in KRS 224.1-300;
- (9) Property which has been certified as an alcohol production facility as defined in KRS 247.910;
- (10) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(9) in determining the amount of county appropriation to the office of the property valuation administrator;
- (11) Tangible personal property located in a foreign trade zone established pursuant to 19 U.S.C. sec. 81, provided that the zone is activated in accordance with the regulations of the United States Customs Service and the Foreign Trade Zones Board;
- (12) Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.460;
- (13) Property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
- (14) All motor vehicles:
 - (a) Held for sale in the inventory of a licensed motor vehicle dealer, including motor vehicle auction dealers, which are not currently titled and registered in Kentucky and are held on an assignment pursuant to the provisions of KRS 186A.230;
 - (b) That are in the possession of a licensed motor vehicle dealer, including licensed motor vehicle auction dealers, for sale, although ownership has not been transferred to the dealer; and

- (c) With a salvage title held by an insurance company;
- (15) Machinery or equipment owned by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes as defined in KRS 139.010;
- (16) New farm machinery and other equipment held in the retailer's inventory for sale under a floor plan financing arrangement by a retailer, as defined under KRS 365.800;
- (17) New boats and new marine equipment held for retail sale under a floor plan financing arrangement by a dealer registered under KRS 235.220;
- (18) Aircraft not used in the business of transporting persons or property for compensation or hire if an exemption is approved by the county, city, school, or other taxing district in which the aircraft has its taxable situs;
- (19) Federally documented vessels not used in the business of transporting persons or property for compensation or hire or for other commercial purposes, if an exemption is approved by the county, city, school, or other taxing district in which the federally documented vessel has its taxable situs;
- (20) Any nonferrous metal that conforms to the quality, shape, and weight specifications set by the New York Mercantile Exchange's special contract rules for metals, and which is located or stored in a commodity warehouse and held on warrant, or for which a written request has been made to a commodity warehouse to place it on warrant, according to the rules and regulations of a trading facility. In this subsection:
 - (a) "Commodity warehouse" means a warehouse, shipping plant, depository, or other facility that has been designated or approved by a trading facility as a regular delivery point for a commodity on contracts of sale for future delivery; and
 - (b) "Trading facility" means a facility that is designated by or registered with the federal Commodity Futures Trading Commission under 7 U.S.C. secs. 1 et seq. "Trading facility" includes the Board of Trade of the City of Chicago, the Chicago Mercantile Exchange, and the New York Mercantile Exchange;
- (21) Qualifying voluntary environmental remediation property for a period of three (3) years following the Energy and Environment Cabinet's issuance of a No Further Action Letter or its equivalent, pursuant to the correction of the effect of all known releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products located on the property consistent with a corrective action plan approved by the Energy and Environment Cabinet pursuant to KRS 224.1-400, 224.1-405, or 224.60-135, and provided the cleanup was not financed through a public grant program of the petroleum storage tank environmental assurance fund;
- (22) Biotechnology products held in a warehouse for distribution by the manufacturer or by an affiliate of the manufacturer. For the purposes of this section:
 - (a) "Biotechnology products" means those products that are applicable to the prevention, treatment, or cure of a disease or condition of human beings and that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms. Biotechnology products does not include pharmaceutical products which are produced from chemical compounds;
 - (b) "Warehouse" includes any establishment that is designed to house or store biotechnology products, but does not include blood banks, plasma centers, or other similar establishments;~~and~~
 - (c) "Affiliate" means an individual, partnership, or corporation that directly or indirectly owns or controls, or is owned or controlled by, or is under common ownership or control with, another individual, partnership, or corporation; *and*

(23) *Recreational vehicles held for sale in a retailer's inventory.*

➔Section 6. ~~[Prior to April 1, 2015,]~~ The Lexington-Fayette Urban County Government shall remit to the Commonwealth a payment of \$2,500,000~~[to be distributed pursuant to KRS 42.4592(1)(a) and (b)].~~ This payment shall serve to reimburse~~[the Local Government Economic Development Fund]~~ for the moneys that were transferred pursuant to 2012 Ky. Acts ch. 144, Pt. I, A., 13., (30) and used by the Lexington-Fayette Urban County Government for the planning and design of the renovation of Rupp Arena.~~[If the payment directed from the Lexington-Fayette Urban County Government above is not made prior to April 1, 2015, then]~~ \$2,500,000 shall be transferred from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) to the Local Government Economic Development Fund to be distributed pursuant to KRS 42.4592(1)(a) and (b). ~~[If the~~

~~Lexington Fayette Urban County Government does not remit the payment and an equal amount is transferred from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) to the Local Government Economic Development Fund, then at such time that bonds are issued for the Rupp Arena project by the Commonwealth, and before any funds are expended for the project as authorized, \$2,500,000 shall be returned to the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).]~~

➔Section 7. The provisions of 2014 Regular Session HB 235/EN are amended as follows:

On page 202, after line 19, insert the following:

006. Knott County Fiscal Court - Carrie Park - Construction of Park Including Purchase of Property

Restricted Funds	-0-	100,000	-0-
------------------	-----	---------	-----

007. Knott County Fiscal Court - Community Parks and Swimming Pool Improvements

Restricted Funds	-0-	100,000	-0-
------------------	-----	---------	-----

008. Knott County Fiscal Court - Jail Bond Payment

Restricted Funds	-0-	100,000	-0-
------------------	-----	---------	-----

009. Knott County Fiscal Court - Sportsplex Bond Payment, Maintenance, Equipment, Improvements, and Operations

Restricted Funds	-0-	800,000	-0-
------------------	-----	---------	-----

010. Knott County Fiscal Court - Tourism and Economic Development Projects

Restricted Funds	-0-	50,000	-0-
------------------	-----	--------	-----

011. Knott County Fiscal Court - Various Water and Sewer Projects

Restricted Funds	-0-	350,000	-0-
------------------	-----	---------	-----

012. Knott County Fiscal Court - Volunteer Fire Departments and Rescue Squads

Restricted Funds	-0-	55,000	-0-
------------------	-----	--------	-----

On page 188, after line 2, insert the following:

010. Clay County Board of Education - Capital Construction

Restricted Funds	-0-	20,000	-0-
------------------	-----	--------	-----

➔Section 8. Section 5 of this Act shall apply to property assessed on or after January 1, 2015.

Vetoed portions in Section 6 of this Act are displayed with brackets and strike-throughs. Vetoed in part April 25, 2014, without Governor's signature

CHAPTER 129

(SB 74)

AN ACT relating to developed properties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 39A.280 is amended to read as follows:

- (1) Disaster and emergency response functions provided by a state or local emergency management agency, or any emergency management agency-supervised operating units or personnel officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070, shall not, in itself, be deemed to be the making of a promise, or the undertaking of a special duty, towards any person for the services, or any

particular level of, or manner of providing, the services; nor shall the provision of or failure to provide these services be deemed to create a special relationship or duty towards any person upon which an action in negligence or other tort might be founded. Specifically:

- (a) The failure to respond to a disaster or other emergency, or to undertake particular inspections or types of inspections, or to maintain any particular level of personnel, equipment, or facilities, shall not be a breach of any duty to persons affected by any disaster or other emergency.
 - (b) When a state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, does undertake to respond to a disaster or other emergency, the failure to provide the same level or manner of service, or equivalent availability or allocation of resources as may or could be provided, shall not be a breach of any duty to persons affected by that disaster or other emergency.
 - (c) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization shall not have or assume any duty towards any person to adopt, use, or avoid any particular strategy or tactic in responding to a disaster or other emergency.
 - (d) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, in undertaking disaster and emergency preparedness or prevention activities including inspections, or in undertaking to respond to a disaster or other emergency, shall not have voluntarily assumed any special duty with respect to any risks which were not created or caused by it, nor with respect to any risks which might have existed even in the absence of that activity or response, nor shall any person have a right to rely on such an assumption of duty.
- (2) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any of its political subdivisions, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management agency member, or disaster and emergency services member, or disaster and emergency response worker, or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection. This immunity shall not affect the right of any person to receive benefits or compensation to which the person might otherwise be entitled under the Workers' Compensation Law, or this chapter, or any pension law, or any Act of Congress.
- (3) Subject to subsection (6) of this section, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any of its political divisions, nor any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity, complying with or reasonably attempting to comply with this chapter or any order or administrative regulation promulgated pursuant to the provisions of this chapter, or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of that activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.
- (4) Decisions of the director, his subordinates or employees, a local emergency management director, or the local director's subordinates or employees, a rescue chief or the chief's subordinates, concerning the allocation and assignment of personnel and equipment, and the strategies and tactics used, shall be the exercise of a discretionary, policy function for which neither the officer nor the state, county, urban-county, charter county, or city, or local emergency management agency-supervised operating unit formally affiliated with a local disaster and emergency services organization, shall be held liable in the absence of malice or bad faith, even when those decisions are made rapidly in response to the exigencies of an emergency.

- (5) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part of the real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster or emergency, together with his or her successors in interest, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about the real estate or premises for loss of, or damage to, the property of that person. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.
- (6) Subsection (3) of this section shall apply to a volunteer or auxiliary disaster and emergency response worker only if the volunteer or worker is enrolled or registered with a local disaster and emergency services organization or with the division in accordance with the division's administrative regulations.
- (7) While engaged in disaster and emergency response activity, volunteers and auxiliary disaster and emergency response workers enrolled or registered with a local disaster and emergency service organization or with the division in accordance with subsection (6) of this section shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work, including the provisions of KRS 12.211, 12.212, and 12.215, allowing the Attorney General to provide defense of any civil action brought against a volunteer enrolled or registered with a local disaster or emergency service organization or with the division due to an act or omission made in the scope and course of a disaster and emergency response activity.
- (8) (a) *Notwithstanding subsections (3) and (6) of this section, a licensed professional engineer as defined in KRS 322.010 or an architect licensed under KRS Chapter 323, who voluntarily and without compensation provides architectural, structural, electrical, mechanical, or other professional services at the scene of a declared emergency, disaster, or catastrophe, shall not be liable for any personal injury, wrongful death, property damage, or other loss of any nature related to the licensed professional engineer's or licensed architect's acts, errors, or omissions in the performance of the services carried out:*
 1. *At the request of or with the approval of a federal, state, or local:*
 - a. *Emergency management agency official with executive responsibility in the jurisdiction to coordinate disaster and emergency response activity;*
 - b. *Fire chief or his or her designee; or*
 - c. *Building inspection official;**who the licensed professional engineer or licensed architect believes to be acting in an official capacity;*
 2. *Within ninety (90) days following the end of the period for the declared emergency, disaster, or catastrophe, unless extended by the Governor under KRS 39A.100; and*
 3. *If the professional services arose out of the declared emergency, disaster, or catastrophe and if the licensed professional engineer or licensed architect acted as an ordinary reasonably prudent member of the profession would have acted under the same or similar circumstances.*
- (b) *Nothing in this subsection shall provide immunity for wanton, willful, or intentional misconduct.*

➔Section 2. KRS 154.26-010 is amended to read as follows:

As used in this subchapter, unless the context clearly indicates otherwise:

- (1) "Agreement" means a revitalization agreement entered into, pursuant to KRS 154.26-090, on behalf of the authority and an approved company with respect to an economic revitalization project;
- (2) "Agribusiness" means any activity involving the processing of raw agricultural products, including timber, or the providing of value-added functions with regard to raw agricultural products;
- (3) "Appropriation agreement" means an agreement entered into, pursuant to KRS 154.26-090(1)(f)2., among the approved company, the authority, and local governmental entities with respect to appropriations by these local governmental entities for the benefit of the approved company;

- (4) "Approved company" means any eligible company approved by the authority pursuant to KRS 154.26-080 requiring an economic revitalization project;
- (5) "Approved costs" means:
 - (a) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, rehabilitation, and installation of an economic revitalization project;
 - (b) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, equipping, rehabilitation, and installation of an economic revitalization project which is not paid by the vendor, supplier, deliveryman, contractor, or otherwise provided;
 - (c) All costs of architectural and engineering services, including estimates, plans and specifications, preliminary investigations, and supervision of construction, rehabilitation and installation, as well as for the performance of all the duties required by or consequent upon the acquisition, construction, equipping, rehabilitation, and installation of an economic revitalization project;
 - (d) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, rehabilitation, and installation of an economic revitalization project;
 - (e) All costs required for the installation of utilities, including but not limited to water, sewer, sewer treatment, gas, electricity, communications, and railroads, and including off-site construction of the facilities paid for by the approved company; and
 - (f) All other costs comparable with those described above;
- (6) "Assessment" means the job revitalization assessment fee authorized by KRS 154.26-100;
- (7) "Authority" means the Kentucky Economic Development Finance Authority created by KRS 154.20-010;
- (8) "Commonwealth" means the Commonwealth of Kentucky;
- (9) "Economic revitalization project" or "project":
 - (a) Means the acquisition, construction, equipping, and rehabilitation of machinery and equipment, constituting fixtures or otherwise, and with respect thereto, the construction, rehabilitation, and installation of improvements of facilities necessary or desirable for the acquisition, construction, installation, and rehabilitation of the machinery and equipment, including surveys; installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located, all of which are utilized to improve the economic situation of the approved company to allow the approved company to remain in operation and retain or create jobs or to resume operations in the case of closed facilities as provided in subsection (10)(b) of this section; and
 - (b) Includes any supplemental project;
- (10) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity:
 - (a) Employing or intending to employ full-time a minimum of twenty-five (25) persons engaged in manufacturing or agribusiness operations at the same facility, whether acquired, owned, or leased, located and operating within the Commonwealth on a permanent basis for a reasonable period of time preceding the request for approval by the authority of an economic revitalization project, including facilities where manufacturing or agribusiness operations has been temporarily suspended and which meets the standards promulgated by the authority pursuant to KRS 154.26-080; or
 - (b) Having or, in the case of closed facilities, intending, raw production of at least three (3) million tons of coal mined from the economic revitalization project facility and employing or, in the case of closed facilities, intending to employ, a minimum of five hundred (500) persons engaged in coal mining and processing operations at facilities, whether owned or leased, located and operating within the Commonwealth on a permanent basis for a reasonable period of time preceding the request for approval by the authority of an economic revitalization project, including facilities on or adjacent to where coal mining and processing operations have been closed, temporarily suspended, or severely reduced, and which meets the standards promulgated by the authority under KRS 154.26-080;

- (11) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under this subchapter;
- (12) "Inducements" means the Kentucky tax credit and the job revitalization assessment fee as prescribed in KRS 154.26-090 and 154.26-100;
- (13) "Manufacturing" means any activity involving the manufacturing, processing, assembling, or production of any property, including the processing that results in a change in the condition of the property and any related activity or function, together with the storage, warehousing, distribution, and related office facilities;
- (14) "Coal mining and processing" means activities resulting in the eligible company being subject to the tax imposed by KRS Chapter 143;
- (15) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements under this subchapter;
- (16) "State agency" means any state administrative body, agency, department, or division as defined in KRS 42.010, or any board, commission, institution, or division exercising any function of the state which is not an independent municipal corporation or political subdivision;
- (17) "Supplemental project" means an additional *investment in an approved* economic revitalization project proposed during, *or within twenty-four (24) months after the expiration of,* the *initial* term of *an agreement*~~[a previously approved economic revitalization project by a supplemental project eligible company, which may be included in the revitalization agreement by way of amendment]~~, and which may *be approved by the authority for additional*~~[result in increased]~~ inducements~~[and an extension of the original project term]~~ as set forth in KRS 154.26-090;
- (18) ~~["Supplemental project eligible company" means an approved company that:~~
 - ~~(a) Has expended approved costs of at least fifty million dollars (\$50,000,000) on an existing approved economic revitalization project; and~~
 - ~~(b) Employs a minimum of seven hundred fifty (750) employees at the site of the economic revitalization project;~~
- ~~(19) "Kentucky gross profits" means Kentucky gross profits as defined in KRS 141.0401; and]~~
- ~~(19)(20)~~ "Kentucky gross receipts" means Kentucky gross receipts as defined in KRS 141.0401; *and*
- (20) **"Supplemental project agreement" means an agreement, entered into pursuant to Section 4 of this Act, on behalf of the authority and an approved company with respect to a supplemental project.**
 - ➔Section 3. KRS 154.26-080 is amended to read as follows:
- (1) The authority shall establish standards for the determination and approval of eligible companies and their projects by the promulgation of administrative regulations in accordance with KRS Chapter 13A.
- (2) The criteria for approval of eligible companies and economic revitalization projects or supplemental projects shall include but not be limited to the:
 - (a) Need for the project;
 - (b) New capital investment in the project or supplemental project that will result in financial stability for the manufacturing or coal mining and processing facility; and
 - (c) Retention or expansion of the greatest number of employees at the manufacturing or coal mining and processing facility.
- (3) With respect to each eligible company~~[or supplemental project eligible company]~~ making an application to the authority for inducements, and with respect to the project~~[or supplemental project]~~ described in the application, the authority shall make inquiries and request materials of the applicant, including but not limited to written evidence that except for a substantial investment in the project~~[or supplemental project]~~, assisted by the inducements authorized by KRS 154.26-015 to 154.26-100, the eligible company will:
 - (a) Close its manufacturing or coal mining and processing facility; and
 - (b) Permanently lay off its employees and cease operations; or
 - (c) Not resume operations of a closed facility as permitted by KRS 154.26-010(9).

- (4) The eligible company~~[or supplemental project eligible company]~~ shall, in a manner acceptable to the authority, detail the condition of the facility, including but not limited to financial, efficiency, and productivity matters; explain in detail why the company intends to close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9); and set out alternatives that are available to the company.
- (5) As a part of its application, an eligible company as described in KRS 154.26-010(10)(b) may request an emergency declaration based upon the urgency of the request and its impact on the local or regional economy.
- (6) A request for an emergency declaration shall be reviewed by the secretary of the Cabinet for Economic Development, the secretary of the Education and Workforce Development Cabinet, and the secretary of the Finance and Administration Cabinet and their findings in connection with the emergency declaration shall be delivered to the authority.
- (7) If the emergency declaration is granted in accordance with subsection (6) of this section, the eligible company shall not be subject to the requirements contained in subsection (8), (9), or (11) of this section.
- (8) In accordance with, and after the adoption of a resolution under subsection (10) of this section, the authority shall engage the services of a competent consulting firm or technical resource to analyze the data made available by the company, and to collect and analyze additional information necessary to determine that, in the independent judgment of the consultant, the company will close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9) absent a substantial investment in the project, assisted by the inducements authorized by KRS 154.26-015 to 154.26-100. The company shall pay the cost of this evaluation.
- (9) The company shall cooperate with the consultant and provide all of the data which could reasonably be required by the consultant to make a fair assessment of the company's intentions to close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9).
- (10) After a review of relevant materials and completion of inquiries, the authority may, by resolution, give its preliminary approval by designating an eligible company as a preliminarily-approved company and authorizing the undertaking of the economic revitalization project.
- (11) The authority shall review the report of the consultant and other information which has been made available to it in order to assist the authority in determining whether the company intends to close the facility for valid reasons or whether it intends or is able to resume operations of the facility in accordance with the requirements of KRS 154.26-010(10)(b) if inducements are granted. The authority shall determine the potential of the proposed revitalization project to make the facility stable, productive, and competitive in its market.
- (12) After the review of the consultant's report or if an emergency declaration has been issued in accordance with subsection (6) of this section, the authority shall hold a public hearing to solicit public comment from any person, group, or interested party regarding the proposed project.
- (13) After the public hearing, the authority, by resolution, may:
 - (a) Declare the jobs then existing at the facility to be lost or the company unable to resume operations as permitted by KRS 154.26-010(9);
 - (b) Give its final approval to the eligible company's application for a project; and
 - (c) Grant to the eligible company the status of an approved company.

The decision reached by the authority shall be final and no appeal shall be granted.

- (14) (a) During the **initial** term of ~~an~~~~[a revitalization]~~ agreement, **or within twenty-four (24) months after the expiration of the term, an**~~[a supplemental project]~~ eligible company may apply for, and the authority may approve, a supplemental project **when the applicant:**
 1. ***Has expended approved costs of at least fifty million dollars (\$50,000,000) on an approved economic revitalization project;***
 2. ***Employs a minimum of seven hundred fifty (750) employees at the site of the economic revitalization project;***
 3. ***Agrees to incur at least ten million dollars (\$10,000,000) in additional eligible costs for improvements to a blast furnace that is located at the economic revitalization project, and that has burned at least one million (1,000,000) tons of Kentucky coal during the initial term of the agreement; and***

4. Is at risk of closure and carries a significant net loss carry forward for the last three (3) tax years as certified by the approved company.

- (b) ~~In reviewing an application submitted by a supplemental project eligible company, the authority may waive the requirements of subsections (8), (9), (10), (11), (12), and (13) of this section if:~~

- ~~1. The authority receives from the eligible company a signed application attesting that the company will close its facility without the supplemental project assisted by the inducements authorized by this subchapter; and~~
- ~~2. The authority determines that it has sufficient information from the original project application and additional information provided through submission of the supplemental project application to approve the supplemental project.~~

- (e) ~~The authority may[shall] approve a supplemental project by resolution, authorizing the execution of a supplemental[an amended] project agreement. [The adjustment to the initial project shall be made on the total approved costs, and any credits taken prior to the addition of a supplemental project shall then be subtracted from the increased amount of approved costs.]~~

- (15) All meetings of the authority shall be held in accordance with KRS 61.805 to 61.850. The authority may, pursuant to KRS 61.815, hold closed sessions of its meetings to discuss matters exempt from the open meetings law and pertaining to an eligible company.

➔Section 4. KRS 154.26-090 is amended to read as follows:

- (1) The authority, upon adoption of its final approval, may enter into, with any approved company, an agreement with respect to its project or **a supplemental project**~~[an amended]~~ agreement with respect to its~~[original and]~~ supplemental project. The terms and provisions of each agreement **and supplemental project agreement**, including the amount of approved costs and any limitations the authority may deem necessary, shall be determined by negotiations between the authority and the approved company, except that each agreement **and supplemental project agreement** shall include the following provisions:

- (a) The amount the approved company may recover through inducements under this subchapter shall not exceed seventy-five percent (75%) of approved costs.
- (b) ~~The[agreement shall set a] date by which the approved company will have completed the original project and supplemental project. Within three (3) months of the completion date of the original project or supplemental project, the approved company shall document the actual cost of the project or supplemental project in a manner acceptable to the authority. The authority may employ an independent consultant or utilize technical resources to verify the cost of the project or supplemental project. The approved company shall reimburse the authority for the cost of the consultant.~~
- (c) In consideration of the execution of the agreement **or supplemental project agreement**, the approved company may be permitted, during a period not to exceed ten (10) years commencing on the date of the agreement **or supplemental project agreement and**~~[]~~ during which the agreement **or supplemental project agreement** is in effect~~[, and including any extension of the ten (10) year period negotiated as part of an amended agreement including a supplemental project]~~, the following inducements:
 1. A credit against the Kentucky tax imposed by KRS 141.020 or 141.040 on the income of the approved company generated by or arising out of the economic revitalization project **or supplemental project**, and a credit against the limited liability entity tax imposed by KRS 141.0401 on Kentucky gross profits or Kentucky gross receipts as determined under KRS 141.403. The ordering of credits shall be as provided in KRS 141.0205; and
 2. The aggregate assessment withheld by the approved company in each year.
- (d) The tax credits allowed to the approved company shall be equal to the lesser of the total amount of the tax liability or the amount that the company may recover under paragraph (a) of this subsection that has not yet been recovered, reduced by any recovery through the collection of assessments and appropriations made under any appropriation agreement. The credit shall be allowed for each fiscal year of the approved company during the term of the agreement and for which a tax return of the approved company is filed until the amount that the company may recover under paragraph (a) of this subsection has been received through a combination of credits, assessments, if assessments are elected to be imposed, and appropriations made under any appropriation agreement. The approved company shall not be required to pay estimated tax payments as prescribed under KRS 141.044 or 141.305 on income,

Kentucky gross profits or Kentucky gross receipts from the economic revitalization project. Ninety (90) days after the filing of the tax return of the approved company, the Department of Revenue of the Commonwealth shall certify to the authority for the preceding fiscal year of an approved company for which a return was filed with respect to an economic revitalization project of the approved company the state tax liability of the approved company receiving inducements under KRS 154.26-015 to 154.26-100 and the amount of any tax credits taken pursuant to this section.

- (e) The agreement shall provide that the term shall not be longer than the earlier of:
 - 1. The date on which the approved company has received inducements or withheld assessments equal to the amount that the company may recover under paragraph (a) of this subsection; or
 - 2. Ten (10) years from the date of the execution of the *later of the* agreement or *supplemental project agreement* ~~any longer term negotiated as part of an amended agreement not to exceed an additional ten (10) years, for a total maximum of twenty (20) years if a supplemental project is approved~~.
 - (f) Prior to execution of the agreement *or supplemental project agreement*, the eligible company shall secure from all local governmental authorities responsible for collecting local occupational license fees one (1) of the following:
 - 1. A resolution or order of the local governmental entities acknowledging and consenting to the termination or partial termination of the receipt of local occupational license fees paid by the approved company on behalf of its employees to the local government entities resulting from the execution of the agreement *or supplemental project agreement*; or
 - 2. In lieu of the credit against the local occupational license fee, an appropriation agreement with the authority and the local governmental entities by which the local governmental entities will appropriate funds in an amount equal to the amount of the credit of the local occupational license fee for the benefit of the approved company in a manner consistent with the applicable state laws.
 - (g) If more than one (1) local occupational license fee is imposed upon the employees of the approved company, the assessment imposed upon the employees shall be credited against the local occupational license fee and shall be apportioned to each local occupational license fee according to each local occupational license fee's proportion to the total of all local occupational license fees for such employees. No credit, or portion thereof shall be allowed against any local occupational license fee imposed by or dedicated solely to a local board of education.
 - (h) If in any fiscal year of the approved company during which the agreement *or supplemental project agreement* is in effect the total of the tax credits granted to the approved company plus the assessment collected from the wages of the employees exceeds the expended portion of the amount that the approved company may recover under paragraph (a) of this subsection, the approved company shall pay the excess to the Commonwealth as income tax.
 - (i) If in any fiscal year of the approved company during which the agreement *or supplemental project agreement* is in effect the assessment collected from the wages of the employees exceeds the expended portion of the amount that the approved company may recover under paragraph (a) of this subsection, the assessment collected from the wages of the employees shall cease for the remainder of that fiscal year of the approved company, the approved company shall resume normal personal income tax and occupational license fee withholdings from the employees' wages for the remainder of that fiscal year, and the approved company shall remit to the Commonwealth and applicable local jurisdictions their respective shares of the excess assessment collected on the withholding filing date for employees' wages next succeeding the first date when the approved company collected excess assessments.
 - (j) All proceeds of any loan or other financing incurred in connection with the economic revitalization project shall be expended by the approved company within five (5) years from the date of the ~~revitalization~~ agreement. In the event that all proceeds of any loan or other financing incurred in connection with the economic revitalization project are not fully expended within the five (5) year period, the authorized inducements shall automatically be reduced to and shall not be greater than the amount of proceeds actually expended by the approved company within the five (5) year period.
- (2) If the approved company elects to utilize the assessment as prescribed in KRS 154.26-100, it shall not assess the wages of an employee who is party to an individual employment contract with the approved company.

- (3) Neither the appropriation agreement, nor the agreement, *nor the supplemental project agreement* shall be transferable or assignable by the approved company without the expressed written consent of the authority.
- (4) *In addition to the inducements permitted by this section, an approved company with a supplemental project agreement executed pursuant to this section may also qualify for the sales and use tax exemption established by Section 6 of this Act for its purchase and use of any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures as part of the approved supplemental project.*

➔Section 5. KRS 154.26-100 is amended to read as follows:

- (1) The approved company may require that each employee subject to the income tax imposed by KRS 141.020, whose job was preserved or created as a result of the project *or supplemental project*, as a condition of employment or the retention of employment, agree to pay an assessment, not to exceed, during any fiscal year of the approved company, five percent (5%) of the gross wages of each employee subject to the income tax imposed by KRS 141.020 whose job was retained or created as a result of the project *or supplemental project*, unless:
- (a) The appropriation agreement is consummated, in which case the assessment shall be four percent (4%) of each employee's gross wages subject to the income tax imposed by KRS 141.020;
 - (b) The local government or governments in which the project is located have a local occupational license fee of less than one percent (1%) and agree to forgo all of their local occupational license fee, in which case the assessment shall equal four percent (4%) plus the percentage of the local occupational license fee that the local government or governments have agreed to forgo; or
 - (c) The local government or governments in which the project is located have no occupational license fee, in which case the assessment shall be four percent (4%).
- (2) Each assessed employee shall be entitled to a credit against his Kentucky income tax required to be withheld under KRS 141.310 in the form of a simultaneous adjustment equal to four-fifths (4/5) of the assessment, unless:
- (a) The appropriation agreement is consummated, in which case the credit shall be equal to one hundred percent (100%) of the assessment;
 - (b) The local government or governments in which the project *or supplemental project* is located have a local occupational license fee of less than one percent (1%) and agree to forgo all of their local occupational license fee, in which case the credit shall be equal to the total assessment less the local occupational license fee; or
 - (c) If the local government or governments in which the project *or supplemental project* is located have no local occupational license fee, in which case the credit shall be equal to one hundred percent (100%) of the assessment.
- (3) Each assessed employee also shall be entitled to a credit against his local occupational license fee in the form of a simultaneous adjustment of his local occupational license fee withholding equal to one-fifth (1/5) of the assessment, unless:
- (a) The appropriation agreement is consummated; or
 - (b) The local occupational license fee is less than one percent (1%), in which case the credit shall equal the same amount as the local occupational license fee.
- (4) If an approved company shall elect to impose the assessment as a condition of employment or the retention of employment, it shall deduct the assessment from each paycheck of each employee subject to subsections (2) and (3) of this section.
- (5) Any approved company collecting an assessment as provided in subsection (1) of this section shall make its payroll books and records available to the authority at such reasonable times as the authority shall request, and shall file with the authority the documentation respecting the assessment the authority may require.
- (6) Any assessment of the wages of the employees of an approved company pursuant to subsection (1) of this section shall permanently lapse upon expiration or termination of the agreement.
- (7) By October 1 of each year, the Department of Revenue of the Commonwealth shall certify to the authority, in the form of an annual report, aggregate tax credits claimed on tax returns filed during the fiscal year ending

June 30 of that year and job revitalization assessment fees taken during the prior calendar year by approved companies with respect to their economic revitalization projects *and supplemental projects* under this subchapter, and shall certify to the authority, within ninety (90) days from the date an approved company has filed its state tax return, when an approved company has taken tax credits equal to its total inducements.

➔Section 6. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the sale, use, storage, or other consumption of:

- (1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;
- (2) Coal for the manufacture of electricity;
- (3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining and any related distribution, transmission, and transportation services for this energy that are billed to the user, to the extent that the cost of the energy or energy-producing fuels used, and related distribution, transmission, and transportation services for this energy that are billed to the user exceed three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;
- (4) Livestock of a kind the products of which ordinarily constitute food for human consumption, provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;
- (5) Poultry for use in breeding or egg production;
- (6) Farm work stock for use in farming operations;
- (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, and commercial fertilizer to be applied on land, the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that tangible personal property so sold is to be used only by those persons designated above who are so purchasing;
- (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in the production of crops as a business, or in the raising and feeding of livestock or poultry, the products of which ordinarily constitute food for human consumption;
- (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption;
- (10) Machinery for new and expanded industry;
- (11) Farm machinery. As used in this section, the term "farm machinery":
 - (a) Means machinery used exclusively and directly in the occupation of:
 1. Tilling the soil for the production of crops as a business;
 2. Raising and feeding livestock or poultry for sale; or
 3. Producing milk for sale;
 - (b) Includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of the machinery, and are customarily so used, including but not limited to combine header wagons, combine header trailers, or any other implements specifically designed and used to move or transport a combine head; and
 - (c) Does not include:
 1. Automobiles;
 2. Trucks;

- 3. Trailers, except combine header trailers; or
 - 4. Truck-trailer combinations;
- (12) Property which has been certified as a pollution control facility as defined in KRS 224.1-300, and all materials, supplies, and repair and replacement parts purchased for use in the operation or maintenance of the facilities used specifically in the steel-making process. The exemption provided in this subsection for materials, supplies, and repair and replacement parts purchased for use in the operation of pollution control facilities shall be effective for sales made through June 30, 1994;
 - (13) Tombstones and other memorial grave markers;
 - (14) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
 - (15) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall apply to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply but not be limited to vent board equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
 - (16) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and directly to:
 - (a) Operate farm machinery as defined in subsection (11) of this section;
 - (b) Operate on-farm grain or soybean drying facilities as defined in subsection (14) of this section;
 - (c) Operate on-farm poultry or livestock facilities defined in subsection (15) of this section;
 - (d) Operate on-farm ratite facilities defined in subsection (24) of this section;
 - (e) Operate on-farm llama or alpaca facilities as defined in subsection (26) of this section; or
 - (f) Operate on-farm dairy facilities;
 - (17) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but shall not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;
 - (18) Any property which has been certified as an alcohol production facility as defined in KRS 247.910;
 - (19) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
 - (20) Any property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
 - (21) Any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures *as part of an approved supplemental project, as defined by Section 2 of this Act*. The exemption provided in this subsection shall be effective for sales made:
 - (a) *On and after July 1, 2016; and*
 - (b) *During the term of a supplemental project agreement entered into pursuant to Section 4 of this Act*~~[through June 30, 1994];~~
 - (22) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security Act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program;

- (23) Machinery or equipment purchased or leased by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes;
- (24) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the following items used in this agricultural pursuit:
 - (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to incubation systems, egg processing equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (25) Embryos and semen that are used in the reproduction of livestock, if the products of these embryos and semen ordinarily constitute food for human consumption, and if the sale is made to a person engaged in the business of farming;
- (26) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the breeding and production of hides, breeding stock, fiber and wool products, meat, and llama and alpaca by-products, and the following items used in this pursuit:
 - (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (27) Baling twine and baling wire for the baling of hay and straw;
- (28) Water sold to a person regularly engaged in the business of farming and used in the:
 - (a) Production of crops;
 - (b) Production of milk for sale; or
 - (c) Raising and feeding of:
 - 1. Livestock or poultry, the products of which ordinarily constitute food for human consumption; or
 - 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- (29) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of hides, breeding stock, meat, and buffalo by-products, and the following items used in this pursuit:
 - (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (30) Aquatic organisms sold directly to or raised by a person regularly engaged in the business of producing products of aquaculture, as defined in KRS 260.960, for sale, and the following items used in this pursuit:

- (a) Feed and feed additives;
 - (b) Water;
 - (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (d) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or natural gas used to operate the facilities. The exemption shall apply, but not be limited to: waterer and feeding systems; ventilation, aeration, and heating systems; processing and storage systems; production systems such as ponds, tanks, and raceways; harvest and transport equipment and systems; and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (31) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the production of hides, breeding stock, meat, and cervid by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
 - (c) On-site facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (32) (a) Repair or replacement parts for the direct operation or maintenance of a motor vehicle, including any towed unit, used exclusively in interstate commerce for the conveyance of property or passengers for hire, provided the motor vehicle is licensed for use on the highway and its declared gross vehicle weight with any towed unit is forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
- (b) Repair or replacement parts for the direct operation and maintenance of a motor vehicle operating under a charter bus certificate issued by the Transportation Cabinet under KRS Chapter 281, or under similar authority granted by the United States Department of Transportation; and
- (c) For the purposes of this subsection, "repair ~~or and~~ replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair ~~or and~~ replacement parts" shall not include fuel, machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential to the operation of the motor vehicle itself, except when sold as part of the assembled unit, such as cigarette lighters, radios, lighting fixtures not otherwise required by the manufacturer for operation of the vehicle, or tool or utility boxes; and
- (33) Food donated by a retail food establishment or any other entity regulated under KRS 217.127 to a nonprofit organization for distribution to the needy.

➔Section 7. Section 6 of this Act takes effect August 1, 2014.

Signed by Governor April 25, 2014.

CHAPTER 130

(SB 108)

AN ACT relating to parental rights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS 403.270 TO 403.350 IS CREATED TO READ AS FOLLOWS:

- (1) *The Commonwealth recognizes that certain victims of sexual assault may conceive a child as a result of the sexual assault and may choose to bear and raise the child. The Commonwealth also recognizes that victims of a sexual assault who have elected to raise a child born as a result of the sexual assault, as well as that child, may suffer serious emotional or physical trauma if the perpetrator of the assault is granted parental rights with the child.*
- (2) *Except as provided in subsection (3) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the rights of inheritance under KRS Chapter 391 with respect to that child.*
- (3) *The mother of the child may waive the protection afforded under subsection (2) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.*
- (4) *Unless waived by the mother and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the right of inheritance under KRS Chapter 391 with respect to that child.*
- (2) *The mother of the child may waive the protection afforded under subsection (1) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.*
- (3) *Unless waived by the mother and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211.*

Signed by Governor April 25, 2014.

CHAPTER 131

(SB 153)

AN ACT relating to energy efficiency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 224.46-330 is amended to read as follows:

- (1) There is established the pollution prevention fund, to be administered by the center under the direction of the board. The fund shall consist of money received from the hazardous waste management fund created by KRS 224.46-580 and any state or federal appropriations, donations, or agency receipts.
- (2) The fund shall be used ~~solely~~ to finance the pollution prevention programs authorized and approved by the board **or to match federal funds for the limited purposes of providing energy efficiency technical assistance.**
- (3) Funds unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year or biennium. Those funds shall be included in the budget reviewed and approved by the board.
- (4) The university shall execute the budget approved by the board and expend funds accordingly. The Finance and Administration Cabinet shall issue warrants upon request of the university.

➔Section 2. KRS 103.200 is amended to read as follows:

~~{(1) —}~~As used in KRS **103.200**~~{103.210}~~ to 103.285:~~{ }~~

- (1) "Building" or "industrial building" means any land and building or buildings (including office space related and subordinate to any of the facilities enumerated below), any facility or other improvement thereon, and all real and personal properties, including operating equipment and machinery deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for the following or any combination thereof:
- (a) Any activity, business, or industry for the manufacturing, processing or assembling of any commercial product, including agricultural, mining, or manufactured products, together with storage, warehousing, and distribution facilities in respect thereof;
 - (b) Any undertaking involving the construction, reconstruction, and use of airports, mass commuting facilities, ship canals, ports or port facilities, docks or wharf facilities or harbor facilities, off-street parking facilities or of railroads, monorails, or tramways, railway or airline terminals, cable television, mass communication facilities, and related facilities;
 - (c) Any buildings, structures, and facilities, including the site thereof and machinery, equipment, and furnishings suitable for use as health-care or related facilities, including without limitation hospitals, clinics, nursing homes, research facilities, extended or long-term care facilities, including housing for the aged or the infirm and all buildings, structures, and facilities deemed necessary or useful in connection therewith;
 - (d) Any nonprofit educational institution in any manner related to or in furtherance of the educational purposes of such institution, including but not limited to classroom, laboratory, housing, administrative, physical educational, and medical research and treatment facilities;
 - (e) Any facilities for any recreation or amusement park, public park, or theme park, including specifically facilities for the use of nonprofit entities in making recreational and cultural benefits available to the public;
 - (f) Any facilities involving manufacturing and service industries which process raw agricultural products, including timber, provide value-added functions, or supply ingredients used for production of basic agricultural crops and products;
 - (g) Any facilities incident to the development of industrial sites, including land costs and the costs of site improvements thereon, such as grading, streets, drainage, storm and sanitary sewers, and other facilities and structures incidental to the use of such site or sites for industrial use;
 - (h) Any facilities for the furnishing of water, if available on reasonable demand to members of the general public;
 - (i) Any facilities for the extraction, production, grading, separating, washing, drying, preparing, sorting, loading, and distribution of mineral resources, together with related facilities;
 - (j) Any convention or trade show facilities, together with all related and subordinate facilities necessary to the development and proper utilization thereof;
 - (k) Any facilities designed and constructed to be used as hotels and/or motels, together with all related and subordinate facilities necessary to the operation thereof, including site preparation and similar facilities;
 - (l) Any activity designed for the preservation of residential neighborhoods, provided that such activity receives approval of the heritage division and insures the preservation of not fewer than four (4) family units;
 - (m) Any activity designed for the preservation of commercial or residential buildings which are on the National Register of Historic Places or within an area designated as a national historic district or approved by the heritage division; and
 - (n) Any activity, including new construction, designed for revitalization or redevelopment of downtown business districts as designated by the issuer.
- (2) ~~[As used in KRS 103.210 to 103.285,]~~ "Bonds" or "negotiable bonds" means bonds, notes, variable rate bonds, commercial paper bonds, bond anticipation notes, or any other obligations for the payment of money issued by a city, county, or other authority pursuant to KRS 103.210 to 103.285.
- (3) ~~[As used in KRS 103.210 to 103.285,]~~ "Substantiating documentation" means an independent finding, study, report, or assessment of the economic and financial impact of a project, which shall include a review of

customary business practices, terms, and conditions for similar types of projects, both taxable and tax-exempt, in the current market environment.

➔Section 3. KRS 103.210 is amended to read as follows:

- (1) In order to promote the economic development of the Commonwealth, ~~[promote reconversion to peacetime economy,]~~to relieve conditions of unemployment, ~~[to aid in the rehabilitation of returning veterans,]~~to encourage the increase of industry in this state, and to aid in the retention of existing industry through **improved energy efficiency in manufacturing facilities,**~~[the control of pollution]~~ or through conversion of energy facilities to more readily available fuels, any city or county may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building or pollution control facility, either by purchase or construction, but only after an ordinance or resolution has been adopted by the legislative body of the city or the fiscal court of the county, or **by** ~~the governing body of~~ Kentucky Economic Development Finance Authority, if requested by the legislative body of the city or the fiscal court of the county, as the case may be, specifying the proposed undertaking, the maximum amount of bonds to be outstanding at any one (1) time, and the maximum rate of interest the bonds are to bear. This section shall not be deemed to require, however, that such ordinance or resolution be adopted prior to interim financing of the project, if such interim financing was undertaken by the proposed lessee corporation upon the basis of discussions between the corporation and responsible officials of the issuer which were later formally ratified by the appropriate governing body of the issuer.
- (2) The ordinance or resolution shall further provide that the industrial building or the pollution control facility is to be acquired pursuant to the provisions of KRS 103.200 to 103.285. Each such bond-authorizing ordinance or resolution shall be effective only after publication, in a newspaper authorized to publish official advertisements for the issuer, of the title to said ordinance or resolution, together with a statement signed by the clerk of the issuer setting forth the maximum amount of bonds to be outstanding at any one (1) time, the name of the lessee corporation, and the fact that the bonds are to be retired from the proceeds of either the lease payments as set forth in KRS 103.200 to 103.285, inclusive, or the loan payments or sale payments in the event the industrial building financing transaction is carried out pursuant to a loan agreement, sale agreement, or other tax incentive agreement. No publication of the complete ordinance or resolution shall be required, but said ordinance or resolution shall be entered upon the records of the issuer and shall be available for public inspection.
- (3) Any industrial buildings financed by bonds pursuant to KRS 103.200 to 103.285 and leased in connection with the bond financing from a tax-exempt governmental unit, or tax-exempt statutory authority, shall require the prior approval by the Kentucky Economic Development Finance Authority of the reduced ad valorem tax for industrial buildings under KRS 132.020, the standards for which the Kentucky Economic Development Finance Authority shall establish through its operating procedures or by the promulgation of administrative regulations in accordance with KRS Chapter 13A. The authority shall consider, along with other indicators, when establishing standards, the number of jobs to be created, the amount of capital to be invested, and the wages and benefits to be paid.
- ~~(4)(2)~~ **The** Kentucky Economic Development Finance Authority, any air board established pursuant to KRS 183.132, and any riverport authority established as provided in KRS 65.510 to 65.650, inclusive, shall have and possess all power and authority granted to cities and counties by the provisions of KRS 103.200 to 103.285, excluding condemnation powers under KRS 103.245, for the financing of industrial buildings. For such purposes, the terms "city," "county," and "issuer" as used in KRS 103.200 to 103.285, inclusive, shall also mean and refer to **the** Kentucky Economic Development Finance Authority, any air board established pursuant to KRS 183.132, and any riverport authority established as provided in KRS 65.510 to 65.650. The power and authority granted to **the** Kentucky Economic Development Finance Authority, any air board, and any riverport authority shall be and constitute an additional and alternative grant of power and authority to such governmental agencies, and shall not be construed as being in derogation of any other powers vested in each of such governmental agencies.

➔Section 4. KRS 103.220 is amended to read as follows:

- (1) The bonds may be issued to bear interest at any rate or rates, either fixed or variable, in accordance with such method as shall be set by the governing body of the issuer, payable either annually or at shorter intervals, may be of such terms and maturities, may bear such conversion privileges, may be executed by the manual or facsimile signatures of such officers of the issuer and shall be executed in such manner and at such time or times or from time to time and be payable at such times not exceeding thirty (30) years from the date thereof, or if commercial paper, from the date of issuance thereof, and at such place or places as the governing body of the issuer determines.

- (2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions set by the governing body of the issuer before issuing the bonds.
- (3)
 - (a) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer or any other city, county or authority, with the consent of the lessee, industrial concern or utility company, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, to create any necessary debt service reserve fund, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.
 - (b) At the time of the initial issuance of the bonds, the issuer may designate individual officials of its governing body as agent for purposes of approving the principal amount, the interest rate, the discount, if any, and the maturity date of bonds being issued later to refund the maturing bonds; provided, however, that, at the time of the initial issuance of such bonds, the governing body of the issuer shall set the maximum principal amount, the maximum interest rate, and the maximum discount, if any, of the refunding bonds plus the final maturity date of the last issue of such refunding bonds; and provided further that the issuer shall retain the right to revoke any such agent's authority at any time and for any reason whatsoever. Individual issues of commercial paper, issued as part of a continuing financing program, may be refunded by the approvals of such agent of the issuer and separate proceedings of the issuer pursuant to KRS 103.210~~4~~ shall not be required.
 - (c) At the time of issuance of bonds which bear interest at a variable rate or rates, the governing body of the issuer may designate individuals or institutions who in the sole judgment of such governing body have financial market expertise to serve as agent for the issuer for establishing and changing from time to time while such bonds remain outstanding the rate of interest to be borne by and the price to be paid for the bonds; provided, however, that the rate-setting procedures and authority of each such agent shall be set forth in writing, and may include a formula or an index or indices based upon market factors, and shall be established by the issuer at the time of issuance of such bonds; and provided further that at the time of the issuance of the bonds, the governing body of the issuer shall establish the maximum interest rate to be borne by the bonds; and provided further that the issuer shall retain the right to remove or replace any such agent at any time and for any reason whatsoever.
- (4) Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if:
 - (a) In case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee;
 - (b) There shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be; and
 - (c) In the event that such bonds are not to be redeemed within the next succeeding sixty (60) days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by paragraph (b) of this subsection has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under paragraph (b) of this subsection, to the extent not secured by the Federal Deposit Insurance Corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.
- (5) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the

proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.210 and will tend to further the purposes of KRS ~~103.200 to 103.285~~~~[103.210 through 103.280]~~.

- (6) No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.

➔Section 5. KRS 103.240 is amended to read as follows:

All money received from the sale of the bonds shall be applied solely for:

- (1) The acquisition of the industrial building and:
 - (a) Any utilities;~~[or]~~
 - (b) Pollution control structures or equipment;
 - (c) ***Equipment or technologies employed to increase the energy efficiency of manufacturing facilities; or***
 - (d) ***Other equipment*** requisite to the use ***of these assets***~~[thereof]~~;
- (2) The acquisition of pollution control facilities and the structures or equipment requisite to the use thereof;
- (3) The necessary expense of preparing, printing and selling said bonds;
- (4) The refunding of any issued and outstanding bonds whether matured or otherwise;
- (5) Providing a debt service reserve fund or any other reserve funds, if necessary; or
- (6) To advance the payment of interest on the bonds during any portion of the first three (3) years following the date of the bonds.

➔Section 6. KRS 103.286 is amended to read as follows:

- (1) The Kentucky Private Activity Bond Allocation Committee is established. The purpose of the committee shall be to ensure compliance by the Commonwealth, its political subdivisions, and other authorized issuers within the Commonwealth of Kentucky, of private activity bonds, as defined in the Internal Revenue Code of the United States, with the state ceiling on the issuance of the bonds imposed by the Tax Reform Act of 1986, 26 U.S.C. sec. 146. The committee shall be attached to the Finance and Administration Cabinet for administrative purposes and staff services. The committee shall be composed of the secretary of the Finance and Administration Cabinet, who shall be chairman of the committee; the secretary of the Cabinet for Economic Development; the state budget director; the state controller, Finance and Administration Cabinet; and the secretary of the Governor's Cabinet, or their respective designees.
- (2) The committee shall attempt to allocate the state ceiling of Kentucky in order to best effectuate the issuance of private activity bonds, foster economic development within the Commonwealth, and promote the general welfare of its citizens and the public purposes of the Commonwealth.
 - (a) For each calendar year, during the period in which the issuance of private activity bonds is authorized by the federal government, the first fifty percent (50%) of the term shall be designated as a period in which the committee shall provide that no less than:
 1. Sixty percent (60%) of the private activity cap be reserved for state bond issuance authorities;
and
 2. ***Ten percent (10%) of the private activity cap be reserved for manufacturing facility energy efficiency bonds issued by any issuer pursuant to Section 7 of this Act.***
 - (b) For each calendar year, during the period in which the issuance of private activity bonds is authorized by the federal government, the last fifty percent (50%) of the term shall be designated by the committee as the period in which the remaining unallocated cap shall revert to a single pool to be allocated in accordance with subsection (3) of this section.
- (3) The secretary of the Finance and Administration Cabinet shall promulgate regulations in accordance with KRS Chapter 13A, to provide for the allocation of the state ceiling on private activity bonds among all issuers of the bonds within the Commonwealth of Kentucky.

- (4) No bonds governed by this section shall be issued that are not in compliance with the state ceiling, subsections (2)(a) and (b) of this section, or with the allocation, application, or review procedures established by the secretary of the Finance and Administration Cabinet.

➔SECTION 7. A NEW SECTION OF KRS 103.200 TO 103.285 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) *"Energy service company" means an entity in the business of providing evaluation, design, implementation, installation, measurement and verification, and other related services under guaranteed energy savings contracts;*
- (b) *"Guaranteed energy savings contract" means a contract for the evaluation and recommendation of energy, water, and wastewater conservation measures and for implementation of one (1) or more of those measures. The contract may provide that payments, except obligations on termination of the contract before its expiration, are to be made over time and shall provide that the savings are guaranteed to the extent necessary to make payments for the cost of the design, installation, and maintenance of energy, water, and wastewater conservation measures; and*
- (c) *"Small or medium-sized manufacturer" means any existing business entity organized for profit that is operating an industrial building used as a manufacturing facility in the Commonwealth, and that has three hundred (300) or fewer full-time employees located at that manufacturing facility at the time bonds are to be issued pursuant to this section.*

- (2) *In order to further the purposes stated in Section 3 of this Act and to advance the Commonwealth's goals of achieving a greater proportion of its energy needs through increased efficiency and conservation in the private sector, bonds may be issued by any city, county, air board, riverport authority, or the Kentucky Economic Development Finance Authority to assist a small or medium-sized manufacturer with developing or improving its manufacturing facilities through the use of a guaranteed energy savings contract to increase the energy efficiency thereof.*

(3) Bonds shall only be issued pursuant to this section if:

- (a) *The energy efficiency project being undertaken through the guaranteed energy savings contract is to be performed by a qualified provider as defined in KRS 45A.345; and*
- (b) *The energy service company provides a guarantee that the project will achieve a reduction in energy consumption:*
 - 1. *That is measurable and verifiable; and*
 - 2. *Which will result in cost savings that are equal to or greater than the cost of the project within a seven (7) year payback period.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "department" means the Department for Local Government.

- (2) *The department may, to the extent resources are available, establish an industrial revenue bond information clearinghouse to serve as a central statewide point of contact for the dissemination of information and guidance relating to the issuance and use of industrial revenue bonds by units of local government.*

- (3) *The clearinghouse shall collect and disseminate information and guidance that may be adopted by units of local government seeking to issue industrial revenue bonds, including:*

- (a) *Identification of best practices;*
- (b) *Model ordinances and resolutions;*
- (c) *Proper issuance procedures;*
- (d) *Examples of possible uses of industrial revenue bond proceeds; and*
- (e) *Other model guidelines.*

- (4) *Information provided through the clearinghouse shall be published on a Web site that is accessible to the general public to assist private sector businesses, nonprofit organizations, and others that may benefit from the issuance of industrial revenue bonds.*

- (5) *The Finance and Administration Cabinet, the Cabinet for Economic Development, and the Energy and Environment Cabinet shall assist the department, as needed, in the development of the clearinghouse, to ensure the most complete, accurate, and current information relating to the issuance and possible uses of industrial revenue bonds is available on the Web site.*
- (6) *After the initial development of the clearinghouse is complete, and for as long as it is available, a link to the Web site shall be made available on the one-stop business portal established in KRS 14.250.*

Signed by Governor April 25, 2014.

CHAPTER 132

(SB 200)

AN ACT relating to the juvenile justice system and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The cabinet shall ensure that all departments within the cabinet collaborate to develop procedures to allow collection and sharing of data necessary to analyze juvenile recidivism. Recidivism includes an adjudication of delinquency by a juvenile court, or a conviction by a District Court or Circuit Court, for an offense committed within three (3) years of release from the custody or control of the Department of Juvenile Justice.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *It is the intent of the Commonwealth to maintain public safety and achieve savings through the use of evidence-based treatment programs and practices at the local level and to reinvest a portion of the savings achieved into community-based programs and services.*
- (2) *The cabinet shall, as funds become available, develop a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs.*
- (3) *Funds appropriated to the cabinet for the fiscal incentive program shall be distributed as follows:*
 - (a) *Ninety percent (90%) shall be utilized for renewable, competitive grants to be awarded to judicial districts, or groups of judicial districts, for the purpose of establishing community-based sanction and treatment programs that provide alternatives to out-of-home placement; and*
 - (b) *Ten percent (10%) shall be made available to judicial districts, or groups of judicial districts, not receiving funds under paragraph (a) of this subsection, to fund individualized interventions on an occasional basis to avoid commitment to the Department of Juvenile Justice for a limited number of youth.*
- (4) *The cabinet shall establish the incentive grant application and award process for funds allocated under subsection (3)(a) of this section that includes but is not limited to:*
 - (a) *The requirements for the grant application, including:*
 - 1. *The identification of the local committee that will be responsible for the grant application and implementation. The committee shall consist of local individuals or organizations, which may include judges, county attorneys, defense attorneys, educators, treatment providers, mental health or behavioral health service providers, local officials, law enforcement, and other interested persons. The local committee may utilize an existing committee or may be formed for the purpose of the grant application and implementation;*
 - 2. *A requirement that the application be signed as "Have Reviewed and Agree" by all juvenile court judges in the applicant's judicial district or group of judicial districts;*
 - 3. *A description of the proposed program region and the juvenile justice need the program is intended to meet;*
 - 4. *A description of how the proposed program collaborates with:*

- a. *Schools;*
 - b. *The Administrative Office of the Courts;*
 - c. *The Cabinet for Health and Family Services;*
 - d. *Private entities serving children and families; and*
 - e. *The department; and*
- 5. *A description of performance measures to be utilized to measure the outcome and overall impact of the program;*
- (b) *The procedure for review of the grant applications and the award of the grants including:*
 - 1. *A committee that includes subject matter experts to review the applications;*
 - 2. *Criteria to be utilized in awarding of the grants, including but not limited to:*
 - a. *The use of evidence-based practices in program design;*
 - b. *How the program reduces the use of commitments;*
 - c. *How the program reduces the use of out-of-home placements;*
 - d. *How the program reduces recidivism;*
 - e. *How the program establishes or utilizes educational, vocational, substance abuse, behavioral health, mental health, or family intervention services, and local alternatives to detention;*
 - f. *Whether grant funds will be used to leverage existing funding resources or increase access to existing resources;*
 - g. *Geographical distribution;*
 - h. *The number of youth potentially served by the program or service;*
 - i. *The cost of the program or service; and*
 - j. *The existence of similar services in the judicial district; and*
 - 3. *A process for awarding the grants that may include objective scoring criteria;*
- (c) *A baseline for calculating reductions for the competitive grant program utilizing 2013 data that combines commitment and detention admissions, and overrides of decisions to allow eligible cases to proceed to diversion; and*
- (d) *Criteria for renewal of a grant awarded under subsection (3)(a) of this section, including:*
 - 1.
 - a. *A twenty percent (20%) reduction in detention admissions, public offense commitment, or combination thereof, as compared to the applicant's baseline; or*
 - b. *A ten percent (10%) reduction in detention admissions, public offense commitments, or combination thereof and a thirty percent (30%) reduction in the use of prosecutorial override of diversion recommendations as compared to the applicant's baseline;*
 - 2. *If the judicial district meets the reductions required in this subsection, the judicial district may be considered for grant renewal. The grants are not guaranteed to be renewed, and an application shall be submitted for consideration of renewal;*
 - 3. *If a judicial district has substantially complied with the requirements of the program, but has not attained the reductions required in this subsection, the judicial district may apply for a grant renewal if there is a fifteen percent (15%) reduction in detention admissions, public offense commitments, or a combination thereof during year one (1) as compared to the applicant's baseline; and*
 - 4. *Detention and public offense commitments for violent offenses as specified in KRS 439.3401 shall not be counted in the calculation of reductions for a judicial district.*
- (5) (a) *A judicial district may apply for the competitive grant program under subsection (3)(a) of this section until:*

1. *The population of detention admissions and public offense commitments is reduced by sixty percent (60%) as compared to the applicant's baseline; or*
 2. *The population of detention admissions, public offense commitments, or a combination thereof is reduced by thirty percent (30%) as compared to the applicant's baseline, and the use of prosecutorial override of diversion recommendations is reduced by ninety percent (90%) as compared to the applicant's baseline.*
- (b) *If the judicial district meets the reductions described in paragraph (a) of this subsection, the district may continue to apply for funding so long as the reductions required are maintained.*
- (6) *The cabinet shall establish an expedited application and approval process for awarding the one (1) time only funds under subsection (3)(b) of this section, that includes but is not limited to:*
- (a) *A requirement that the application be signed as "Have Reviewed and Agree" by a juvenile court judge in the applicant's judicial district or group of judicial districts;*
 - (b) *A description of the proposed purpose of the grant and the applicant's need; and*
 - (c) *Other requirements as determined appropriate by the cabinet.*
- (7) *The Administrative Office of the Courts shall:*
- (a) *Act as the fiscal agent to receive funds awarded to a judicial district;*
 - (b) *Provide technical assistance to the judicial district in developing and writing its grant application; and*
 - (c) *Collect and report data the judicial districts are required to report under the fiscal incentive program.*
- (8) *The cabinet shall report annually to the oversight council created in Section 3 of this Act on the fiscal incentive program, outcomes achieved, and cost savings realized through reductions in the use of detention and commitments.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The Juvenile Justice Oversight Council is created for the purpose of providing independent review of the state juvenile justice system and providing recommendations to the General Assembly. The council is to actively engage in the implementation of the juvenile justice reforms in this Act, collect and review performance measurement data, and continue to review the juvenile justice system for changes that improve public safety, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs.*
- (2) (a) *The membership of the council shall include the following:*
1. *The secretary of the Justice and Public Safety Cabinet, ex officio;*
 2. *The commissioner of the Department of Behavioral Health, Developmental and Intellectual Disabilities, ex officio;*
 3. *The commissioner of the Department for Community Based Services, ex officio;*
 4. *The commissioner of the Department of Juvenile Justice, ex officio;*
 5. *The commissioner of the Department of Education, ex officio;*
 6. *The director of the Administrative Office of the Courts, ex officio;*
 7. *The Public Advocate, ex officio;*
 8. *The Senate chair of the Committee on Judiciary, nonvoting ex officio;*
 9. *The House chair of the Committee on Judiciary, nonvoting ex officio; and*
 10. *Five (5) at-large members appointed by the Governor, as follows:*
 - a. *One (1) member representing public schools or an education group or organization;*
 - b. *One (1) District Judge nominated by the Chief Justice of the Kentucky Supreme Court;*
 - c. *One (1) member representing law enforcement;*

- d. *One (1) member of the County Attorneys' Association nominated by the Attorney General; and*
 - e. *One (1) member representing community-based organizations, whether for-profit or nonprofit, with experience in programs for juveniles, including substance abuse prevention and treatment, case management, mental health, or counseling.*
- (b) *The chairs of the House and Senate Judiciary shall serve as co-chairs.*
- (c) *At-large members shall be appointed by August 1, 2014, and shall serve a term of two (2) years, and may be reappointed.*
- (d) *Each ex officio member, except for legislative members, may designate a proxy by written notice to the council prior to call of order of each meeting, and the proxy shall be entitled to participate as a full voting member.*
- (e) *Except as otherwise provided by law, members shall not be compensated for being members of the council but shall be reimbursed for ordinary travel expenses, including meals and lodging, incurred while performing council business.*
- (f) *The council shall meet at least quarterly. A quorum, consisting of a majority of the membership of the council, shall be required for the transaction of business. Meetings shall be held at the call of the chair, or upon the written request of two (2) members to the chair.*
- (3) *The council shall:*
 - (a) *Oversee the implementation of the reforms contained in this Act, including:*
 - 1. *Review of the performance measures to be adopted and recommend modifications;*
 - 2. *Ensure all policies are implemented in accordance with the time frames established;*
 - 3. *Ensure the fiscal incentive program established pursuant to Section 2 of this Act is implemented and continue to review the program; and*
 - 4. *Review the Department of Juvenile Justice facilities plan submitted following a reduction of population and make recommendations to the General Assembly as to the plan and any changes to the reinvestment of savings achieved from the closure of any facilities;*
 - (b) *Collect and review performance data and recommend any additional performance measures needed to identify outcomes in the juvenile justice system;*
 - (c) *Review the information received from the Department of Education pursuant to Section 10 of this Act, and determine whether any action is necessary, including additional performance measures, funding, or legislation;*
 - (d) *Continue review of juvenile justice areas determined appropriate by the council, including:*
 - 1. *Status offense reform;*
 - 2. *Necessary training for school resource officers and school security officers, as defined in Section 13 of this Act, in juvenile justice best practices, research and impacts on recidivism and long-term outcomes;*
 - 3. *Graduated sanctions protocols in public schools, including their current use and their development statewide;*
 - 4. *A minimum age of criminal responsibility;*
 - 5. *Competency;*
 - 6. *Reforms to the Family Resource and Youth Service Centers in the Cabinet for Health and Family Services;*
 - 7. *Population levels in Department of Juvenile Justice facilities, and the potential for closure of facilities while maintaining staffing ratios necessary to comply with applicable accreditation standards; and*
 - 8. *Whether juvenile court hearings should be open to the public; and*

(e) *Report by November 2014, and by November of each year thereafter to the Interim Joint Committee on Judiciary and the Governor and make recommendations to the General Assembly for any additional legislative changes the council determines appropriate.*

(4) *The council shall be attached to the Justice and Public Safety Cabinet for administrative purposes.*

(5) *The council shall terminate on July 1, 2022, unless the General Assembly extends the term of the council.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

(1) *Beginning July 1, 2016, fifty percent (50%) of state moneys expended by the department on programs shall be for programs that are in accordance with evidence-based practices.*

(2) *Beginning July 1, 2018, and thereafter, seventy-five percent (75%) of state moneys expended by the department on programs shall be for programs that are in accordance with evidence-based practices.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The Department of Juvenile Justice shall promulgate administrative regulations that shall include:

(1) *Development or adoption of a validated risk and needs assessment that:*

(a) *Considers factors such as the severity of the current offense, the child's previous public offense record, and the child's assessed criminal risk factors;*

(b) *Is administered for all children adjudicated on a public offense prior to disposition and at regular intervals thereafter to determine risk levels and to identify intervention needs; and*

(c) *Is implemented based on policies and practices for utilization of the assessment instrument to objectively guide placement and the length and type of treatment for each child committed to the department or probated to the department or other entity;*

(2) *The provision of treatment for committed and probated children in accordance with evidence-based practices, including, at a minimum:*

(a) *Development of a case plan for each child committed to the department or probated to the department that targets the risk factors identified in the assessment, is responsive to individual characteristics, involves the family as appropriate, provides supervision or monitoring of children according to their case plan, and establishes a treatment plan in accordance with subsection (3) of this section; and*

(b) *Development and implementation of a graduated sanctions protocol of swift, certain, proportionate, and graduated sanctions that a probation officer or employee of the department shall apply in response to a child's violations of the terms or conditions of probation. The graduated sanctions protocol shall:*

1. *Include a continuum of sanctions that take into account factors such as the severity of the current violation, the child's previous criminal record, the number and severity of any previous probation violations, the child's assessed risk level, and the extent to which graduated sanctions were imposed for previous violations. The system shall also define positive reinforcements that the probated child may receive for compliance with his or her terms or conditions of probation. A sanction of up to thirty (30) days' out-of-home placement may be imposed for a violation of the terms of probation. A child shall not be committed or recommitted to the Department of Juvenile Justice for the violation of the conditions of probation;*

2. *Provide that judicial review, for a probated youth, or an administrative hearing for a committed youth, shall not be necessary to impose graduated sanctions less than out-of-home placement; and*

3. *Require that less-restrictive graduated sanctions be utilized prior to requesting judicial review unless there is clear and convincing evidence that there are no graduated sanctions available that are appropriate for the child and the child is an immediate threat to himself, herself, or others;*

(3) *Development and implementation of treatment plans for committed and probated children that:*

- (a) *Take into consideration the severity of the current offense and the child's assessed risk and needs as identified by a validated risk and needs assessment;*
- (b) *Involve the family in the treatment plan as appropriate; and*
- (c) *Allow a child to complete treatment in the community if resources are available rather than in a secure or nonsecure facility;*
- (d) *For committed children may include:*
 - 1. *A maximum of four (4) months of out-of-home placement if the child was adjudicated for an offense that would be a misdemeanor if committed by an adult, other than a violation of KRS Chapter 510 or an offense involving a deadly weapon;*
 - 2. *A maximum of eight (8) months of out-of-home placement if the child was adjudicated for an offense that would be a Class D felony if committed by an adult, other than a violation of KRS Chapter 510 or an offense involving a deadly weapon; and*
 - 3. *A provision that if a child has reached the maximum time allowed in out-of-home placement, as specified in paragraphs (a) and (b) of this subsection, and further out-of-home placement is determined to be necessary for completion of treatment, the child may be held for an additional period only upon approval of the Administrative Transfer Request Committee, or another appropriate entity within the department as designated by the commissioner of the department after review of the facts and circumstances warranting the need for continued out-of-home placement. If the commissioner approves continued out-of-home placement, the maximum time the placement may be continued is the maximum originally allowed under paragraphs (a) and (b) of this subsection and the total period of commitment shall not exceed that permitted under Section 47 of this Act;*
- (4) *Development and implementation of professional development programs for department staff who interact with or who are responsible for the treatment, supervision, or placement of children, that includes training on juvenile justice research relating to effectiveness of juvenile justice interventions, impacts of out-of-home placement, alternatives to incarceration, use of graduated sanctions, case planning, administration of a validated risk and needs assessment, and training to address specific issues such as domestic violence, trauma, and family engagement;*
- (5) *Development of procedures for measuring the outcomes of each treatment and intervention program and practice to demonstrate that the program or practice has a documented evidence base and has been evaluated for effectiveness in reducing recidivism for the children it serves, including:*
 - (a) *A process for reviewing the objective criteria for evidence-based programs and practices established by the agency providing the program;*
 - (b) *A process for auditing the effectiveness of the programs; and*
 - (c) *An opportunity for programs that do not meet the criteria based on the audit results to develop and implement a corrective action plan within one hundred eighty (180) days of the audit;*
- (6) *Development of procedures to track juvenile recidivism, which shall include adjudication of a new public offense or conviction of a crime within three (3) years of release from an out-of-home placement or release from commitment, and collaboration with the Department of Corrections and the Administrative Office of the Courts to obtain adult conviction and incarceration information to enable collection of recidivism data;*
- (7) *Development of procedures to track the pre-adjudication and post-adjudication admissions beginning no later than August 1, 2014; and*
- (8) *Development of procedures to ensure maximum utilization of available federal funding resources which may be available to the agency.*

As used in this section, "evidence-based practices," "graduated sanction," "out-of-home placement," and "risk and needs assessment" have the same meanings as in Section 24 of this Act.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *There is established within the department a Division of Placement Services that shall be responsible:*
 - (a) *For the management, policy direction, and coordination of all matters relating to the classification, evaluation, and placement of juveniles committed to or detained by the department;*

- (b) *For the transportation of juveniles committed to or detained by the department;*
- (c) *If the division places a juvenile in a county other than the county of adjudication or sentencing, for notifying a department caseworker in the county of placement of this fact; and*
- (d) *For notifying the District Court in the county of placement of the juvenile's complete offense record.*
- (2) *Any savings achieved by the Department of Juvenile Justice as a result of a reduction in the population in Department of Juvenile Justice facilities shall be reinvested as follows:*
 - (a) *Fifty percent (50%) of all savings shall be reinvested into Department of Juvenile Justice community supervision and aftercare services;*
 - (b) *Twenty-five percent (25%) shall be reinvested in day treatment centers; and*
 - (c) *Twenty-five percent (25%) shall be reinvested in the fiscal incentive program established in Section 2 of this Act.*

The oversight council established in Section 3 of this Act may recommend to the General Assembly modifications to the allocation of funds under this subsection.

➔ Section 7. KRS 15A.067 is amended to read as follows:

- (1) As used in this section, "facility" means any of the facilities specified in KRS 15A.200 operated by a political subdivision of the Commonwealth of Kentucky and juvenile detention facilities operated by the Commonwealth of Kentucky for the care of juveniles alleged to be delinquent or adjudicated delinquent.
- (2)
 - (a) There is established within the department~~[of Juvenile Justice]~~ a Division of Program Services that shall be responsible for ensuring the delivery of appropriate educational programs to incarcerated youth. Each facility shall provide educational services to youth ordered by the court to remain in the juvenile detention facility.
 - (b) Any other statutes to the contrary notwithstanding, the department ~~[of Juvenile Justice]~~ shall have access to all educational records, public or private, of any juvenile in a facility or program or informal adjustment authorized by law.
 - (c) The Division of Program Services shall ensure that all incarcerated youth be provided appropriate screening and educational programs as follows:
 - 1. For students identified before incarceration as having an educational disability, the Division of Program Services shall make specially designed instruction and related services available as required by Kentucky Board of Education administrative regulations applicable to students with disabilities.
 - 2. For students incarcerated for more than fourteen (14) days, the division shall ensure that appropriate screening is provided to all youth. Screening shall include but not be limited to seeking the juvenile's educational record.
 - 3. For students incarcerated for more than thirty (30) days, the division shall ensure that all youth are provided an appropriate education.
 - (d) The department ~~[of Juvenile Justice]~~ shall be responsible for providing, in its contracts with **non-state-operated**~~[private]~~ juvenile detention facilities~~[and county jails]~~, the specific obligations of those entities to provide educational services to incarcerated juveniles consistent with this section, including funding provisions.
 - (e) The Department of Education and all local school district administrators shall cooperate with officials responsible for the operation of juvenile detention facilities and with the Division of Program Services to ensure that all documents necessary to establish educational status and need shall follow the students who are being held in these facilities so the students can be afforded educational opportunities.
 - (f)
 - 1. Upon disposition by the juvenile court that an adjudicated juvenile shall stay in a juvenile detention facility for any period of time, the facility shall notify the juvenile's last resident school district of the student's whereabouts.
 - 2. Within five (5) days after the juvenile is released, the Division of Program Services shall notify the district in which the student will reside of the youth's release and educational status and forward any educational records.

- (g) The department~~[of Juvenile Justice]~~ shall, after consultation with the Department of Education, promulgate an administrative regulation for the effective implementation of this section.

~~{(3) There is established within the Department of Juvenile Justice a Division of Placement Services that shall be responsible for the management, policy direction, and coordination of all matters relating to the classification, evaluation, and placement of juveniles committed to or detained by the department. The division shall also be responsible for the transportation of juveniles committed to or detained by the department. If the division places a juvenile in a county other than the county of adjudication or sentencing, then the division shall be responsible for notifying a department caseworker in the county of placement of this fact. The division shall also notify the district court in the county of placement of the juvenile's complete offense record.}~~

➔Section 8. KRS 15A.200 is amended to read as follows:

As used in KRS 15A.210 to 15A.240 and KRS 15A.990:

- (1) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training developed and approved by, the Department of Juvenile Justice;
- ~~(2) "Intermittent holding facility" means a physically secure setting, approved by the Department of Juvenile Justice, which is entirely separated from sight and sound from all other portions of a jail containing adult prisoners in which a child accused of a public offense may be detained for a period not to exceed twenty four (24) hours, exclusive of weekends and holidays, prior to a detention hearing as provided in KRS 610.265, and in which children are supervised and observed on a regular basis by certified juvenile facility staff. Employees of jails who meet the qualifications of the Department of Juvenile Justice may supervise juvenile as well as adult prisoners;~~
- ~~(3) "Juvenile holding facility" means a physically secure setting, approved by the Department of Juvenile Justice, which is an entirely separate facility or portion or wing of a building containing an adult jail, which provides total separation between juvenile and adult facility spatial areas, and which is staffed exclusively by sufficient certified juvenile facility staff to provide twenty four (24) hours per day, supervision. Employees of jails who meet the qualifications of the Department of Juvenile Justice may supervise juvenile as well as adult prisoners;~~
- ~~(4) "Secure juvenile detention facility" means any facility used for the secure detention of children other than a jail, police station, lockup, [intermittent holding facility,] or any building which is a part of or attached to any facility in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined;~~
- ~~(3){(5)}~~ "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the nonsecure detention of juveniles; and
- ~~(4){(6)}~~ The term "facility" or "facilities" as used in KRS 15A.210 to 15A.240 shall mean the facilities defined in this section.

➔Section 9. KRS 15A.305 is amended to read as follows:

- (1) The Department of Juvenile Justice shall, with available funds, develop and administer a statewide detention program and, as each regional facility is constructed and ready for occupancy, shall, within appropriation limitations, provide for:
 - (a) The operation of preadjudication detention facilities for children charged with public offenses; and
 - (b) The operation of postadjudication detention facilities for children adjudicated delinquent or found guilty of public offenses.
- (2) In each region in which the Department of Juvenile Justice operates or contracts for the operation of a detention facility, the department shall, within appropriation limitations, develop and administer a program for alternatives to secure detention that shall provide for:
 - (a) The operation of or contracting for the operation of preadjudication alternatives to secure detention and follow-up programs for juveniles who are before the court ~~or [and]~~ who enter pretrial diversion or informal adjustment programs; and
 - (b) The operation of or contracting for the operation of postadjudication alternatives to secure detention and follow-up programs, including but not limited to community-based programs, mentoring, counseling, and other programs designed to limit the unnecessary use of secure detention and ensure public safety.

- (3) The department shall develop and implement a system to immediately notify the Cabinet for Health and Family Services when a status offender or child alleged to be a status offender has been detained for the alleged violation of a valid court order.
- (4) The department may, except as provided in KRS 635.060, charge counties, consolidated local governments, and urban-county governments a per diem not to exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted facilities.
- (5) Detention rates charged by contracting detention facilities shall not exceed the rate in effect on July 1, 1997, subject to increases approved by the department.
- (6) No juvenile detention facility, as defined in KRS 15A.200, shall be taken over, purchased, or leased by the Commonwealth without prior approval of the fiscal court upon consultation with the jailer in the county where the facility is located. The county, upon consultation with the jailer, may enter into contracts with the Commonwealth for the holding, detention, and transportation of juveniles.

➔Section 10. KRS 156.095 is amended to read as follows:

- (1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.
- (2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.
 - (a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.
 - (b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.
- (3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:
 - (a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;
 - (b) Curriculum content and methods of instruction for each content area, including differentiated instruction;
 - (c) School-based decision making;
 - (d) Assessment literacy;
 - (e) Integration of performance-based student assessment into daily classroom instruction;

- (f) Nongraded primary programs;
 - (g) Research-based instructional practices;
 - (h) Instructional uses of technology;
 - (i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;
 - (j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;
 - (k) Educational leadership; and
 - (l) Strategies to incorporate character education throughout the curriculum.
- (4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.
- (5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.
- (a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.
 - (b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.
 - (c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.
- (6) (a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services shall post on its Web page suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The Web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.
- (b) By September 1, 2010, and September 1 of each year thereafter, every public middle and high school administrator shall disseminate suicide prevention awareness information to all middle and high school students. The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.
- (7) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.
- (8) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet

the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
 - (b) Plan specific instructional strategies to teach at-risk students;
 - (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
 - (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
 - (e) Significantly reduce the dropout rate of all students.
- (9) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.
- (10) *The department shall annually provide to the oversight council established in Section 3 of this Act, the information received from local schools pursuant to Section 11 of this Act.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

Each local school shall annually provide to the Department of Education, through the Kentucky Department of Education's student information system, an assessment of school incidents relating to disruptive behaviors resulting in a complaint, including whether:

- (1) *The incident involved a public offense or noncriminal misconduct;*
- (2) *The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and*
- (3) *The report was initiated by a school resource officer.*

➔Section 12. KRS 158.148 is amended to read as follows:

- (1) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, ***the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents,*** the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:
 - (a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
 - (b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
 - (c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.
- (2) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (1) of this section.
- (3) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.

- (4) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.
- (a) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.
 - (b) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
 - (c) The code shall contain:
 1. Procedures for identifying, documenting, and reporting incidents of violations of the code and incidents for which reporting is required under KRS 158.156;
 2. Procedures for investigating and responding to a complaint or a report of a violation of the code or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;
 3. A strategy or method of protecting from retaliation a complainant or person reporting a violation of the code or an incident for which reporting is required under KRS 158.156;
 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and
 5. Information regarding the consequences of violating the code and violations reportable under KRS **158.154**, 158.156, or 158.444.
 - (d) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
 - (e) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

➔Section 13. KRS 158.441 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;~~[-]~~
- (2) "School resource officer" means a sworn law enforcement officer who has specialized training to work with youth at a school site. The school resource officer shall be employed through a contract between a local law enforcement agency and a school district; **and**
- (3) ***"School security officer" means a person employed by a local board of education who has been appointed a special law enforcement officer pursuant to KRS 61.902 and who has specialized training to work with youth at a school site.***

➔Section 14. KRS 159.140 is amended to read as follows:

- (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:

- (a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;
 - (b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;
 - (c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;
 - (d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes;
 - (e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;
 - (f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;
 - (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;
 - (h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and
 - (i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education.
- (2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.
- (3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted *and may, after consultation with the court-designated worker, refer the case to the family accountability, intervention, and response team.*

➔Section 15. KRS 159.150 is amended to read as follows:

- (1) Any student who has attained the age of six (6) years, but has not reached his or her eighteenth birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.
- (2) Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his or her twenty-first birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.
- (3) Any student who has been reported as a truant two (2) or more times is an habitual truant.
- (4) For the purposes of establishing a student's status as a truant, the student's attendance record is cumulative for an entire school year. If a student transfers from one (1) Kentucky public school to another during a school year, the receiving school shall incorporate the attendance information provided under KRS 159.170 in the student's official attendance record.
- (5) A local board of education may adopt reasonable policies that:
 - (a) Require students to comply with compulsory attendance laws;
 - (b) Require truants and habitual truants to make up unexcused absences;~~and~~
 - (c) Impose sanctions for noncompliance; *and*
 - (d) *Collaborate and cooperate with the Court of Justice, the Department for Community Based Services, the Department of Juvenile Justice, regional community mental health centers, and other service providers to implement and utilize early intervention and prevention programs, such as truancy*

diversion, truancy boards, mediation, and alternative dispute resolution to reduce referrals to a court-designated worker.

➔Section 16. KRS 164.2847 is amended to read as follows:

- (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:
 - (a) The student's family receives state-funded adoption assistance under KRS 199.555;
 - (b) The student is currently committed to the Cabinet for Health and Family Services under KRS 610.010(5) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
 - (c) The student is in an independent living program and the placement is funded by the Cabinet for Health and Family Services;
 - (d) The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Health and Family Services. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident; or
 - (e) The Cabinet for Health and Family Services was the student's legal custodian on his or her eighteenth birthday.
- (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:
 - (a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
 - (b) The student has been committed to the Department of Juvenile Justice for a period of at least **twelve (12) months**~~two (2) years~~;
 - (c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
 - (d) The parental rights of the student's biological parents have been terminated; or
 - (e) The student was committed to the Cabinet for Health and Family Services prior to a commitment to the Department of Juvenile Justice.
- (3) Upon request of the postsecondary institution, the Cabinet for Health and Family Services shall confirm the eligibility status under subsection (1) of this section and the Department of Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.
- (4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 10871l, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.
- (5) The student shall be eligible for the tuition waiver:
 - (a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school; and
 - (b) For a period of five (5) years after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained, except when extended in accordance with subsection (6) of this section.

- (6) The expiration of a student's five (5) year eligibility under subsection (5)(b) of this section shall be extended upon a determination by the institution that the student was unable to enroll for or complete an academic term due to serving:

- (a) On active duty status in the United States Armed Forces;
- (b) As an officer in the Commissioned Corps of the United States Public Health Service; or
- (c) On active service in the Peace Corps Act or the Americorps.

The original expiration date shall be extended by the total number of years during which the student was on active duty status. The number of months served on active duty status shall be rounded up to the next higher year to determine the maximum length of eligibility extension allowed.

- (7) The Cabinet for Health and Family Services shall report the number of students participating in the tuition waiver program under subsection (1) of this section and the Department of Juvenile Justice shall report the number of students participating in the tuition waiver program under subsection (2) of this section on October 1 each year to the Council on Postsecondary Education and the Legislative Research Commission.
- (8) The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.
- (9) Nothing in this section shall be construed to:
- (a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
 - (b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
 - (c) Require any postsecondary institution to waive costs or fees relating to room and board; or
 - (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Health and Family Services from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

➔ Section 17. KRS 200.503 is amended to read as follows:

As used in KRS 200.501 to 200.509, unless the context otherwise requires:

- (1) ***"Child with a behavioral health need" means a child with, or at risk of developing, an emotional disability, substance abuse disorder, or mental, emotional, or behavioral needs;***
- (2) ***"Child with an emotional disability" means a child with a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is listed in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and seriously limits a child's capacity to function in the home, school, or community;[-]***
- ~~(3)(2)~~ ***"Child with a severe emotional disability" means a child with a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is listed in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and that:***
 - (a) Presents substantial limitations that have persisted for at least one (1) year or are judged by a mental health professional to be at high risk of continuing for one (1) year without professional intervention in at least two (2) of the following five (5) areas: "Self-care," defined as the ability to provide, sustain, and protect his or herself at a level appropriate to his or her age; "Interpersonal relationships," defined as the ability to build and maintain satisfactory relationships with peers and adults; "Family life," defined as the capacity to live in a family or family type environment; "Self-direction," defined as the child's ability to control his or her behavior and to make decisions in a manner appropriate to his or her age; and "Education," defined as the ability to learn social and intellectual skills from teachers in available educational settings; or
 - (b) Is a Kentucky resident and is receiving residential treatment for emotional disability through the interstate compact; or
 - (c) The Department for Community Based Services has removed the child from the child's home and has been unable to maintain the child in a stable setting due to behavioral or emotional disturbance; or

- (d) Is a person under twenty-one (21) years of age meeting the criteria of paragraph (a) of this subsection and who was receiving services prior to age eighteen (18) that must be continued for therapeutic benefit; ~~and~~
- ~~(4)(3)~~ "State Family Advisory Council" means the council composed of all parent members or alternate parent members of the state, regional, and local interagency councils for services to children with **a behavioral health need**~~[an emotional disability]~~ pursuant to KRS 200.505 and 200.509 and all parent members of regional policy councils; ~~and~~
- ~~(5)(4)~~ "Least restrictive alternative mode of treatment" means treatment given in the least confining setting which will provide a child with an emotional disability or severe emotional disability appropriate treatment or care consistent with accepted professional practice. For purposes of this section, least restrictive alternative mode of treatment may include an institutional placement.

➔ Section 18. KRS 200.505 is amended to read as follows:

There is hereby created a State Interagency Council for Services to Children~~[with an Emotional Disability]~~. The chairperson of the council shall be designated by the Governor and shall establish procedures for the council's internal procedures.

(1) This council shall be composed of the following:

- (a) Members who shall serve by virtue of their positions: the commissioner of the Department of Education, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, the commissioner of the Department for Community Based Services, the commissioner of the Department for Public Health, the commissioner of the Department for Medicaid Services, the commissioner of the Department of Juvenile Justice, the director of the Division of Family Resource and Youth Services Centers, the executive director of the Commission for Children with Special Health Care Needs, and the general manager of the Division of Juvenile Services of the Administrative Offices of the Courts, or their designees;
- (b) The Governor shall appoint one (1) parent of a child with **a behavioral health need**~~[an emotional disability]~~, who is a consumer of state-funded services for children with **a behavioral health need**~~[an emotional disability]~~ to serve as a member of the council, and one (1) parent who meets the same criteria to serve as the parent member's alternate to serve in the absence of the parent member. For each appointment to be made, the State Family Advisory Council shall submit to the Governor a list of two (2) names of parents who are qualified for appointment from which list the Governor shall make the appointment. Appointees shall serve a term of four (4) years. If the child of the parent member or alternate parent member ceases to be a consumer of state-funded services for children with **a behavioral health need**~~[an emotional disability]~~ during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment. The alternate parent member may attend and participate in all council meetings but shall vote only in the absence of the parent member. The parent member and alternate parent member shall receive no compensation in addition to that which they may already receive as service providers or state employees, but the parent member and alternate parent member shall be reimbursed for expenses incurred through the performance of their duties as council members;
- (c) The chairperson of the council shall appoint one (1) youth between the ages of fourteen (14) and twenty-five (25), who has a mental health disorder or co-occurring disorder and is or has been a consumer of state-funded services for children with **a behavioral health need**~~[an emotional disability]~~, to serve as a member of the council, and one (1) youth who meets the same criteria to serve as the youth member's alternate in the absence of the youth member. For each appointment to be made, the Statewide Youth Council of the Kentucky Partnership for Families and Children shall submit to the chairperson a list of four (4) names of youth who are qualified for appointment, from which list the chairperson shall make the appointment. Appointees shall serve a term of two (2) years, and the youth member and the youth member's alternate shall be eligible to serve out the remainder of their term of appointment regardless of age. The alternate youth member may attend and participate in all council meetings but shall vote only in the absence of the youth member. The youth member and alternate youth member shall receive no compensation in addition to that which they may already receive as service providers or state employees, but the youth member and alternate youth member shall be reimbursed for expenses incurred through the performance of their duties as council members; and
- (d) At the end of a term, a member shall continue to serve until a successor is appointed.

- (2) The State Interagency Council for Services to Children~~[with an Emotional Disability]~~ shall:
- (a) Consider issues and make recommendations annually to the Governor and the Legislative Research Commission regarding the provision of services for children with an emotional disability;
 - (b) Direct each regional interagency council to:
 - 1. Coordinate services to children with an emotional disability and identify factors contributing to a lack of coordination; *and*
 - 2. *Participate in family accountability, intervention, and response teams established pursuant to Section 26 of this Act;*
 - (c) Develop a form to be signed by the parent or other legal guardian of a child referred for services to any interagency council for children with *a behavioral health need*~~[an emotional disability]~~. The form shall enable the agencies involved with the child to share information about the child as necessary to identify and provide services for the child;
 - (d) Review service and treatment plans for children for whom reviews are requested, and provide any advice and assistance that the state council determines to be necessary to meet the needs of children with *a behavioral health need*~~[an emotional disability]~~ referred by regional councils;
 - (e) Assess the effectiveness of regional councils in meeting the service needs of children with *a behavioral health need*~~[an emotional disability]~~;
 - (f) Establish a uniform grievance procedure for the state, to be implemented by each regional interagency council. Appeals may be initiated by the child, parent, guardian, person exercising custodial control or supervision, or other authorized representative about matters relating to the interagency service plan for the child or the denial of services by the regional interagency council. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B;
 - (g) Meet at least monthly and maintain records of meetings, except that records that identify individual children shall only be disclosed as provided by law;
 - (h) Adopt interagency agreements as necessary for coordinating services to children with *a behavioral health need*~~[an emotional disability]~~ by the agencies represented in the state council;
 - (i) Develop services to meet the needs of children with *a behavioral health need*~~[an emotional disability]~~; and
 - (j) Promote services to prevent the *behavioral health need*~~[emotional disability]~~ of a child.
- (3) The State Interagency Council for Services to Children~~[with an Emotional Disability]~~ may promulgate administrative regulations necessary to comply with the requirements of KRS 200.501 to 200.509.

➔Section 19. KRS 200.509 is amended to read as follows:

- (1) There are hereby created regional interagency councils for services to children *with a behavioral health need*~~[with an emotional disability]~~. These councils shall be formed in each area development district within the Commonwealth of Kentucky, except that those area development districts that contain a county with a population greater than one hundred thousand (100,000) may form up to three (3) such councils. The regional interagency councils for services to children *with a behavioral health need*~~[with an emotional disability]~~ shall be chaired by the service region administrator of the Department for Community Based Services or a program specialist with expertise in this service area as the district supervisor's designee. Each council shall be composed of the following members:
- (a) The children's services coordinator from each regional community mental health center or their designee in the case of a multicouncil district;
 - (b) One (1) *court-designated*~~[court-designated]~~ worker chosen by the Chief Regional District Judge within the region;
 - (c) One (1) specialist in special education chosen by the school district superintendents in the area served by the regional council;
 - (d) One (1) parent of a child *with a behavioral health need*~~[with an emotional disability]~~, who is a consumer of state-funded services for children *with a behavioral health need*~~[with an emotional disability]~~, and one (1) parent who meets the same criteria to serve as the parent member's alternate,

who may attend and participate in all council meetings, but shall vote only in the absence of the parent member. For each appointment to be made, the regional interagency council for which the appointment is to be made shall submit to the Governor a list of two (2) names of parents who are qualified for appointment from which list the Governor shall make the appointment. Appointees shall serve a term of four (4) years. If the child of the parent member or alternate parent member ceases to be a consumer of state-funded services for children with an emotional disability during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment;

- (e) Any other local public or private agency that provides services to children with **a behavioral health need**~~[an emotional disability]~~ which the regional interagency council may invite to have a representative become a permanent or temporary member of the council; and
 - (f) Representatives from the Department of Juvenile Justice and local health departments.
- (2) No member of a regional interagency council for services to children **with a behavioral health need**~~[with an emotional disability]~~ shall be given compensation in addition to that which they already receive as service providers or state employees, except that the parent members and alternate parent members of regional interagency councils shall be reimbursed for all expenses incurred through the performance of their duties as council members.
- (3) Each regional interagency council for services to children **with a behavioral health need**~~[with an emotional disability]~~ shall perform the following functions:
- (a) Review case histories of children referred to it by its members or any other entity within its geographical area to coordinate service provision;
 - (b) Coordinate the development of interagency service plans for children with **a behavioral health need**~~[an emotional disability]~~ in the least restrictive alternative mode of treatment;
 - (c) Identify the time frames necessary and the parties responsible for the timely development of the interagency service plans for children with **a behavioral health need**~~[an emotional disability]~~;
 - (d) Verify that services identified in interagency service plans are developed, accessed, and delivered in a coordinated and timely manner;
 - (e) Initiate and adopt interagency agreements as necessary for providing services to children with **a behavioral health need**~~[an emotional disability]~~ by the agencies represented in the regional council;
 - (f) Advise the state interagency council regarding service delivery to children with **a behavioral health need**~~[an emotional disability]~~ within the region;
 - (g) Refer those children for whom the regional councils cannot provide adequate services to the state interagency council;
 - (h) Implement the uniform grievance procedure established by the state interagency council;
 - (i) Make periodic reports to the state interagency council regarding the number of children referred to the regional council and the progress made in meeting the needs of each child;
 - (j) Recognize local interagency councils for services to children with **a behavioral health need**~~[an emotional disability]~~ when it determines the council would be beneficial to service delivery;~~[and]~~
 - (k) **Participate in family accountability, intervention, and response teams established pursuant to Section 26 of this Act; and**
 - (l) Promote services to ~~meet~~~~[prevent]~~ the **behavioral health need**~~[emotional disability]~~ of a child.
- (4) The secretary for health and family services and the designee of the State Department of Education shall ensure that regional councils for services to children with **a behavioral health need**~~[an emotional disability]~~ are formed~~[by October 1, 1990]~~.
- (5) Local interagency councils for services to children with **a behavioral health need**~~[an emotional disability]~~ may be formed as necessary to enhance service provision, better coordinate services, or initiate special projects and fundraising activities for children with **a behavioral health need**~~[an emotional disability]~~ within a city, county, or other local community.

➔Section 20. KRS 438.311 is amended to read as follows:

- (1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has not attained the age of eighteen (18) years to purchase or accept receipt of or to attempt to purchase or accept receipt of a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for such a person to accept receipt of a tobacco product ~~from a family member, except if the child has been committed to the custody of the state under KRS Chapters 600 to 645, or~~ from an employer when required in the performance of the person's duties.
- (2) ~~[Violation of this section shall be punishable by a fine of fifty dollars (\$50) and twenty (20) hours of community service work for a first offense within a one (1) year period, and a fine of two hundred dollars (\$200) and forty (40) hours of community service work for a second or subsequent offense within a one (1) year period.~~
- ~~(3)~~ This offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.
- ~~(3)~~~~(4)~~ All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but not make an arrest or take a child into custody, for a violation of this section. If a child fails to appear in court in response to a uniform citation issued pursuant to the section, the court may compel the attendance of the defendant in the manner specified by law.

➔Section 21. KRS 441.055 is amended to read as follows:

- (1) The Department of Corrections shall for those counties which elect to house state prisoners in their jail:
 - (a) Adopt the recommendations of the Jail Standards Commission created pursuant to Executive Order Number 81-1026 and promulgate regulations pursuant to KRS Chapter 13A establishing minimum standards for jails. These standards shall include, but not be limited to, rules governing the following areas:
 1. Health and safety conditions;
 2. Fire safety;
 3. Jail operations, recordkeeping, and administration;
 4. Curriculum of basic and continuing annual training for jailers and jail personnel ~~including training relating to juvenile holding facilities~~;
 5. Custody, care, and treatment of prisoners;
 6. Medical care; and
 7. Jail equipment, renovation, and construction;
 - (b) Develop a jail standards review process, which shall include the participation of persons knowledgeable of jail operations to review and amend the standards as necessary. The jail standards shall be reviewed no later than December 31, 1992, and at least every two (2) years thereafter. Fifty percent (50%) of the participants in the review process shall be appointed from persons representing county interests and fifty percent (50%) shall be appointed from persons representing state interests; and
 - (c) Provide technical assistance and consultation to local governments in order to facilitate compliance with standards.
- (2) The department shall, for those counties that elect not to hold state prisoners in their jails, adopt the recommendations of the Jail Standards Commission and promulgate administrative regulations pursuant to KRS Chapter 13A to establish minimum standards for those jails. These standards shall be limited to health and life safety.
- (3) The department may establish classifications of jails based on the maximum permissible period of incarceration or other criteria and promulgate standards for each class of jail.

➔Section 22. KRS 532.045 is amended to read as follows:

- (1) As used in this section:
 - (a) "Position of authority" means but is not limited to the position occupied by a biological parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational staff, or volunteer who is an adult, adult athletic manager, adult coach, teacher, classified school employee,

certified school employee, counselor, staff, or volunteer for either a residential treatment facility~~[-a holding facility as defined in KRS 600.020,]~~ or a detention facility as defined in KRS 520.010(4), staff or volunteer with a youth services organization, religious leader, health-care provider, or employer;

- (b) "Position of special trust" means a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor; and
 - (c) "Substantial sexual conduct" means penetration of the vagina or rectum by the penis of the offender or the victim, by any foreign object; oral copulation; or masturbation of either the minor or the offender.
- (2) Notwithstanding other provisions of applicable law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within the provision of this section be stricken for a person convicted of violating KRS 510.050, 510.080, 529.040, 529.070, 529.100 where the offense involves commercial sexual activity, 530.020, 531.310, 531.320, or 531.370, or criminal attempt to commit any of these offenses under KRS 506.010, and, who meets one (1) or more of the following criteria:
- (a) A person who commits any of the offenses enumerated in this subsection against a minor by the use of force, violence, duress, menace, or threat of bodily harm;
 - (b) A person who, in committing any of the offenses enumerated in this subsection, caused bodily injury to the minor;
 - (c) A person convicted of any of the offenses enumerated in this subsection and who was a stranger to the minor or made friends with the minor for the purpose of committing an act constituting any of the offenses enumerated in this subsection, unless the defendant honestly and reasonably believed the minor was eighteen (18) years old or older;
 - (d) A person who used a dangerous instrument or deadly weapon against a minor during the commission of any of the offenses enumerated in this subsection;
 - (e) A person convicted of any of the offenses enumerated in this subsection and who has had a prior conviction of assaulting a minor, with intent to commit an act constituting any of the offenses enumerated in this subsection;
 - (f) A person convicted of kidnapping a minor in violation of the Kentucky Penal Code and who kidnapped the minor for the purpose of committing an act constituting any of the offenses enumerated in this subsection;
 - (g) A person who is convicted of committing any of the offenses enumerated in this subsection on more than one (1) minor at the same time or in the same course of conduct;
 - (h) A person who in committing any of the offenses enumerated in this subsection has substantial sexual conduct with a minor under the age of fourteen (14) years; or
 - (i) A person who occupies a position of special trust and commits an act of substantial sexual conduct.

Nothing in this section shall be construed to prohibit the additional period of five (5) years' postincarceration supervision required by KRS 532.043.

- (3) If a person is not otherwise prohibited from obtaining probation or conditional discharge under subsection (2), the court may impose on the person a period of probation or conditional discharge. Probation or conditional discharge shall not be granted until the court is in receipt of the comprehensive sex offender presentence evaluation of the offender performed by an approved provider, as defined in KRS 17.500 or the Department of Corrections. The court shall use the comprehensive sex offender presentence evaluation in determining the appropriateness of probation or conditional discharge.
- (4) If the court grants probation or conditional discharge, the offender shall be required, as a condition of probation or conditional discharge, to successfully complete a community-based sexual offender treatment program operated or approved by the Department of Corrections or the Sex Offender Risk Assessment Advisory Board.
- (5) The offender shall pay for any evaluation or treatment required pursuant to this section up to the offender's ability to pay but not more than the actual cost of the comprehensive sex offender presentence evaluation or treatment.

- (6) Failure to successfully complete the sexual offender treatment program constitutes grounds for the revocation of probation or conditional discharge.
- (7) The comprehensive sex offender presentence evaluation and all communications relative to the comprehensive sex offender presentence evaluation and treatment of a sexual offender shall fall under the provisions of KRS 197.440. The comprehensive sex offender presentence evaluation shall be filed under seal and shall not be made a part of the court record subject to review in appellate proceedings and shall not be made available to the public.
- (8) Before imposing sentence, the court shall advise the defendant or his counsel of the contents and conclusions of any comprehensive sex offender presentence evaluation performed pursuant to this section and afford a fair opportunity and a reasonable period of time, if the defendant so requests, to controvert them. The court shall provide the defendant's counsel and the Commonwealth's attorney a copy of the comprehensive sex offender presentence evaluation. It shall not be necessary to disclose the sources of confidential information.
- (9) To the extent that this section conflicts with KRS 533.010, this section shall take precedence.

➔ Section 23. KRS 600.010 is amended to read as follows:

- (1) KRS Chapters 600 to 645 shall be known as the Kentucky Unified Juvenile Code.
- (2) KRS Chapters 600 to 645 shall be interpreted to effectuate the following express legislative purposes:
 - (a) The Commonwealth shall direct its efforts to promoting protection of children; to the strengthening and encouragement of family life for the protection and care of children; to ***strengthening and maintaining***~~strengthen and maintain~~ the biological family unit; ***to ensuring that policies and practices utilized are supported by data and research and are monitored or measured for their effectiveness in achieving the intended results;*** and to ***offering***~~offer~~ all available resources to any family in need of them;
 - (b) It also shall be declared to be the policy of this Commonwealth that:
 - 1. All efforts shall be directed toward providing each child a safe and nurturing home;
 - 2. ***Emphasis shall be placed on involving families in interventions developed for youth, providing families with access to services necessary to address issues within the family, and increasing accountability of the youth and families within the juvenile justice system;***
 - 3. ***To the extent possible, out-of-home placement should only be utilized for youth who are high-risk or high-level offenders, and that low-risk, low-level offenders should be served through evidence-based programming in their community; and***
 - 4. ***As the population in Department of Juvenile Justice facilities is reduced through increased use of community-based treatment, and if staffing ratios can be maintained at the levels required by accreditation bodies, reductions of the number of facilities should be considered;***
 - (c) The court shall show that other less restrictive alternatives have been attempted or are not feasible in order to insure that children are not removed from families except when absolutely necessary;
 - (d) Any child brought before the court under KRS Chapters 600 to 645 shall have a right to treatment reasonably calculated, ***through the use of evidence-based programs when available,*** to bring about an improvement of his or her condition and, to the extent possible, have that treatment administered in the county of residence of the custodial parent or parents or in the nearest available county;
 - (e) KRS Chapter 635 shall be interpreted to promote the best interests of the child through providing treatment and sanctions to reduce recidivism and assist in making the child a productive citizen by ***involving the family, as appropriate, and by*** advancing the principles of personal responsibility, accountability, and reformation, while maintaining public safety, and seeking restitution and reparation;
 - (f) KRS Chapter 640 shall be interpreted to promote public safety and the concept that every child be held accountable for his or her conduct through the use of restitution, reparation, and sanctions, in an effort to rehabilitate delinquent youth; and
 - (g) It shall further be the policy of this Commonwealth to provide judicial procedures in which rights and interests of all parties, including the parents and victims, are recognized and all parties are assured prompt and fair hearings. Unless otherwise provided, such protections belong to the child individually and may not be waived by any other party.

➔Section 24. KRS 600.020 is amended to read as follows:

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

- (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:
 - (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:
 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and other drug abuse as defined in KRS 222.005;
 4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 7. Abandons or exploits the child;
 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
 9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) of the most recent twenty-two (22) months; or
 - (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;
- (2) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:
 - (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
 - (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
 - (c) The parent has sexually abused the child and has refused available treatment;
 - (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or
 - (e) The parent has caused the child serious physical injury;
- (3) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;
- (4) "Beyond the control of school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in

writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;

- (5) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;
- (6) "Cabinet" means the Cabinet for Health and Family Services;
- (7) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;
- (8) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
- (9) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;
- (10) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;
- (11) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;
- (12) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless ***otherwise provided by law***~~[the commitment is discharged under KRS Chapter 605 or the committing court terminates or extends the order];~~
- (13) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;
- (14) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;
- (15) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
- (16) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;
- (17) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- (18) "Department" means the Department for Community Based Services;
- (19) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;
- (20) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted ***or closely supervised*** environment for his or her own or the community's protection;
- (21) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;
- (22) "Diversion agreement" means ***a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services***~~[an agreement entered into between a court-designated worker and a child charged with the commission of offenses set forth in KRS Chapters 630 and 635, the purpose of which is]~~ to serve the best interest of the child and to provide redress for ***that behavior***~~[those offenses]~~ without court action and without the creation of a formal court record;

- (23) "Eligible youth" means a person who:
- (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
 - (b) Is eighteen (18) years of age to nineteen (19) years of age; and
 - (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (24) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (25) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;
- (26) ***"Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;***
- (27) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- ~~(28)~~~~(27)~~ "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (29) ***"Graduated sanction" means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:***
- (a) Electronic monitoring;***
 - (b) Drug and alcohol screening, testing, or monitoring;***
 - (c) Day or evening reporting centers;***
 - (d) Reporting requirements;***
 - (e) Community service; and***
 - (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;***
- ~~(30)~~~~(28)~~ "Habitual runaway" means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- ~~(31)~~~~(29)~~ "Habitual truant" means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150(1) two (2) or more times during a one (1) year period;
- ~~(32)~~~~(30)~~ "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- ~~(33)~~~~(31)~~ "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;
- ~~(34)~~~~(32)~~ "Informal adjustment" means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;
- ~~(35)~~~~(33)~~ "Intentionally" means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- ~~(34)~~ ~~"Intermittent holding facility" means a physically secure setting, which is entirely separated from sight and sound from all other portions of a jail containing adult prisoners, in which a child accused of a public offense may be detained for a period not to exceed twenty-four (24) hours, exclusive of weekends and holidays prior to a detention hearing as provided for in KRS 610.265, and in which children are supervised and observed on a regular basis by certified juvenile facility staff;~~

- ~~(35) "Juvenile holding facility" means a physically secure facility, approved by the Department of Juvenile Justice, which is an entirely separate portion or wing of a building containing an adult jail, which provides total sight and sound separation between juvenile and adult facility spatial areas and which is staffed by sufficient certified juvenile facility staff to provide twenty-four (24) hours per day supervision;}~~
- (36) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence ***to allow for appropriate family engagement***;
- (37) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- (38) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (39) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (40) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (41) "Nonsecure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;
- (42) "Nonsecure setting" means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- (43) ***"Out-of-home placement" means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;***
- (44) "Parent" means the biological or adoptive mother or father of a child;
- ~~(45)~~~~(44)}~~ "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;
- ~~(46)~~~~(45)}~~ "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- ~~(47)~~~~(46)}~~ "Physical injury" means substantial physical pain or any impairment of physical condition;
- ~~(48)~~~~(47)}~~ "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;
- ~~(49)~~~~(48)}~~ "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;
- ~~(50)~~~~(49)}~~ "Qualified mental health professional" means:
- (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
 - (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;

- (d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center; or
 - (g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center;
- ~~(51)~~~~(50)~~ "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;
- ~~(52)~~~~(51)~~ "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;
- (53) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;**
- ~~(54)~~~~(52)~~ "School personnel" means those certified persons under the supervision of the local public or private education agency;
- ~~(55)~~~~(53)~~ "Secretary" means the secretary of the Cabinet for Health and Family Services;
- ~~(56)~~~~(54)~~ "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;
- ~~(57)~~~~(55)~~ "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;
- ~~(58)~~~~(56)~~ "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;
- ~~(59)~~~~(57)~~ "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;
- ~~(60)~~~~(58)~~ "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;

- ~~(61)~~~~(59)~~ "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;
- ~~(62)~~~~(60)~~ (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:
1. Beyond the control of school or beyond the control of parents;
 2. Habitual Runaway;
 3. Habitual truant;
 4. Tobacco offenses as provided in KRS 438.305 to 438.340; and
 5. Alcohol offenses as provided in KRS 244.085.
- (b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;
- ~~(63)~~~~(61)~~ "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;
- ~~(64)~~~~(62)~~ "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;
- ~~(65)~~~~(63)~~ "Transition plan" means a plan that is personalized at the direction of the youth that:
- (a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and
 - (b) Is as detailed as the youth may elect;
- ~~(66)~~~~(64)~~ "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:
- (a) Who was brought before the court and made subject to the order;
 - (b) Whose future conduct was regulated by the order;
 - (c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and
 - (d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States.
- ~~(67)~~~~(65)~~ "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- ~~(68)~~~~(66)~~ "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and
- ~~(69)~~~~(67)~~ "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

➔Section 25. KRS 600.060 is amended to read as follows:

Notwithstanding any other provision of KRS Chapter 600 to 645, the inherent contempt power of the court shall not be diminished, ***except that an order of detention for a child found in contempt shall not exceed thirty (30) days.***

➔SECTION 26. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

- (1) ***There is hereby created in each judicial district a family accountability, intervention, and response team that shall develop enhanced case management plans and opportunities for services for children referred to the team. The family accountability, intervention, and response team shall consist of not more than fifteen (15) persons.***

- (2) *The membership of the team shall include the following representatives as appointed by their agencies or organizations:*
 - (a) *A court-designated worker in that judicial circuit or district;*
 - (b) *The members of the regional interagency council specified in KRS 200.509(1)(a) to (d) and (f), or corresponding members of the local interagency council if one exists;*
 - (c) *A representative from the cabinet knowledgeable about services available through the cabinet and authorized to facilitate access to services;*
 - (d) *A representative from the office of a county attorney within the judicial district;*
 - (e) *A representative from the Department of Public Advocacy;*
 - (f) *A representative from a local public school within the judicial district;*
 - (g) *A representative of law enforcement; and*
 - (h) *Other persons interested in juvenile justice issues, as identified by the family accountability, intervention, and response team, who are necessary for a complete representation of resources within each judicial circuit or district.*
- (3) *A court-designated worker from within the judicial circuit or district shall lead the team and be responsible for convening and staffing the team.*
- (4) *The team shall adopt a case management approach and process for reviewing:*
 - (a) *Referrals from the court-designated worker involving cases in which a child has failed to appear for a preliminary intake inquiry, declined to enter into a diversion agreement, or failed to complete the terms of the agreement; and*
 - (b) *Status offense cases if the court-designated worker, after reviewing the complaint, has determined that no further action is necessary.*
- (5) *After reviewing the actions taken by the court-designated worker, including referrals made for the child and his or her family, efforts to address barriers to successful completion, and whether other appropriate services are available to address the needs of the child and his or her family, the team may:*
 - (a) *Refer the case back to the court-designated worker to take further action as recommended by the team; or*
 - (b) *Advise the court-designated worker to refer the case to the county attorney if the team has no further recommendations to offer.*

➔Section 27. KRS 605.020 is amended to read as follows:

- (1) Standards for the employment of court-designated workers shall be set by the Administrative Office of the Courts.
- (2) If the Administrative Office of the Courts contracts with a public agency for the provision of the court-designated worker or workers, the contract shall specify that it is for the services, in part or in whole, of named personnel of that agency and no others. Personnel of a public agency under contract to the Administrative Office of the Courts selected as court-designated workers shall be selected in the manner set forth in the contract by and between the public agency and the Administrative Office of the Courts; shall be under the control of the Administrative Office of the Courts and the court to which they are assigned; and shall be subject to the same powers, duties, and restrictions as are court-designated workers employed by the Administrative Office of the Courts.
- (3) Court-designated workers, whether employed by the Administrative Office of the Courts or by a public agency under contract to the Administrative Office of the Courts, may be disciplined or removed from the position of court-designated worker in the manner specified in the:
 - (a) Personnel policies for employees of the Administrative Office of the Courts or the personnel policies of the contract agencies as approved by the Administrative Office of the Courts; and
 - (b) Contract by and between the public agency and the Administrative Office of the Courts.
- (4) The Administrative Office of the Courts shall not contract with private corporations, persons, or agencies for the services of court-designated workers.

- (5) *The Administrative Office of the Courts shall provide training to all court-designated workers in:*
- (a) *The administration of evidence-based screening instruments and, for some workers as appropriate, the administration of risk and needs assessments;*
 - (b) *Identification of appropriate services for children and families;*
 - (c) *Techniques for diversion agreement implementation and supervision;*
 - (d) *Identifying and understanding the issues that led to the filing of a complaint, which may include recognition of signs of trauma, disability, behavioral, mental health, or substance abuse issues, in order to determine appropriate referrals; and*
 - (e) *Juvenile justice research, best practices, and any other subject deemed appropriate and available.*
- (6) (a) *The Administrative Office of the Courts shall collect and track data, and provide an annual report to the oversight council created in Section 3 of this Act containing the following information:*
- 1. *The number and type of complaints received by each court-designated worker;*
 - 2. *The outcome of each complaint, including whether a referral was made to the county attorney or the Department for Community Based Services;*
 - 3. *The number of children committed to the Department for Community Based Services pursuant to KRS Chapter 620 who were originally charged with status offenses under KRS Chapter 630 or whose cases were amended from status to dependency, neglect, and abuse; and*
 - 4. *Whether a child who successfully completed a diversion agreement was, within one (1) year following completion of the agreement, adjudicated a public offender or convicted in the adult court of a criminal offense.*
- (b) *Personally identifiable information of the court-designated worker shall not be provided but shall be retained by the Administrative Office of the Courts to address the need for additional staff training or other appropriate action.*
- (7) *The Administrative Office of the Courts shall develop a graduated response protocol, consisting of a continuum of responses from the least restrictive to the most restrictive, for court-designated workers to utilize in response to violations of the terms of a diversion agreement.*
- (8) *The Administrative Office of the Courts shall collaborate with the Justice and Public Safety Cabinet and provide technical assistance to judicial districts in implementing the fiscal incentive program established in Section 2 of this Act.*
- (9) *The Administrative Office of the Courts shall act as the fiscal agent to receive funds awarded pursuant to Section 2 of this Act.*
- 10) *The Administrative Office of the Courts shall, by regulation, establish a form complaint to be used in filing all complaints with the court-designated worker. The form shall contain the requirements of KRS 610.020, and if the complaint is filed by a school district, shall require that the director of pupil personnel state that he or she documented the home conditions of the student and the intervention strategies attempted, as required by Section 14 of this Act, and that he or she attempted to conduct a conference with the child and a parent.*

➔Section 28. KRS 605.030 is amended to read as follows:

- (1) A court-designated worker may:
- (a) Receive complaints;
 - (b) Review complaints taken by peace officers;
 - (c) Investigate complaints except neglect, abuse, and dependency;
 - (d) Perform an initial screening for human trafficking as defined in KRS 529.010 for referral to the cabinet for investigation as a case of dependency, neglect, or abuse;
 - (e) Dispose of complaints limited to a total of three (3) status or nonfelony **public offense** complaints per child **and, with written approval of the county attorney, one (1) felony complaint that does not involve the commission of a sexual offense or the use of a deadly weapon;**

- (f) Administer oaths;
 - (g) Issue summonses;
 - (h) Issue subpoenas;
 - (i) Make advisory dispositional recommendations and provide, within forty-eight (48) hours, exclusive of weekends and holidays, information concerning a child who has chosen to waive the investigation pursuant to KRS 610.100~~[for the use of the cabinet in placing the child];~~
 - (j) Perform such duties as required by KRS Chapter 645;~~[and]~~
 - (k) ***Administer evidence-based screenings and assessments to identify the risk and needs of a child and his or her family;***
 - (l) ***Enter into diversion agreements, including referral to programs or service providers, providing case management and service coordination, assisting with barriers to completion, and monitoring progress;***
 - (m) ***Impose graduated sanctions, from least restrictive to most restrictive, in response to violations of the terms of a diversion agreement;***
 - (n) ***Gather information necessary to track and record outcomes of all diversion agreement recommendations and final diversion disposition;***
 - (o) ***Collaborate and cooperate with the family accountability, intervention, and response team, director of pupil personnel as appropriate, and service providers to ensure all appropriate interventions are utilized;***
 - (p) ***Report annually to his or her local public school districts and to the Administrative Office of the Courts an inventory of all programs and service providers within the judicial district they serve;***
 - (q) ***Request from the schools a student's education records pursuant to Section 54 of this Act; and***
 - (r) Perform such other functions related to activities of children as may be authorized or directed by the court.
- (2) Upon the filing of a petition which initiates a formal court action in the interest of the child, the court-designated worker's involvement, with the exception of the activities defined in subsection (1)(i) of this section, shall cease.
- (3) When a child is to be tried as an adult, the court-designated worker need not make dispositional recommendations.

➔Section 29. KRS 605.050 is amended to read as follows:

- (1) In counties containing a city of the first or second class, the county judge/executive may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge/executive but shall be subject to the direction and control of the judges of the District Court in the performance of their duties. The officers shall be peace officers who shall possess all the powers of peace officers in carrying out the purposes of KRS Chapters 600 to 645. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his probation.
- (2) In counties containing an urban-county government, the mayor shall appoint a chief probation officer of the juvenile session of the District Court and such number of assistant probation officers, professional and clerical personnel as are reasonably necessary for the operation of the juvenile session of the District Court. Such officers shall receive reasonable salaries to be fixed by the urban-county council, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the urban-county treasury. The officers shall serve at the pleasure of the mayor but shall be subject to the direction and control of the judges of the District Court in the performance of their duties. The officers shall be peace officers who shall possess all the powers of peace officers in carrying out the purposes of KRS Chapters 600 to 645. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his probation.

- (3) In any county, the Chief District Judge may appoint or designate one (1) or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile session. Such volunteer probation officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court or the urban-county council, as appropriate, may authorize the payment of compensation and reasonable expenses out of the county or urban-county treasury of any such officers.
- (4) ***Officers appointed pursuant to this section shall be trained in the administration of a validated risk and needs assessment.***

➔Section 30. KRS 605.060 is amended to read as follows:

Probation officers ***appointed pursuant to KRS 605.050***~~[of the court]~~ shall:

- (1) Except as otherwise provided in KRS Chapter 645, make investigations as provided in this chapter, ***including the administration of a validated risk and needs assessment***;
- (2) Be present in court to represent the interest of the child when the cases investigated by them are heard, furnish such information as may be required, ***including the results of a validated risk and needs assessment***, advise the court as to the proper disposition of the case and take such charge of the child before and after the hearings as may be ordered;
- (3) Visit and supervise children placed on probation and as far as practicable, aid and encourage such children, by friendly advice and admonition, to keep terms of their probation, and provide for their rehabilitation;
- (4) Make such reports and records as may be required by the court;
- (5) Supervise the transfer of children to and from homes or facilities as directed by the court; and
- (6) Work in cooperation with the representatives of the cabinet.

➔Section 31. KRS 605.100 is amended to read as follows:

- (1) The Department of Juvenile Justice or the cabinet shall arrange for a program of care, treatment, and rehabilitation of the children committed to it, which program shall be designed to provide for classification, segregation, and specialized treatment of children according to their respective problems, needs, and characteristics, ***as identified through a validated needs and risk assessment***, and to provide a coordinated system of probation and parole services ***that includes a continuum of graduated sanctions***.
- (2) The Department of Juvenile Justice or the cabinet shall be responsible for the operation, management, and development of the existing state facilities for the custodial care and rehabilitation of children committed to the Department of Juvenile Justice or the cabinet under provisions of this chapter. The Department of Juvenile Justice or the cabinet shall further be responsible for the development of such facilities as are necessary to provide an adequate and modern program for the care, treatment, and rehabilitation of such children.
- (3) The facilities and programs under the control of the Department of Juvenile Justice or the cabinet shall be designed and operated in such a manner as to rehabilitate, train, develop, and educate the children to become good citizens and useful members of society.
- (4) Suitable programs of vocational education and training shall be carried on in the facilities and programs, with the view of preparing the children for future self-support.
- (5) The children in each facility and program shall be employed so far as practicable in labor incident to the maintenance and operation of the facility and program, and in suitable industries conducted by the facilities and programs as a part of the vocational training program.
- (6) The superintendent or managing officer of each facility may use, for the maintenance of the facility, the products of farms, dairies, and other departments and industries of the facility or may sell or exchange such products for the benefit of the facility.

➔Section 32. KRS 605.130 is amended to read as follows:

In addition to the other duties, functions, and responsibilities imposed by law, the cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:

- (1) Locate and plan for all children who are dependent, neglected, or abused;
- (2) Cooperate with and assist the courts of the various counties;

- (3) Assist Circuit Courts through services to children whenever requested by the court. The cabinet may charge a reasonable fee for such services to be taxed as costs by the court;~~and~~
- (4) (a) *Assess all referrals received from a court-designated worker, pursuant to direction from the family accountability, intervention, and response team, to determine whether a basis exists to file a dependency, neglect, or abuse petition;*
- (b) *Track and report to the oversight council created in Section 3 of this Act the number of referrals received, the number of investigations made upon those referrals, and the number and type of petitions filed in response;*
- (5) *Identify all youth who have status offense charges and are committed or probated to the cabinet and report the number of committed and probated youth to the oversight council created in Section 3 of this Act; and*
- (6) Perform such other services as may be deemed necessary for the protection of children.

➔SECTION 33. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon the court's motion or the motion of any party, following notice to the county attorney, an informal adjustment may be made at any time during the proceedings and with the victim and with those persons specified in KRS 610.070 having prior notification of the motion.*
- (2) *An informal adjustment does not require adjudication of the case. If an adjudication has occurred, the court shall dismiss the case following successful completion under subsection (3) of this section.*
- (3) *If the court orders an informal adjustment, the order may include any of the following:*
 - (a) *Referral of the case to diversion, but, if the child does not successfully complete the terms of the diversion, the case shall not be dismissed as a result of the diversion but shall be returned to court; or*
 - (b) *Placement of the child on community supervision or monitoring by the court under the informal adjustment with additional conditions as determined appropriate by the court for a period not to exceed six (6) months.*

➔SECTION 34. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

- (1) *The District Court or the family division of the Circuit Court shall have exclusive jurisdiction of proceedings under this section.*
- (2) *Proceedings to temporarily detain a child suspected of being a runaway by means of an emergency protective custody order, pending further appropriate court action, shall be initiated by filing a complaint with the court-designated worker.*
- (3) *Notwithstanding any other provision of law to the contrary, a child who is suspected of being a runaway may be detained in a nonsecure facility for a period of time not to exceed seventy-two (72) hours, exclusive of weekends and holidays, or, if the court makes a finding on the record that no less restrictive alternative is available, in a secure juvenile detention facility for a period of time not to exceed twenty-four (24) hours, exclusive of weekends and holidays, pursuant to an ex parte emergency protective order pending a court hearing to determine whether to return the child to his or her custodian or give custody of the child to the cabinet.*
- (4) *If, at the hearing held as provided for in subsection (3) of this section, the child is not released, the court shall issue an emergency custody order pursuant to KRS Chapter 620 and place the child with the cabinet and the cabinet shall file a dependency, neglect, or abuse action.*
- (5) *All hearings subsequent to the issuance of an emergency custody order shall be in accordance with KRS Chapter 620.*
- (6) *If the child is released, except to the cabinet pursuant to an emergency custody order, the court-designated worker shall initiate a status offense case.*
- (7) *The provisions of this section shall not apply to a child coming under the purview of KRS Chapter 615.*

➔Section 35. KRS 610.010 is amended to read as follows:

- (1) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday or of any person who at the time of committing a public offense was under the age of eighteen (18) years, who allegedly has committed a public offense prior to his or her eighteenth birthday, except a motor vehicle offense involving a child sixteen (16) years of age or older. A child sixteen (16) years of age or older taken into custody upon the allegation that the child has committed a motor vehicle offense shall be treated as an adult and shall have the same conditions of release applied to him or her as an adult. A child taken into custody upon the allegation that he or she has committed a motor vehicle offense who is not released under conditions of release applicable to adults shall be held, pending his or her appearance before the District Court, in a facility as defined in KRS 15A.067. Children sixteen (16) years of age or older who are convicted of, or plead guilty to, a motor vehicle offense shall, if sentenced to a term of confinement, be placed in a facility for that period of confinement preceding their eighteenth birthday and an adult detention facility for that period of confinement subsequent to their eighteenth birthday. The term "motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent nor any offense which constitutes a felony;
- (2) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county or the family division of the Circuit Court shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday and who allegedly:
 - (a) Is beyond the control of the school or beyond the control of parents as defined in KRS 600.020;
 - (b) Is an habitual truant from school;
 - (c) Is an habitual runaway from his or her parent or other person exercising custodial control or supervision of the child;
 - (d) Is dependent, neglected, or abused;
 - (e) Has committed an alcohol offense in violation of KRS 244.085;
 - (f) Has committed a tobacco offense as provided in KRS 438.305 to 438.340; or
 - (g) Is mentally ill.
- (3) Actions brought under subsection (1) of this section shall be considered to be public offense actions.
- (4) Actions brought under subsection (2)(a), (b), (c), (e), and (f) of this section shall be considered to be status offense actions.
- (5) Actions brought under subsection (2)(d) of this section shall be considered to be nonoffender actions.
- (6) Actions brought under subsection (2)(g) of this section shall be considered to be mental health actions.
- (7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of Circuit Courts over adoptions and proceedings for termination of parental rights.
- (8) The court shall have no jurisdiction to make permanent awards of custody of a child except as provided by KRS 620.027.
- (9) If the court finds an emergency to exist affecting the welfare of a child, or if the child is eligible for kinship care as established in KRS 605.120, it may make temporary orders for the child's custody; however, if the case involves allegations of dependency, neglect, or abuse, no emergency removal or temporary custody orders shall be effective unless the provisions of KRS Chapter 620 are followed. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the Circuit Court awarding custody of such child, all prior orders of the juvenile session of the District Court in conflict therewith shall be deemed canceled. This section shall not work to deprive the Circuit Court of jurisdiction over cases filed in Circuit Court.
- (10) The court of each county wherein a public offense, as defined in subsection (1) of this section, is committed by a child who is a resident of another county of this state shall have concurrent jurisdiction over such child with the court of the county wherein the child resides or the court of the county where the child is found. Whichever

court first acquires jurisdiction of such child may proceed to final disposition of the case, or in its discretion may make an order transferring the case to the court of the county of the child's residence or the county wherein the offense was committed, as the case may be.

- (11) Nothing in this chapter shall prevent the court from holding a child in contempt of court to enforce valid court orders previously issued by the court, subject to the requirements contained in KRS 610.265 and 630.080.
- (12) Except as provided in **subsection (4) of Section 47 of this Act**, KRS 630.120(5), ~~635.060(3)~~, or 635.090, nothing in this chapter shall confer upon the District Court or the family division of the Circuit Court, as appropriate, jurisdiction over the actions of the Department of Juvenile Justice or the cabinet in the placement, care, or treatment of a child committed to the Department of Juvenile Justice or committed to or in the custody of the cabinet; or to require the department or the cabinet to perform, or to refrain from performing, any specific act in the placement, care, or treatment of any child committed to the department or committed to or in the custody of the cabinet.
- (13) Unless precluded by KRS Chapter 635 or 640, in addition to informal adjustment, the court shall have the discretion to amend the petition to reflect jurisdiction pursuant to the proper chapter of the Kentucky Unified Juvenile Code.
- (14) The court shall have continuing jurisdiction over a child pursuant to subsection (1) of this section, to review dispositional orders, and to conduct permanency hearings under 42 U.S.C. sec. 675(5)(c) until the child is placed for adoption, returned home to his or her parents with all the court imposed conditions terminated, **completes a disposition pursuant to Section 47 of this Act**, or reaches the age of eighteen (18) years.

➔Section 36. KRS 610.030 is amended to read as follows:

Except as otherwise provided in KRS Chapters 600 to 645:

- (1) If any person files a complaint alleging that a child, except a child alleged to be neglected, abused, dependent or mentally ill who is subject to the jurisdiction of the court, may be within the purview of KRS Chapters 600 to 645, ~~a preliminary intake inquiry shall be conducted by~~ the court-designated worker ***shall make a preliminary determination as to whether the complaint is complete. In any case where the court-designated worker finds that the complaint is incomplete, the court-designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request additional information in order to complete the complaint. The complainant shall promptly furnish the additional information requested;***
- (2)
 - (a) ***Upon receipt of a complaint which appears to be complete and which alleges that a child has committed a public offense, the court-designated worker shall refer the complaint to the county attorney for review pursuant to Section 45 of this Act.***
 - (b) ***If after review the county attorney elects to proceed, the court-designated worker shall conduct a preliminary intake inquiry to recommend whether the interests of the child or the public require that further action be taken or whether, in the interest of justice, the complaint can be resolved informally without the filing of a petition;***
- (3) ***Upon receipt of a complaint that appears to be complete and that alleges that the child has committed a status offense, the court-designated worker shall conduct a preliminary intake inquiry to determine whether the interests of the child or the public require that further action be taken;***
- (4) ***Prior to conducting a preliminary intake inquiry, the court-designated worker shall notify the child and the child's parent, guardian, or other person exercising custodial control or supervision of the child in writing:***
 - (a) ***Of their opportunity to be present at the preliminary intake inquiry;***
 - (b) ***That they may have counsel present during the preliminary intake inquiry as well as the formal conference thereafter;***
 - (c)
 - 1. ***That all information supplied by the child to a court-designated worker during any process prior to the filing of the petition shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the child.***
 - 2. ***Information may be shared between treatment providers, the court-designated worker, and the family accountability, intervention, and response team to enable the court-designated worker to facilitate services and facilitate compliance with the diversion agreement; and***

- (d) *That the child has the right to deny the allegation and demand a formal court hearing;*
- (5) *The preliminary intake inquiry shall include the administration of an evidence-based screening tool and, if appropriate and available, a validated risk and needs assessment, in order to identify whether the child and his or her family are in need of services and the level of intervention needed;*
- (6) *Upon the completion of the preliminary intake inquiry, the court-designated worker may:*
 - (a) *If the complaint alleges a status offense, determine that no further action be taken subject to review by the family accountability, intervention, and response team;*
 - (b) *If the complaint alleges a public offense, refer the complaint to the county attorney;*
 - (c) *Refer a public offense complaint for informal adjustment; or*
 - (d) *Based upon the results of the preliminary intake inquiry, other information obtained, and a determination that the interests of the child and the public would be better served, and with the written approval of the county attorney for a public offense complaint, if necessary, conduct a formal conference and enter into a diversion agreement;*
- (7) *Upon receiving written approval of the county attorney, if necessary, to divert a public offense complaint, and prior to conducting a formal conference, the court-designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense:*
 - (a) *Of the recommendation and the reasons therefor and that the complainant, victim, or law enforcement agency may submit within ten (10) days from receipt of such notice a complaint to the county attorney for special review; or*
 - (b) *In the case of a misdemeanor diverted pursuant to subsection (4) of Section 45 of this Act, of the fact that the child was statutorily entitled to divert the case;*
- (8) *A formal conference shall include the child and his or her parent, guardian, or other person exercising custodial control or supervision. The formal conference shall be used to:*
 - (a) *Present information obtained at the preliminary intake inquiry; and*
 - (b) *Develop a diversion agreement that shall require that the child regularly attend school, shall not exceed six (6) months in duration, and may include:*
 - 1. *Referral of the child, and family if appropriate, to a public or private entity or person for the provision of identified services to address the complaint or assessed needs;*
 - 2. *Referral of the child, and family if appropriate, to a community service program within the limitations provided under subsection (2) of Section 48 of this Act;*
 - 3. *Restitution, limited to the actual pecuniary loss suffered by the victim, if the child has the means or ability to make restitution;*
 - 4. *Notification that the court-designated worker may apply graduated sanctions for failure to comply with the diversion agreement;*
 - 5. *Any other program or effort which reasonably benefits the community and the child; and*
 - 6. *A plan for monitoring the child's progress and completion of the agreement;*
- (9) (a) *If a child successfully completes a diversion agreement, the underlying complaint shall be dismissed and further action related to that complaint shall be prohibited.*
- (b) *If a child fails to appear for a preliminary intake inquiry, declines to enter into a diversion agreement, or fails to complete a diversion agreement, then:*
 - 1. *For a public offense complaint, the matter shall be referred to the county attorney for formal court action and, if a petition is filed, the child may request that the court dismiss the complaint based upon his or her substantial compliance with the terms of diversion; and*
 - 2. *For a status offense complaint, the court-designated worker shall refer the matter to the family accountability, intervention, and response team for review and further action to determine the validity of the complaint, and, if valid, whether the interests of the child or the public require that further action be taken;*

~~(2) The court designated worker after conducting the preliminary intake inquiry shall:~~

~~(a) With notice to the complainant:~~

- ~~1. Determine that no further action be taken and dispose of the complaint;~~
- ~~2. Refer to an appropriate individual or social service agency for proper action;~~
- ~~3. Enter into diversionary agreement;~~
- ~~4. Refer to court for informal adjustment; or~~
- ~~5. Refer to court for formal hearing];~~

~~(10)(3) If a[the court designated worker determines that the] complaint is[should be] referred to the court[for either informal adjustment or for formal hearing under subsection (2)(a)4. or 5. of this section], the complaint and findings of the court-designated worker's preliminary intake inquiry shall be submitted to the court for the court to determine whether process should issue; and~~

~~(11)(4) At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court-designated worker. The court upon its own motion or upon written request of the county attorney may refer any complaint for a formal hearing.~~

➔Section 37. KRS 610.100 is amended to read as follows:

- (1) Unless there is a suitable prior disposition investigation report or unless waived by the child who is represented by counsel, before making disposition of the case of a child brought before the court under the provisions of KRS Chapters 630 or 635, whether by complaint pursuant to KRS 610.020, or by reason of having been taken into custody pursuant to KRS 610.190, the judge shall cause an investigation to be made concerning the nature of the specific act complained of and any surrounding circumstances which suggest the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation, and everything that may pertain to his *or her* life, and character. The investigation shall also include an inquiry into the home conditions, life, and character of the person having custody of the child. The investigation shall also include an assessment of the parent or guardian's ability to pay all or part of the cost of the child's care and treatment should the child be ordered into a treatment program or placed on supervised probation. The result of the investigation, **including the result of the validated risk and needs assessment**, shall be reported in writing to the court and to counsel for the parties three (3) days prior to the child's dispositional hearing and shall become a part of the record of the proceedings. The child may waive the three (3) day requirement. Objections by counsel at the dispositional hearing to portions of the dispositional report shall be noted in the record.
- (2) The investigation shall be conducted by a suitable public or private agency. The cabinet and the Department of Juvenile Justice may furnish investigation services under agreements with the individual juvenile courts. For this purpose, any county judge/executive or chief executive officer of an urban-county government may enter into a contract on behalf of his *or her* county with the Department of Juvenile Justice or the cabinet for the furnishings of such services.

~~[(3) Upon the court's motion or the motion of any party, an informal adjustment may be made at any time during the proceedings and with the victim and with those persons specified in KRS 610.070 having prior notification of the motion.]~~

➔Section 38. KRS 610.110 is amended to read as follows:

- (1) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child under the provisions of KRS Chapter 630 or 635.
- (2) At the disposition, all information helpful in making a proper disposition, including oral and written reports **and the results of a validated risk and needs assessment**, shall be received by the court in compliance with subsection (1) of this section and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports.
- (3) The court shall, and the Department of Juvenile Justice may upon request, notify the law enforcement agency of the child's city, county, or urban-county of residence as appropriate and the law enforcement agencies where any offense was committed of the disposition of each case and of each child committed by the court who is placed in a residential treatment facility by the Department of Juvenile Justice or the cabinet.

- (4) If any court commits a child to the Department of Juvenile Justice or the cabinet, a child-caring facility, or child-placing agency, the court shall cause to be transmitted to the Department of Juvenile Justice or the cabinet, facility, or agency, as appropriate, a certified copy of the commitment order, together with a summary of the court's information concerning the child. A certified copy of the court order shall be proof of the authority of the Department of Juvenile Justice or the cabinet, facility, or agency to hold the child. Such certified order shall be sufficient authority for any law enforcement officer to take into custody any person named therein and deliver him *or her* to such a place as shall be directed by the Department of Juvenile Justice or the cabinet, facility, or agency given custody of him *or her* in the order.
- (5) In placing a child on probation in a home or boarding home, or in committing a child to a child-caring facility or child-placing agency, the court shall as far as practicable select a home, facility, or agency operated or governed by persons of a similar religious faith as the parents of the child.
- (6) Upon motion of the child and agreement of the Department of Juvenile Justice or the cabinet, as appropriate, the court may authorize an extension of commitment up to age twenty-one (21) for the purpose of permitting the Department of Juvenile Justice or the cabinet, as appropriate, to assist the child in establishing independent living arrangements if a return to the child's home is not in his *or her* best interest.

➔Section 39. KRS 610.120 is amended to read as follows:

- (1) Except as otherwise provided by KRS Chapters 605 and 635, an order of commitment or an order of ~~protective~~supervision or probation made by the court in the case of a child may be ~~continued or~~terminated at any time prior to expiration on the court's own initiative or on motion by:
 - (a) A child who is affected by an order of juvenile session of District Court;
 - (b) The family, custodian, guardian, or legal representative of such a child;
 - (c) The Department of Juvenile Justice or the cabinet;
 - (d) The county attorney of the county in which the committing court presides; or
 - (e) Any other person having an interest in the welfare of the child.
- (2) Grounds for such action may include but are not limited to allegations that there has been a substantial change of material circumstances, there exists new evidence affecting the disposition of the child, the child is no longer in need of commitment, probation, or placement, the child has not responded to or benefited from treatment or the child has not received adequate and proper treatment, the original proceedings were not conducted in the manner required by law or the public interest requires termination of the order. Upon review of the child's case, the Department of Juvenile Justice, the cabinet, any agency, facility, or individual responsible for the supervision, care, or treatment of the child shall divulge and communicate such information regarding the child as the court may require.
- (3) Except as otherwise provided by KRS Chapter 640 relating to youthful offenders, and KRS 610.110, 620.140, 635.060, 635.090, ~~or 635.515, or 645.140~~, relating to extending commitment beyond the age of eighteen (18), an order of commitment, temporary custody, or an order of ~~protective~~supervision or probation made by the court in the case of a child shall be terminated when the child attains the age of eighteen (18) ***unless otherwise provided in law***. At least fourteen (14) days prior to the ***termination of an order of commitment***~~committed child's eighteenth birthday~~, the Department of Juvenile Justice or the cabinet shall prepare a summary of the information concerning the child and submit it with written notification to the committing court that a child's commitment is due to expire.

➔Section 40. KRS 610.190 is amended to read as follows:

- (1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest until the court has made the decision to try the child in Circuit or District Court as an adult. The law relating to bail shall not be applicable to children detained in accordance with this chapter unless the child is subject to being tried in Circuit or District Court as an adult.
- (2) ***A peace officer may take a child into protective custody if the officer suspects the child to be a runaway. A child taken into protective custody under this subsection shall not be considered to have been arrested and may be held at the locations specified in subsection (1) of Section 42 of this Act, after which the officer shall proceed with an initial investigation as provided for in Section 41 of this Act.***

- (3) When a child is taken into custody by a person other than a peace officer, such person shall as soon as possible place the child in the custody of a peace officer.

➔Section 41. KRS 610.200 is amended to read as follows:

- (1) When a peace officer has taken or received a child into custody on a charge of committing an offense, the officer shall immediately inform the child of his constitutional rights and afford him the protections required thereunder, notify the parent, or if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate, and if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision of the child, that the child has been taken into custody, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for taking the child into custody.
- (2) (a) *When a peace officer has taken or received a child into protective custody on suspicion of being a runaway, the officer shall immediately notify:*
1. *The child's parent, guardian, or person exercising custodial control or supervision of the child, if determined;*
 2. *The cabinet or Department of Juvenile Justice, if appropriate; and*
 3. *The court-designated worker.*
- (b) *If the parent, guardian, or other person exercising custodial control or supervision is identified and notified, the peace officer may retain custody of the child for a reasonable period to allow the person notified the opportunity to arrive at the officer's location and collect the child.*
- (c) *If the parent, guardian, or other person exercising custodial control or supervision cannot be identified or located, the peace officer may retain custody of the child for a period of time not to exceed two (2) hours to continue his or her investigation.*
- (d) *If, at the conclusion of the peace officer's investigation, the parent, guardian, or person exercising custodial control or supervision of the child is identified and notified, the peace officer shall return the child to the custody of that person and shall file a status offense case with the court-designated worker.*
- (e) *If, at the conclusion of the peace officer's investigation, the parent, guardian, or person exercising custodial control or supervision of the child cannot be identified or located, or that person refuses to collect the child, the peace officer shall file a complaint pursuant to Section 34 of this Act.*
- (3) Unless the child is subject to trial as an adult or unless the nature of the offense or other circumstances are such as to indicate the necessity of retaining the child in custody, the officer shall release the child to the custody of his parent or if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate; or if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision or other responsible person or agency approved by the court upon the written promise, signed by such person or agency, to bring the child to the court at a stated time or at such time as the court may order. The written promise, accompanied by a written report by the officer, shall be submitted forthwith to the court or court-designated worker and shall detail the reasons for having taken custody of the child, the release of the child, the person to whom the child was released, and the reasons for the release.
- ~~(4)(3)~~ (a) If the person fails to produce the child as agreed or upon notice from the Court *as provided in subsection (3) of this section*, a summons, warrant, or custody order may be issued for the apprehension of the person or of the child, or both.
- (b) *If the person notified to collect a suspected runaway pursuant to subsection (2)(a) of this section fails or refuses to collect the child, the peace officer shall notify the county attorney, who may file a charge of endangering the welfare of a minor, and the cabinet.*
- ~~(5)(4)~~ The release of a child pursuant to this section shall not preclude a peace officer from proceeding with a complaint against a child or any other person.
- ~~(6)(5)~~ Unless the child is subject to trial as an adult, if the child is not released, the peace officer shall contact the court-designated worker who may:

- (a) Release the child to his parents;
- (b) Release the child to such other persons or organizations as are authorized by law;
- (c) Release the child to either of the above subject to stated conditions; or
- (d) Except as provided in subsection (7)~~[(6)]~~ of this section, authorize the peace officer to retain custody of the child for an additional period not to exceed twelve (12) hours during which the peace officer may transport the child to a secure juvenile detention facility~~[-, a juvenile holding facility,]~~ or a nonsecure facility. If the child is retained in custody, the court-designated worker shall give notice to the child's parents or person exercising custodial control or supervision of the fact that the child is being retained in custody.

- (7)~~[(6)]~~ (a) Except as provided in paragraph (b) of this subsection, no child ten (10) years of age or under shall be taken to or placed in a juvenile detention facility.
- (b) Any child ten (10) years of age or under who has been charged with the commission of a capital offense or with an offense designated as a Class A or Class B felony may be taken to or placed in a secure juvenile detention facility or youth alternative center when there is no available less restrictive alternative.

➔Section 42. KRS 610.220 is amended to read as follows:

- (1) Except as otherwise provided by statute, if an officer takes or receives a child into custody ***on an allegation of committing a public offense or into protective custody on being a suspected runaway***, the child may be held at a police station, secure juvenile detention facility, ~~juvenile holding facility, intermittent holding facility,~~ youth alternative center, a nonsecure facility, or, as necessary, in a hospital or clinic for the following purposes:
 - (a) Identification and booking;
 - (b) Attempting to notify the parents or person exercising custodial control or supervision of the child, a relative, guardian,~~[-or]~~ other responsible person, ***or the cabinet***;
 - (c) Photographing;
 - (d) Fingerprinting;
 - (e) Physical examinations, including examinations for evidence;
 - (f) Evidence collection, including scientific tests;
 - (g) Records checks;
 - (h) Determining whether the child is subject to trial as an adult; and
 - (i) Other inquiries of a preliminary nature.
- (2) A child may be held in custody pursuant to this section for a period of time not to exceed two (2) hours, unless an extension of time is granted. Permission for an extension of time may be granted by the court, trial commissioner, or court-designated worker pursuant to KRS 610.200~~(6)~~~~[(5)]~~(d) and the child may be retained in custody for up to an additional ten (10) hours at a facility of the type listed in subsection (1) of this section except for an intermittent holding facility for the period of retention.
- (3) Any child held in custody pursuant to this section shall be sight and sound separated from any adult prisoners held in secure custody at the same location, and shall not be handcuffed to or otherwise securely attached to any stationary object.

➔Section 43. KRS 610.265 is amended to read as follows:

- (1) Any child who is alleged to be a status offender or who is accused of being in contempt of court on an underlying finding that the child is a status offender may be detained in a nonsecure facility ~~or~~~~[-,]~~ a secure juvenile detention facility~~[-, or a juvenile holding facility]~~ for a period of time not to exceed twenty-four (24) hours, exclusive of weekends and holidays, pending a detention hearing. Any child who is accused of committing a public offense or of being in contempt of court on an underlying public offense may be detained in a secure juvenile detention facility or~~[- juvenile holding facility]~~ ***a nonsecure setting approved by the Department of Juvenile Justice*** for a period of time not to exceed forty-eight (48) hours, exclusive of weekends and holidays~~[- or, if neither is reasonably available, an intermittent holding facility, for a period of time not to exceed twenty-four (24) hours, exclusive of weekends and holidays]~~, pending a detention hearing.

- (2) Within the period of detention described in subsection (1) of this section, exclusive of weekends and holidays, a detention hearing shall be held by the judge or trial commissioner of the court for the purpose of determining whether the child shall be further detained. At the hearing held pursuant to this subsection, the court shall consider the nature of the offense, the child's background and history, and other information relevant to the child's conduct or condition.
- (3) If the court orders a child detained **further**, that detention shall be served as follows:
- (a) If the child is charged with a capital offense, Class A felony, or Class B felony, detention shall occur in ~~either a secure juvenile detention facility or a juvenile holding facility~~ pending the child's next court appearance subject to the court's review of the detention order prior to that court appearance;~~;~~
 - (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status offender, the child may be detained in a secure juvenile detention facility for a period not to exceed twenty-four (24) hours after which detention shall occur in a nonsecure setting approved by the Department of Juvenile Justice pending the child's next court appearance subject to the court's review of the detention order prior to the next court appearance;~~;~~
 - (c) If a status offender or a child alleged to be a status offender is charged with violating a valid court order, the child may be detained in a secure juvenile detention facility, ~~a juvenile holding facility,~~ or in a nonsecure setting approved by the Department of Juvenile Justice, for a period not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending the child's next court appearance;~~;~~
 - (d) Prior to ordering a status offender or alleged status offender who is subject to a valid court order securely detained because the child violated the valid court order, the court shall:
 - 1. Affirm that the requirements for a valid court order were met at the time the original order was issued;
 - 2. Make a determination during the adjudicatory hearing that the child violated the valid court order; and
 - 3. Within forty-eight (48) hours after the adjudicatory hearing on the violation of a valid court order by the child, exclusive of weekends and holidays, receive and review a written report prepared by an appropriate public agency that reviews the behavior of the child and the circumstances under which the child was brought before the court, determines the reasons for the child's behavior, and determines whether all dispositions other than secure detention have been exhausted or are inappropriate. If a prior written report is included in the child's file, that report shall not be used to satisfy this requirement. The child may be securely detained for a period not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending receipt and review of the report by the court. The hearing shall be conducted in accordance with the provisions of KRS 610.060. The findings required by this subsection shall be included in any order issued by the court which results in the secure or nonsecure detention of a status offender; **and**~~;~~
 - ~~(e) If the child is charged with a public offense, or contempt of court on an underlying public offense, and the county in which the case is before the court is not served by a state operated secure detention facility under the statewide detention plan, detention may occur in a secure juvenile detention facility, juvenile holding facility, or a nonsecure setting approved by the Department of Juvenile Justice pending the child's next court appearance, subject to the court's review of the detention order prior to that court appearance.~~
 - ~~(f) If the child is charged with a public offense, or contempt on a public offense, and the county in which the case is before the court is served by a state operated secure detention facility under the statewide detention plan, the child shall be referred to the Department of Juvenile Justice for a security assessment and placement in an approved detention facility or program pending the child's next court appearance.~~
- (4) If, at the hearing conducted under subsection (2) of this section, the court conducts an adjudicatory hearing on the merits of a violation of a valid court order, that hearing shall conform to the requirements of KRS 630.080.
- (5) If the detention hearing is not held as provided in subsection (1) of this section, the child shall be released as provided in KRS 610.290.
- (6) If the child is not released, the court-designated worker shall notify the parent, person exercising custodial control or supervision, a relative, guardian, or other responsible adult, and the Department of Juvenile Justice or the cabinet, as appropriate.

➔Section 44. KRS 610.266 is amended to read as follows:

The following persons shall not be detained in a secure juvenile detention facility~~[or a juvenile holding facility]~~:

- (1) A nonoffender; or
- (2) Any child charged with a violation of a statute or local ordinance pertaining to curfew.

➔Section 45. KRS 635.010 is amended to read as follows:

- (1) ~~[In each District Court, the court designated worker shall receive complaints alleging that a public offense has been committed. All cases governed by KRS Chapter 635 requiring Circuit Court action or 640 requiring Circuit Court action shall be set for arraignment. All other public offenses shall be proceeded against in accordance with the following:~~

- (a) ~~—]The county attorney shall cause a review to be made of each complaint *alleging that a public offense has been committed*. The purpose of this review shall be to determine from the available evidence whether there are reasonable grounds to believe that the alleged facts would constitute a public offense. The county attorney may elect not to proceed with the complaint, *regardless of whether reasonable grounds exist*, and ~~[shall] dismiss the complaint.~~~~

- (b) ~~—In the event the county attorney elects to proceed, the court designated worker shall make a preliminary determination as to whether the complaint is complete, consulting with the county attorney as may be necessary. In any case where the court designated worker finds that the complaint is incomplete, the court designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request, and the complainant shall promptly thereafter furnish, additional information in order to complete the complaint. If the court designated worker determines that the complaint is complete, he shall conduct a preliminary intake inquiry concerning such complaint to determine whether in the interest of justice the complaint can be resolved informally without the filing of a petition. The court designated worker may recommend that a petition be filed. Prior to conducting a preliminary intake inquiry, the court designated worker shall notify the child and the child's parent, guardian or other person exercising custodial control or supervision of the child in writing:~~

1. ~~—Of their opportunity to be present at the preliminary intake inquiry;~~
2. ~~—Of their right to have counsel present during the preliminary intake inquiry as well as the formal conference thereafter;~~
3. ~~—That their participation in the preliminary intake inquiry or any resulting plan of diversion is voluntary;~~
4. ~~—That all information supplied by the child to a court designated worker during any process prior to the filing of the petition shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the child; and~~
5. ~~—That the child has the right to deny the charge and demand a formal court hearing;~~

- (c) ~~—Upon the completion of the preliminary intake inquiry, the court designated worker shall conduct a formal conference at which time he shall present information obtained at the preliminary intake inquiry to the child and the child's parents or other person exercising custodial control or supervision. The court designated worker shall set forth in writing alternative referral programs available to the child and the criteria the court designated worker used to determine whether to proceed with a diversionary agreement or whether to refer the matter for the filing of a public offense petition. If the court designated worker determines that, in his judgment, the interests of the child and the public will be thereby best served, with the written approval of the county attorney he may recommend that a public offense petition not be filed. If such a recommendation is made, the court designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor and that the complainant, victim, or law enforcement agency may submit within ten (10) days from receipt of such notice a complaint to the county attorney for special review;~~

- (d) ~~—]~~

- (2) The county attorney, upon receipt of a request for special review, shall consider the facts presented by the complainant and by the court-designated worker who made the recommendation that no petition be filed, before the county attorney makes a final decision as to whether a public offense petition shall or shall not be filed.
- (3) In all cases in which the child is alleged to have committed a public offense and is not detained, the court-designated worker shall submit his written recommendation to the county attorney or designee within twenty (20) days, exclusive of weekends and holidays, from the date the child was taken into custody or the complaint was filed. In cases where the child is detained, the court-designated worker's report shall be submitted within seventy-two (72) hours of the time the child is ordered detained.[-]
- (4) *The county attorney may not file a petition if the complaint is a misdemeanor and the child who is the subject of the diversion agreement has no prior adjudications and no prior diversions.*

~~[(e) In cases where the court designated worker has recommended and the Commonwealth's attorney or county attorney, as appropriate, has consented in writing that a public offense petition not be filed and the complainant or victim, if any, or law enforcement agency having investigative jurisdiction of the offense has not called for a special review, said worker and the child may enter into a diversionary agreement. Such agreement may include the following: an informal plan of services provided by the court or its staff; referral of the child to a public or private organization, agency, or person to assist the child and the child's family to resolve the problems presented in the complaint; referral to a community service program in accordance with the provisions of KRS 635.080(2); restitution, limited to the amount of actual property or pecuniary loss incurred by the victim, provided that the youth has the means or could acquire the means to make restitution; and other such programs or efforts which might reasonably benefit the community and the child. In assessing periods of community service to be performed and restitution to be paid by the youth who has entered into a diversion agreement, the court-designated worker shall, to the extent possible, involve members of the community. Such members of the community shall meet with the youth and advise the court designated worker as to the terms of the diversionary agreement and shall supervise the youth in carrying out its terms. The diversionary agreement shall not cover a period in excess of six (6) months;~~

~~[(f) If the terms of the agreement are successfully completed, the court designated worker shall dispose of the complaint, the charges shall be considered dismissed and further prosecution is prohibited. In the event the child fails to comply with the terms of the agreement, the court designated worker shall provide ten (10) days' written notice to the child and the child's parent or other person exercising custodial control or supervision and counsel of his intent to file a public offense petition based upon the original complaint, whereupon the court designated worker shall meet and confer with the child and the child's parent or other person exercising custodial control and supervision and counsel to consider from the child's viewpoint why a petition should not be filed; and~~

~~[(g) In the event that a complaint is not disposed of as a result of an agreement or in the event that the child fails to comply with the terms of an agreement and a petition is filed, the court shall proceed with the petition in accordance with the provisions of KRS Chapter 610 as if the agreement had never been formulated. In the event that a petition is filed based upon the court designated worker's determination that the child has failed to comply with the terms of an agreement, the child may upon arraignment of said petition move for dismissal of the petition on the basis that the agreement was substantially complied with.]~~

- ~~(5) [(2)]~~ *If [In the event]* a public offense petition is filed, it shall be verified by information and belief and contain the information listed in KRS 610.020.

~~[(3) The court designated worker shall refer all felony case charges involving the use of a firearm to the Commonwealth's attorney and all other felony case charges to the county attorney for prosecution in the appropriate court. The court-designated worker may recommend to the county attorney the diversion of felony charges if those charges do not involve the use of a firearm. The county attorney, if he agrees, may transfer the matter to the court designated worker for appropriate action and supervision.~~

~~(4) Except as provided in KRS 605.030 and 605.040, the court-designated worker shall refer all misdemeanor cases, violation cases, and motor vehicle traffic offense cases to the county attorney for prosecution in the appropriate court.~~

~~(5) Except as provided by KRS 605.030 and 605.040, the court-designated worker shall refer all status offense cases to the county attorney for prosecution in the appropriate court.]~~

➔Section 46. KRS 635.055 is amended to read as follows:

No child who is found to be in contempt of court shall be committed as a public offender as a result of such finding, nor detained because of such finding in a facility other than a secure juvenile detention facility, ~~[juvenile holding facility]~~ youth alternative center, an alternative to detention program approved by the Department of Juvenile Justice, or a nonsecure detention alternative. ***An order of detention for a child found in contempt shall not exceed thirty (30) days.***

➔Section 47. KRS 635.060 is amended to read as follows:

If in its decree the juvenile court finds that the child comes within the purview of this chapter, the court, at the dispositional hearing, may ***impose any combination of the following, except that the court shall, if a validated risk and needs assessment tool is available, consider the validated risk and needs assessment submitted to the court and parties by the Department of Juvenile Justice or other agency before imposing any disposition:***

- (1) Order the child or his parents, guardian, or person exercising custodial control to make restitution or reparation to any injured person to the extent, in the sum and upon the conditions as the court determines. However, no parent, guardian, or person exercising custodial control shall be ordered to make restitution or reparation unless the court has provided notice of the hearing, provided opportunity to be heard, and made a finding that the person's failure to exercise reasonable control or supervision was a substantial factor in the child's delinquency; ~~[or]~~
- (2) (a) Place the child:
 1. Under parental supervision in the child's own home or in a suitable home or boarding home, upon the conditions that the court shall determine, or
 2. ~~[place the child]~~ On probation under conditions that the court shall determine.
- (b) 1. At the time the child is placed on probation, the court shall explain to the child the sanctions which may be imposed if the court's conditions are violated, and shall include notice of those sanctions as part of its written order of probation. A child placed on probation shall be subject to the visitation and supervision of a probation officer or an employee of the Department of Juvenile Justice.
2. ***The conditions of probation shall include authorization for the use of graduated sanctions prior to a court review for the imposition of a term of detention. If the court has previously imposed graduated sanctions for a violation of conditions of supervision by a child monitored by the court, or makes a finding that the graduated sanctions have previously been imposed for a child on probation, then the court may impose a sanction of up to thirty (30) days' detention for a violation of the conditions of supervision or probation. A court may not impose detention prior to use of graduated sanctions unless there is clear and convincing evidence that there are no graduated sanctions available that are appropriate for the child and the child is an immediate threat to himself or others. Except where commitment has been probated pursuant to subsection (5) of this section, a child may not be committed or recommitted to the Department of Juvenile Justice for a violation of a condition of probation.***
- (c) ~~4. Except as provided in KRS 635.083, a~~ child placed on probation or ~~[parental]~~ supervision ***with court monitoring*** shall remain subject to the jurisdiction of the court ***as follows*** ~~[until the child becomes eighteen (18) years of age, unless the child is discharged prior thereto by the court]~~, except that if a person is placed on probation after the person reaches the age of seventeen (17) years and six (6) months, the probation shall be for a period not to exceed one (1) year; ~~[or]~~
 1. ***If the child was adjudicated for an offense that would be a violation if committed by an adult, the period of probation or supervision shall not exceed thirty (30) days, except that the court may order up to three (3) months of supervision if the court-ordered treatment includes a program that requires longer than thirty (30) days to complete;***
 2. ***If the child was adjudicated for an offense that would be a misdemeanor if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender under KRS 635.510 or an offense involving a deadly weapon, the period of probation or supervision shall not exceed six (6) months, except that the court may order up to twelve (12) months of supervision if the court-ordered substance abuse or mental health treatment includes a program that requires longer than six (6) months to complete;***

3. *If the child was adjudicated for an offense that would be a Class D felony if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender under KRS 635.510 or an offense involving a deadly weapon, the period of probation or supervision shall not exceed twelve (12) months; or*
 4. *If the child was adjudicated for an offense that would be a felony offense if committed by an adult, other than a Class D felony offense, or for an offense involving a deadly weapon, or for an offense in which the child has not been declared a sexual offender pursuant to KRS 635.510, the child may be placed on probation up to age eighteen (18);*
- (3) (a) *If the child was adjudicated for an offense other than an offense that would be a violation if committed by an adult, order the child confined in an approved secure detention facility or detention program, as authorized by KRS Chapter 15A, as follows:*
1. *If the child is fourteen (14) years of age but less than sixteen (16) years of age, the child may be confined for a period of time not to exceed forty-five (45) days; or*
 2. *If the child is sixteen (16) years of age or older, the child may be confined for a period of time not to exceed ninety (90) days.*
- (b) *The Department of Juvenile Justice shall pay for the confinement of children confined pursuant to this subsection in accordance with the statewide detention plan and administrative regulations implementing the plan;*
- (4) (a) *Order the child to be committed or recommitted~~[Commit or recommit the child]~~ to the custody of the Department of Juvenile Justice,~~[or]~~ grant guardianship to a child-caring facility ~~or~~ a child-placing agency authorized to care for the child, or place the child under the custody and supervision of a suitable person if:*
1. *The child was adjudicated for an offense that would be a misdemeanor or Class D felony if committed by an adult and the child has at least three (3) prior adjudications, excluding prior adjudications of offenses designated as a violation, or at least four (4) prior adjudications of violations, which do not arise from the same course of conduct; or*
 2. *The child was adjudicated for an offense involving a deadly weapon, an offense in which the child has been declared a juvenile sexual offender under KRS 635.510, or an offense that would be a felony offense if committed by an adult, other than a Class D felony.*
- (b) *The commitment shall be for the following term, subject to KRS 635.070 and the power of the court to terminate the order and discharge the child prior thereto:*
1. *If the child was adjudicated for an offense that would be a misdemeanor if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender under KRS 635.510 or an offense involving a deadly weapon, the child may be committed for a period not to exceed twelve (12) months, including all time spent in the treatment plan established pursuant to Section 5 of this Act;*
 2. *If the child was adjudicated for an offense that would be a Class D felony if committed by an adult, other than an offense for which a child has been declared a juvenile sex offender under KRS 635.510 or an offense involving a deadly weapon, the child may be committed for a period not to exceed eighteen (18) months, including all time spent in the treatment plan established pursuant to Section 5 of this Act;*
 3. *If the child was adjudicated for an offense that would be a felony offense if committed by an adult, other than a Class D felony offense, or an offense involving a deadly weapon, the child may be committed up to age eighteen (18);*
 4. *If the child was adjudicated for an offense that results in the child being declared a juvenile sexual offender, the commitment shall be as provided in KRS 635.515;*
 5. *The court, in its discretion, upon motion by the child and with the concurrence of the Department of Juvenile Justice, may authorize an extension of commitment up to age twenty-one (21) to permit the Department of Juvenile Justice to assist the child in establishing independent living arrangements; and*

6. *If a child is committed after the child reaches the age of seventeen (17) years and six (6) months, and except as provided in subparagraph 4. of this paragraph, the commitment shall be for a period not to exceed one (1) year.*

(c) *The Department of Juvenile Justice shall:*

1. *Accept physical custody of a child who*~~[If the child]~~ *is detained in an approved secure juvenile detention facility*~~[or juvenile holding facility]~~ *in accordance with KRS 15A.200 to 15A.240 at the time the child is committed or recommitted to the custody of the Department of Juvenile Justice.*~~[.] The Department of Juvenile Justice shall~~ *accept physical custody of the child,*~~[.]~~ *remove the child from the approved secure juvenile detention facility*~~[or juvenile holding facility],~~ *and secure appropriate placement as soon as possible but not to exceed thirty-five (35) days of the time of commitment or recommitment; and*~~[.]~~
 2. ~~[The Department of Juvenile Justice shall]~~*Pay for the cost of detention from the date of commitment or recommitment, on the current charge, until the child is removed from the detention facility and placed.*
- (d) All orders of commitment may include advisory recommendations the court may deem proper in the best interests of the child and of the public~~[. The commitment or placement shall be until the age of eighteen (18), subject to KRS 635.070 and to the power of the court to terminate the order and discharge the child prior thereto, except that if the commitment or placement is after a person has reached the age of seventeen (17) years and six (6) months, the commitment or placement shall be for an indeterminate period not to exceed one (1) year. The court, in its discretion, upon motion by the child and with the concurrence of the Department of Juvenile Justice, may authorize an extension of commitment up to age twenty one (21) to permit the Department of Juvenile Justice to assist the child in establishing independent living arrangements; or~~
- ~~(4) If the child is fourteen (14) years of age but less than sixteen (16) years of age, order that the child be confined in an approved secure juvenile detention facility, juvenile holding facility, or approved detention program as authorized by the Department of Juvenile Justice in accordance with KRS Chapter 15A for a period of time not to exceed forty-five (45) days; or~~
- (5) (a) *The court may probate or suspend a commitment ordered pursuant to subsection (4) of this section,*~~[If the child is sixteen (16) years of age or older, order that the child be confined in an approved secure juvenile detention facility, juvenile holding facility, or approved detention program as authorized by the Department of Juvenile Justice in accordance with KRS Chapter 15A for a period of time not to exceed ninety (90) days; or~~
- ~~(6) Any combination of the dispositions listed above]~~ *except that*~~[.]~~ *if a court probates or suspends a commitment in conjunction with any other dispositional alternative, that fact shall be explained to the juvenile and contained in a written order.*
- (b) *Any probation or suspension imposed shall not exceed the time limitations established under subsection (2) of this section.*
- (c) *If the child successfully completes the conditions of probation, the court shall terminate the case.*
- (d) 1. *The court may, for violations of the conditions of probation, revoke the probation or suspension ordered under this section and order the child committed.*
2. *The period of the commitment shall not exceed the terms established under subsection (4) of this section.*
3. *Any time a child has spent in out-of-home placement as a result of a violation of a condition of probation or suspension under this section shall be credited toward the period of commitment.*
4. *If a commitment is probated or suspended after a child reaches the age of seventeen (17) years and six (6) months, the period of the suspension, and commitment if revoked, shall be for a period not to exceed one (1) year, but not to exceed age nineteen (19).*

~~[The Department of Juvenile Justice shall pay for the confinement of children confined pursuant to subsection (4) or (5) of this section in accordance with the statewide detention plan and administrative regulations implementing the plan.]~~

➔ Section 48. KRS 635.080 is amended to read as follows:

- (1) If a child who has not reached his eighteenth birthday commits a new offense while under the jurisdiction of the court or during the period of commitment, the court of the county where the new offense is committed shall have jurisdiction of the new offense for purposes of adjudication but may transfer the case for disposition to the court having jurisdiction of the prior offense.
- (2) If a child has been adjudicated a ~~status or~~ public offender, the court in its discretion may order participation in a community services work program. If the child is committed to the Department of Juvenile Justice on a previous offense, the child shall not be released from commitment if ordered to a work program until the completion of his commitment. ***If a child has entered into a diversion agreement pursuant to Section 36 of this Act, the diversion agreement may require participation in a community services work program.*** The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling and supervision from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred twenty (120) hours. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution. Participation in community-services-related projects shall not be deemed employment for any purpose, and the child shall not be deemed an employee or agent of the entity for which he performs the community service work.

➔Section 49. KRS 635.085 is amended to read as follows:

- (1) In lieu of commitment to the Department of Juvenile Justice, if a child is adjudicated a public offender, the court may in its discretion impose a fine. The imposition of a fine for an offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay the fine. Fines shall be levied consistent with the schedule set forth below:
 - (a) For a felony, not to exceed five hundred dollars (\$500);
 - (b) For a misdemeanor, not to exceed two hundred fifty dollars (\$250); and
 - (c) For a violation, not to exceed one hundred dollars (\$100).
- (2) When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately. Nothing contained herein shall be construed as limiting the court's inherent contempt powers.
- (3) Any public offender detained for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational, occupational, or religious obligations of the child, and shall be in a secure juvenile detention facility~~, juvenile holding facility,~~ or approved detention program authorized by the Department of Juvenile Justice in accordance with KRS Chapter 15A. Any portion of a day a child is detained pursuant to the court's exercising its contempt powers shall be deemed as one (1) day for purposes of serving a detention term.

➔Section 50. KRS 635.100 is amended to read as follows:

- (1) ***The Department of Juvenile Justice shall develop and implement a graduated sanctions protocol of swift, certain, proportionate, and graduated sanctions that the department shall apply in response to a committed child's violations of the terms or conditions of supervised placement.***
- (2)
 - (a) Any child committed to or in the custody of the Department of Juvenile Justice who escapes or is absent without leave from his or her placement shall be taken into custody and returned to the custody of the Department of Juvenile Justice by any juvenile probation officer or by any peace officer on direction of the Department of Juvenile Justice.
 - (b) ***A child taken into custody as provided in this subsection shall be returned to the active custody of the Department of Juvenile Justice within three (3) days, exclusive of weekends and holidays, and no administrative hearing shall be required.***
- (3)~~(2)~~ Any child committed to the Department of Juvenile Justice who is placed on supervised placement by the Department of Juvenile Justice and who violates the terms or conditions of supervised placement may be

returned to active custody of the Department of Juvenile Justice and shall be taken into custody by any juvenile probation officer or by any peace officer on direction of the Department of Juvenile Justice.

- ~~(4)(3)~~ A child taken into custody may be held in a Department of Juvenile Justice facility, program, or contract facility, prior to the administrative hearing, provided a preliminary hearing is held by a person designated by the Department of Juvenile Justice within five (5) days, exclusive of weekends and holidays, of the holding, unless the child or his representative request or agree to a longer period of time, to determine if there is probable cause to believe that the child violated his supervised placement conditions and, if so, to determine if the best interest of the child requires that the child be held in custody pending an administrative hearing pursuant to subsection (5) of this section. The child and his parent or other person exercising custodial control or supervision shall be given an opportunity to be heard and to be represented by counsel at the preliminary hearing.

~~[(4) A child taken into custody as provided in subsection (1) of this section shall be returned to the active custody of the Department of Juvenile Justice within three (3) days, exclusive of weekends and holidays, and no administrative hearing shall be required].~~

- (5) If the child is returned to the active custody of the Department of Juvenile Justice as provided in subsection ~~(4)(3)~~ of this section an administrative hearing shall be held *as follows*:

- (a) *The hearing shall be held* within ten (10) days, exclusive of weekends and holidays, of the preliminary hearing unless the child and his representative request or agree to a longer period of time;~~[-]~~
- (b) The hearing shall be *presided over*~~held~~ by one (1) hearing officer designated by the Department of Juvenile Justice to hear such matters at which time the child and his parent or other person exercising custodial control or supervision shall be given an opportunity to be heard and be represented by counsel; *and*~~[-]~~

~~(c)(6)~~ The department shall have the power to administer oaths and to issue subpoenas compelling the attendance of witnesses as it may deem necessary to the case of any child before it. Disobedience of a subpoena may be punished as contempt of court, after a hearing before the committing juvenile court.

- ~~(6)(7)~~ Administrative hearings conducted under this section and administrative regulations promulgated under this section shall be exempt from the requirements of KRS Chapter 13B.

- ~~(7)(8)~~ The Department of Juvenile Justice shall promulgate administrative regulations to govern at least the following aspects of this section:

- (a) Commissioner's warrant;
- (b) Procedural aspects of the hearing;
- (c) Burden of proof;
- (d) Standard of proof; and
- (e) Administrative appeal process.

➔Section 51. KRS 640.020 is amended to read as follows:

- (1) Any person proceeded against as a youthful offender under the provisions of this chapter who is under eighteen (18) years of age shall be detained in a secure juvenile detention facility~~[-] or a juvenile holding facility~~ if he is unable to meet the conditions of release or bail established pursuant to KRS Chapter 431 and the Kentucky Rules of Criminal Procedure.
- (2) Any person proceeded against as a youthful offender under the provisions of this chapter who is eighteen (18) years of age or older shall be lodged as an adult if he is unable to meet the conditions of release or bail established pursuant to KRS Chapter 431 and the Kentucky Rules of Criminal Procedure.

➔Section 52. KRS 645.120 is amended to read as follows:

- (1) If, as a result of mental illness, a child appears in need of immediate hospitalization for observation, diagnosis, or treatment, a peace officer or any interested person may either take the child to a hospital, mental health facility, or another less restrictive alternative or file a petition for emergency hospitalization. Upon filing a petition, a peace officer may place a child up to twenty-four (24) hours, excluding weekends and holidays, in a hospital or mental health facility or another less restrictive alternative. The peace officer shall notify the court designated worker of the child's placement. Within twelve (12) hours, the peace officer shall, if no other party can be found, file a petition, unless the child has been taken to a hospital. No child held under this section shall

be held in a secure juvenile detention facility~~[or juvenile holding facility]~~ unless a status offense action or public offense action is also pending.

- (2) On the basis of a prompt examination and any other available information concerning a child who is present at or presented at a hospital, an authorized staff physician shall determine within twenty-four (24) hours if the child needs immediate hospitalization after which the child shall be released within seventy-two (72) hours unless the child is held pursuant to other provisions of this chapter.
 - (a) The hospital may accept physical custody of the child and may request the person who brought the child to remain on the premises until the authorized staff physician makes a determination;
 - (b) If the authorized staff physician determines that the child, as a result of mental illness, appears to need immediate hospitalization, the physician shall admit the child for observation, diagnosis, and treatment, and shall, if he deems it appropriate, file a certification petition. If the proponent of emergency hospitalization is not the child's legal custodian, the hospital shall immediately notify the child's parent or other person exercising custodial control or supervision including, if applicable, the state; and
 - (c) If the authorized staff physician determines the child does not need immediate hospitalization, the physician shall release the child to a parent, person exercising custodial control or supervision, or an agency having custody of the child and make whatever recommendations or referrals the physician deems appropriate.
- (3) The petition for emergency hospitalization shall state the petitioner's belief, including its factual basis, that the child, as a result of mental illness, needs immediate hospitalization for observation, diagnosis, and treatment. Within twenty-four (24) hours of the filing, exclusive of weekends and holidays, the court shall on an ex parte basis, which may be by telephone:
 - (a) Deny the petition; or
 - (b) Issue an order authorizing a peace officer to transport the child to a designated hospital or mental health facility for evaluation for emergency hospitalization, at which time two (2) qualified mental health professionals, at least one (1) of whom is an authorized staff physician, shall follow the procedures specified in subsection (2) of this section. If the child is committed to the cabinet or will be treated by the cabinet, the court shall notify the cabinet of its order at once and shall also advise the cabinet of the sex and condition of the child who is to be transported. The peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the child to a hospital or mental health facility. The cabinet shall pay the transportation costs of the child and the official transporting the child, both to and from the designated hospital or mental health facility, in accordance with an administrative regulation promulgated under KRS Chapter 13A. If, after evaluation, the qualified mental health professional finds that the child does not meet the criteria for involuntary hospitalization, the child shall be released immediately and transported back to the child's home county by an appropriate means of transportation.
- (4) An emergency hospitalization of a child may not exceed seven (7) days, exclusive of weekends and holidays, unless a certification petition is filed before the seven (7) days expire.

➔Section 53. KRS 645.280 is amended to read as follows:

- (1) No child held under the provisions of this chapter shall be held in a secure juvenile detention facility~~[or juvenile holding facility]~~ unless a status offense action or public offense action is also pending. No peace officer or any other person shall bring a status offense action or a public offense action against a child who is mentally ill and in need of hospitalization pursuant to this chapter solely or primarily for the purpose of avoiding transporting the child to a hospital, mental health facility, or other less restrictive alternative.
- (2) If, after evaluation, the qualified mental health professional finds that the child does not meet the criteria for involuntary hospitalization and the peace officer has reason to believe that the child has committed a status offense or public offense, the peace officer may proceed in accordance with KRS 610.190 to 610.290.

➔Section 54. KRS 17.125 is amended to read as follows:

- (1) The following agencies *are parts of Kentucky's juvenile justice system and* shall, subject to restrictions imposed by state or federal law, disclose and share with each other all information they maintain on a juvenile in a facility or program or informal adjustment authorized by law:
 - (a) All sheriff's offices, police departments, and any other law enforcement agency;

- (b) All Commonwealth's attorneys and county attorneys;
 - (c) The Attorney General;
 - (d) All jails and juvenile detention facilities, public and private;
 - (e) All courts and clerks of courts;
 - (f) The Administrative Office of the Courts;
 - (g) All departments within the Justice and Public Safety Cabinet; ~~and~~
 - (h) All departments within the Cabinet for Health and Family Services; *and*
 - (i) *All family accountability, intervention, and response teams.*
- (2) Except as provided in this section, all information shared by agencies specified above shall be subject to applicable confidentiality disclosure, redisclosure, and access restrictions imposed by federal or state law.
- (3) ***Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense***, all public or private elementary or secondary schools, vocational or business schools, or institutions of higher education shall provide all records specifically requested in writing, and pertaining to ~~that child~~ *[status offenders, public offenders, youthful offenders, juveniles remanded to detention, and any juvenile convicted by a court]*, to any of the agencies listed in subsection (1) of this section. ***Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when this section refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file*** ~~[The records or information provided pursuant to this subsection shall be subject to:~~
- ~~(a) Access or other restrictions imposed by federal or state law;~~
 - ~~(b) All confidentiality restrictions imposed by federal or state law; and~~
 - ~~(c) All disclosure and redisclosure restrictions imposed by federal or state law].~~
- (4) Any request for records, the provision of records, the sharing of records, the disclosure of records, or the redisclosure of records shall be done for official purposes only, on a bona fide need to know basis, and only in connection with a legitimate investigation, prosecution, treatment program, or educational program.
- (5) Information and records relating to pending litigation in Circuit Court, District Court, or a federal court and information and records relating to an ongoing investigation are not subject to disclosure or sharing under this section.
- (6) Obtaining or attempting to obtain a record relating to a minor or by sharing or attempting to share a record relating to a minor with an unauthorized person is a violation of this section.

➔Section 55. KRS 600.070 is amended to read as follows:

Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when a statute within KRS Chapters 600 to 645 refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. ***The authorities to which the data are released shall certify that*** any educational records obtained pursuant to a statute within KRS Chapters 600 to 645 shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child.

➔Section 56. The following KRS section is repealed:

67.0831 Fiscal courts to provide facilities to hold children.

➔Section 57. Sections 9, 15, 19, 25, 27, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, 51, and 52 of this Act shall take effect July 1, 2015.

Signed by Governor April 25, 2014.

CHAPTER 133

(HB 2)

AN ACT relating to postsecondary financial aid programs funded with coal severance tax receipts and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly recognizes that the bachelor degree attainment rate in the coal-producing counties of Kentucky is lower than the state average. It is the intent of the General Assembly to establish the Kentucky Coal County College Completion Program to assist residents of coal-producing counties who are attending postsecondary education institutions located in coal-producing counties by providing:*
 - (a) *Scholarships to:*
 1. *Decrease the financial barriers to bachelor's degree completion; and*
 2. *Encourage students to remain in the area; and*
 - (b) *Grants to community colleges located in coal-producing counties to enhance the extent and quality of student support services and program offerings necessary to increase student success and degree production in the area.*
- (2) *For purposes of this section:*
 - (a) *"District" means the Kentucky Coal County District consisting of coal-producing counties as defined in KRS 42.4592(1)(c);*
 - (b) *"High school" means a Kentucky public high school or a private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;*
 - (c) *"Kentucky Coal County College Completion scholarship" or "KCCCC scholarship" means a scholarship described in subsection (1)(a) of this section;*
 - (d) *"Kentucky Coal County College Completion student services grant" or "KCCCC student services grant" means a grant described in subsection (1)(b) of this section; and*
 - (e) *"Tuition" means the in-state tuition and mandatory fees charged to all students as a condition of enrollment in an undergraduate program.*
- (3) *A participating institution shall:*
 - (a) *Be physically located in the district;*
 - (b) *Offer bachelor's degree programs and be:*
 - (c)
 1. *A regionally accredited, independent nonprofit Kentucky college or university licensed by the Council on Postsecondary Education whose main campus is based in the district, including a work-college as determined by the Kentucky Higher Education Assistance Authority;*
 2. *A four (4) year public university extension campus; or*
 3. *A regional postsecondary education center, including the University Center of the Mountains.*
- (4) *A participating institution may establish extension campuses within the district to offer bachelor degree programs for purposes of this section.*
- (5) *A nonparticipating institution shall:*
 - (a) *Have its main campus located in Kentucky but not in the district;*
 - (b) *Offer a bachelor's degree program not offered at any participating institution;*
 - (c) *Be accredited by the Southern Association of Colleges and Schools; and*

- (d) *Be a public or independent, nonprofit college or university that is licensed by the Council on Postsecondary Education.*
- (6) *The Kentucky Higher Education Assistance Authority shall administer the Kentucky Coal County College Completion Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.*
- (7) *The authority may award a KCCCC scholarship under this section, to the extent funds are available for that purpose, to any person who:*
 - (a) *Is considered a permanent resident of the district for at least one (1) year immediately preceding July 1 of the academic year in which the scholarship is made;*
 - (b) *Is a United States citizen;*
 - (c) *Is a Kentucky resident as determined by the institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;*
 - (d) *Completes and submits the Free Application for Federal Student Aid for the academic year in which the grant is made;*
 - (e) *Has earned at least sixty (60) credits or the equivalent of completed coursework toward a bachelor's degree;*
 - (f) *Is enrolled at least half-time at a participating institution, or a nonparticipating institution in accordance with subsection (8) of this section, in upper division courses in a program of study that leads to a bachelor's degree;*
 - (g) *Is in good academic standing in accordance with the institution's policy; and*
 - (h) *Is not in default on any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.785, except that ineligibility for this reason may be waived by the authority for cause.*
- (8) *A student otherwise eligible for the KCCCC scholarship who is enrolled in a nonparticipating institution shall be eligible to receive the KCCCC scholarship if he or she is enrolled in a bachelor's degree program in a field of study that is not offered at any participating institution. A program shall be clearly unlike any degree program offered by a participating institution to be eligible. The authority shall promulgate administrative regulations to establish procedures to designate the approved programs of study at nonparticipating institutions for which an eligible student can receive the KCCCC scholarship, which shall include a program review process that requires fifty percent (50%) or more of the courses offered in a program to be different from courses available in a program offered by a participating institution. The maximum annual total of KCCCC scholarships expended for this purpose, to the extent funds are available, shall not exceed five percent (5%) of the amount appropriated for KCCCC scholarships.*
- (9)
 - (a) *The KCCCC scholarship amount provided to a student may be applied to the student's cost of attendance and shall be forty percent (40%), up to the maximum amount defined in subsections (10) and (11) of this section, of the amount remaining after subtracting the student's federal and state grants and scholarships from the institution's published tuition and mandatory fees amount that is used for purposes of packaging federal student aid. Work study and student loan funds shall not be included in the calculation.*
 - (b) *For purposes of this subsection, the tuition amount for a work-college, as described in subsection (3)(c)1. of this section, shall be the average tuition and mandatory fees amount of the participating institutions that are described in subsection (3)(c)1. of this section and are not work-colleges.*
 - (c) *Students attending less than full-time shall receive a pro rata amount as determined by the authority.*
- (10) *The maximum KCCCC scholarship award amount for the 2014-2015 academic year shall not exceed:*
 - (a) *Six thousand eight hundred dollars (\$6,800) per academic year for a student attending a participating institution that is a nonprofit, independent college or university;*
 - (b) *Two thousand three hundred dollars (\$2,300) per academic year for a student attending a participating institution that is a public university extension campus or a regional postsecondary education center; or*

- (c) *Three thousand four hundred dollars (\$3,400) per academic year for a student attending a nonparticipating institution as prescribed in subsection (8) of this section.*
- (11) *The authority shall calculate the average annual percentage increase in tuition for the six (6) comprehensive universities as defined in KRS 164.001. The maximum KCCCC scholarship amounts in subsection (10) of this section shall be increased for each subsequent academic year by the total average percentage increase since the 2014-2015 academic year.*
- (12) *The authority shall award KCCCC scholarships chronologically based on when applicants submit the Free Application for Federal Student Aid until funds are exhausted, except prior recipients shall be awarded before any new KCCCC scholarship recipients. Applicants who received a KCCCC scholarship in the immediately preceding academic semester and apply by the deadline established by the authority shall be awarded first.*
- (13) *A student may receive a KCCCC scholarship for a maximum of five (5) full-time fall or spring academic semesters, or their equivalent under a trimester or quarter system, or until the completion of a first bachelor's degree, whichever occurs first. The authority shall determine the equivalent usage of academic semester eligibility for students enrolled less than full-time.*
- (14) *The authority may award KCCCC student services grants under this section, to the extent funds are available for that purpose, to a Kentucky Community and Technical College System institution that is physically located in the district.*
- (15) *The maximum annual KCCCC student services grant shall be one hundred fifty thousand dollars (\$150,000) per institution.*
- (16) *KCCCC student services grants shall be used for the following purposes:*
- (a) *To expand outreach services in high schools, in coordination with outreach services provided by the authority, to advise students of the advantages and importance of seeking a bachelor's degree and the opportunities to attain a bachelor's degree within the district;*
 - (b) *To expand advising resources to encourage completion of associate degree programs and transfer into bachelor's degree programs;*
 - (c) *To expand career advising resources to better link baccalaureate academic pursuits to career opportunities, especially within the district; and*
 - (d) *To provide multifaceted retention and student transfer initiatives to encourage associate degree completion leading to bachelor's degree programs.*
- (17) *Beginning November 1, 2015, and each year thereafter, the authority shall make an annual report to the Interim Joint Committee on Education on the status of the Kentucky Coal County College Completion Program.*
- (18) *Every four (4) years after implementation of the Kentucky Coal County College Completion Program, the authority shall evaluate the program to ensure the policy objectives are being realized and to suggest adjustments to maximize the increase in bachelor's degree completion rates.*
- (19) *Each participating institution, nonparticipating institution, and recipient of a KCCCC student services grant shall make data available to the authority for the report and evaluation described in subsections (17) and (18) of this section.*
- (20) *If any participating institution, nonparticipating institution, or recipient of a KCCCC student services grant does not demonstrate improved performance in student performance metrics, including but not limited to graduation and transfer rates, the authority may revoke the institution's eligibility for participation in the KCCCC scholarship or KCCCC student services grant.*
- (21) (a) *The coal county college completion scholarship fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing scholarships described in subsection (1)(a) of this section.*
- (b) *The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.*

- (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*
- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*
- (22) (a) *The coal county college completion student services grant fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing grants described in subsection (1)(b) of this section.*
- (b) *The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.*
- (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*
- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

➔Section 2. KRS 164.7890 is amended to read as follows:

- (1) To ensure the public health purpose of access to pharmaceutical services in the coal-producing counties of the Commonwealth, which have been traditionally underserved for pharmaceutical services due to a shortage of pharmacists in the Commonwealth, the General Assembly hereby establishes a coal county scholarship program to provide eligible Kentucky students the opportunity to attend an accredited school of pharmacy or a provisionally accredited school of pharmacy in the Commonwealth, and to become certified pharmacists in the Commonwealth, provided that the scholarship recipient agrees to practice pharmacy in a coal-producing county for each year a scholarship is provided.
- (2) "Coal-producing county" as used in this section has the same meaning as in KRS 42.4592(1)(c).
- (3) The authority may award scholarships, to the extent funds are available for that purpose, to any person who:
 - (a) Is a Kentucky resident;
 - (b) *Is considered a permanent resident of a coal-producing county for at least one (1) year immediately preceding July 1 of the academic year in which the scholarship is made for students who first receive a scholarship under this section on or after July 1, 2014;*
 - (c)~~((b))~~ Is a United States citizen as determined by the institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;
 - (d)~~((c))~~ Is enrolled or accepted for enrollment in a Pharm.D. program at an accredited institution or a provisionally accredited institution in the Commonwealth on a full-time basis, or is a student who has a disability defined by Title II of the Americans with Disabilities Act, 42 U.S.C. secs. 12131 et seq., certified by a licensed physician to be unable to attend the eligible program of study full-time because of the disability;
 - (e)~~((d))~~ Agrees to render one (1) year of qualified service in a coal-producing county of the Commonwealth for each year the scholarship was awarded. "Qualified service" means a full-time practice in a coal-producing county of the Commonwealth of Kentucky as a licensed pharmacist for a majority of the calendar year, except that an individual having a disability defined by Title II of the Americans with Disabilities Act, 42 U.S.C. secs. 12131 et seq., whose disability, certified by another licensed physician, prevents him or her from practicing full-time, shall be deemed to perform qualified service by practicing the maximum time permitted by the attending physician, in the coal-producing county; and
 - (f)~~((e))~~ Agrees to sign a promissory note as evidence of the scholarship awarded and the obligation to repay the scholarship amount or render pharmacy service as agreed in lieu of payment.
- (4) (a) Notwithstanding KRS 164.753(3), the amount of the scholarship shall not exceed forty percent (40%) of the approximate average of first professional year in-state tuition for all pharmacy schools in the United States. The authority shall establish, by administrative regulation a procedure for awarding

scholarships which shall give preference to students residing in coal-producing counties and which shall establish procedures to award scholarships should funding be insufficient to award scholarships to all eligible students. The authority may also, by administrative regulation, establish scholarship amounts based on demonstration of initial financial need by eligible students.

- (b) The actual amount of the scholarship awarded to each eligible student by the authority for each semester shall be based on the amount of funds available and the criteria established under paragraph (a) of this subsection.
- (5) (a) The authority shall require each student receiving a scholarship to execute a promissory note as evidence of the obligation.
- (b) The recipient shall render one (1) year of qualified service in a coal-producing county for each year the scholarship was awarded. Upon completion of each year of qualified service in a coal-producing county, the authority shall cancel the appropriate number of promissory notes. Promissory notes shall be canceled by qualified service in the order in which the promissory notes were executed. Service credit shall not include residency service.
- (c) If a recipient fails to complete an eligible program of study, or fails to render service as a pharmacist as agreed in this subsection, the recipient shall be liable for the total repayment of the sum of all outstanding promissory notes and accrued interest.
- (6) Any person who is in default on any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.785 shall not be awarded a scholarship or have a promissory note canceled until all financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the authority for cause.
- (7) A repayment obligation imposed by this section shall not be voidable by reason of the age of the recipient at the time of executing the promissory note.
- (8) Failure to meet repayment obligations imposed by this section shall be cause for the revocation of the scholarship recipient's license to practice pharmacy, subject to the procedures set forth in KRS Chapter 311.
- (9) Notwithstanding KRS 164.753(3), the authority shall establish by administrative regulation procedures for the administration of this program, including but not limited to the execution of appropriate contracts and promissory notes, cancellation of obligations, the rate of repayment, and deferment of repayment of outstanding debt.
- (10) Notwithstanding any other statute to the contrary, the maximum interest rate applicable to repayment of a promissory note under this section shall be twelve percent (12%) per annum, except that if a judgment is rendered to recover payment, the judgment shall bear interest at the rate of five percent (5%) greater than the rate actually charged on the promissory note.
- (11) (a) The coal county pharmacy scholarship fund is hereby created as a revolving fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing scholarships to qualifying students studying pharmacy in schools in the Commonwealth.
- (b) The fund shall consist of amounts transferred from coal severance tax receipts as provided in paragraph (c) of this subsection and any other proceeds from grants, contributions, appropriations, or other moneys made available for the fund.
- (c) 1. Receipts from the coal severance tax levied under KRS 143.020 shall be transferred to the fund on an annual basis in an amount not to exceed the lesser of:
 - a. Four percent (4%) of the total annual coal severance tax revenues collected under KRS 143.020; or
 - b. The amount necessary to provide full funding for all students who qualify for a scholarship under this section, considering all other resources available.
- 2. Transfers required by subparagraph 1. of this paragraph shall be made as follows:
 - a. On or before August 1 of each year, sixty-five percent (65%) of the amount of funding provided for in this paragraph shall be transferred to the fund; and
 - b. The remaining thirty-five percent (35%) shall be transferred on or before December 1 of each year.

3. The amount transferred shall be based upon the prevailing revenue estimate for coal severance tax receipts at the time each transfer is made.
- (d) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9).
- (e) Income earned from the investments shall be credited to the trust fund.
- (f) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be ***transferred to the Osteopathic Medicine Scholarship Program described in KRS 164.7891 within ninety (90) days of the end of the fiscal year***~~carried forward to the next fiscal year~~.
- (g) All amounts included in the fund shall be continuously appropriated only for the purposes specified in this section.
- (h) A general statement that all continuing appropriations are repealed, discontinued, or suspended shall not operate to repeal, discontinue, or suspend this fund or to repeal this action.
- (i) All moneys repaid to the authority under this section shall be added to the fund.

➔Section 3. Whereas the scholarship program described in Section 2 of this Act is administered on a fiscal year from July 1 through June 30 and the amendments to the program contained in Section 2 will impact the administration of the program, an emergency is declared to exist, and Section 2 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 25, 2014.

CHAPTER 134

(HB 17)

AN ACT relating to reporting on economic incentive programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) ***The cabinet shall maintain a searchable electronic database on its Web site containing information on the cost and status of the programs listed in subsection (3)(a) of this section. The database shall include all projects approved at any time in the last five (5) years and shall include for each, where applicable, the following information:***
 - (a) ***The name of the program, the recipient or participant, the type of project, and its location by county;***
 - (b) ***Total and approved costs of the project or investment, and the amount of incentives or other benefits authorized;***
 - (c) ***For the Kentucky Business Investment Program and the Kentucky Enterprise Initiative Act, the amount of incentives or other benefits actually recovered as self-reported by the recipient;***
 - (d) ***The number of new jobs estimated and for the Kentucky Business Investment Program and the Kentucky Enterprise Initiative Act, actually created, along with wage information for those jobs;***
 - (e) ***Project status and the date and nature of the most recent activity; and***
 - (f) ***Any other comparable data or information necessary to achieve transparency and accountability for the specified programs.***
- (2) ***In addition to the electronic database required in subsection (1) of this section, the cabinet shall submit a single annual report on the programs listed in subsection (3)(b) of this section to the Governor and the Legislative Research Commission by November 1 of each year. The report shall include all projects approved in the preceding fiscal year and shall provide for these projects the information specified in subsection (1) of this section plus aggregate data for each program, summary evaluations of program activity and effectiveness, and anything required by statute to be reported for any particular program. The***

report shall also list all projects that were approved in prior years but active at any time in the preceding fiscal year, although for these projects the report need not provide further data.

- (3) *The following programs shall be subject to the reporting requirements of this section:*
- (a) *The electronic database required in subsection (1) of this section shall include the Bluegrass State Skills Corporation, Grants-in-Aid and Skills Training Investment Credit; Kentucky Business Investment Program; Kentucky Enterprise Initiative Act; Department of Commercialization and Innovation programs; Incentives for Energy Independence Act; Kentucky Economic Development Finance Authority small business and direct loan programs; Kentucky Environmental Stewardship Act; Kentucky Industrial Revitalization Act; Kentucky Reinvestment Act; Small Business Investment Credit; Economic Development Bonds; Kentucky Industrial Development Act; Kentucky Jobs Development Act; Kentucky Jobs Retention Act; and the Kentucky Rural Economic Development Act.*
 - (b) *The single annual report required by subsection (2) of this section shall include all programs listed in paragraph (a) of this subsection plus the Kentucky Investment Fund Act, the Tourism Development Act, Film Production Industry Incentives, and Tax Increment Financing, state participation projects.*
- (4) *The cabinet shall coordinate with the Tourism, Arts and Heritage Cabinet and any other agency necessary to supply the information required by this section.*

➔Section 2. KRS 148.546 is amended to read as follows:

- (1) An eligible company shall, at least thirty (30) days prior to incurring any expenditure for which recovery will be sought, file an application for tax incentives with the office. The application shall include:
 - (a) The name and address of the applicant;
 - (b) The production script or a detailed synopsis of the script;
 - (c) The anticipated date on which filming or production shall begin;
 - (d) The anticipated date on which the production will be completed;
 - (e) The total anticipated qualifying expenditures;
 - (f) The total anticipated qualifying payroll expenditures for above-the-line crew;
 - (g) The total anticipated qualifying payroll expenditures for below-the-line crew;
 - (h) The address of a Kentucky location at which records of the production will be kept;
 - (i) An affirmation that if not for the incentive offered under KRS 148.542 to 148.546, the eligible company would not film or produce the production in the Commonwealth; and
 - (j) Any other information the office may require.
- (2) The office shall notify the eligible company within thirty (30) days after receiving the application of its status.
- (3)
 - (a) Upon review of the application and any additional information submitted, the office shall present the application and its recommendation to the Tourism Development Finance Authority established by KRS 148.850 which may, by resolution, authorize the execution of a tax incentive agreement between the Tourism Development Finance Authority and the approved company.
 - (b)
 - 1. The total amount of tax credits authorized by the Tourism Development Finance Authority during fiscal year 2010-2011 shall not exceed five million dollars (\$5,000,000).
 - 2. The total amount of tax credits authorized by the Tourism Development Finance Authority during the fiscal year 2011-2012 shall not exceed seven million five hundred thousand dollars (\$7,500,000).
- (4) The tax incentive agreement shall include the following provisions:
 - (a) The duties and responsibilities of the parties;
 - (b) A detailed description of the motion picture or entertainment production for which incentives are requested;
 - (c) The anticipated qualifying expenditures and qualifying payroll expenditures for both above-the-line and below-the-line crews;

- (d) The minimum combined total of qualifying expenditures and qualifying payroll expenditures necessary for the approved company to qualify for incentives;
 - (e) That the approved company shall have no more than two (2) years from the date the tax incentive agreement is executed to start the motion picture or entertainment production;
 - (f) That the approved company shall have no more than four (4) years from the execution of the tax incentive agreement to complete the motion picture or entertainment production;
 - (g) That the motion picture or entertainment production shall not include obscene materials and shall not negatively impact the economy or the tourism industry of the Commonwealth;
 - (h) That the execution of the agreement is not a guarantee of tax incentives and that actual receipt of the incentives shall be contingent upon the approved company meeting the requirements established by the tax incentive agreement;
 - (i) That the approved company shall submit to the office within one hundred eighty (180) days of the completion of the motion picture or entertainment production a detailed cost report of the qualifying expenditures, qualifying payroll expenditures, and final script;
 - (j) That the approved company shall provide the office with documentation that the approved company has withheld income tax as required by KRS 141.310 on all qualified payroll expenditures for which an incentive under KRS 141.383 and 148.544 is sought;
 - (k) That, if the office determines that the approved company has failed to comply with any of its obligations under the tax incentive agreement:
 - 1. The office may deny the incentives available to the approved company;
 - 2. Both the office and the cabinet may pursue any remedy provided under the tax incentive agreement;
 - 3. The office may terminate the tax incentive agreement; and
 - 4. Both the office and the cabinet may pursue any other remedy at law to which it may be entitled;
 - (l) That the office shall monitor the tax incentive agreement;
 - (m) That the approved company shall provide to the office and the cabinet all information necessary to monitor the tax incentive agreement;
 - (n) That the office may share information with the cabinet or any other entity the office determines is necessary for the purposes of monitoring and enforcing the terms of the tax incentive agreement;
 - (o) That the motion picture or entertainment production shall contain an acknowledgment that the motion picture production was filmed or the touring show was produced in the Commonwealth of Kentucky;
 - (p) Terms of default;
 - (q) The method and procedures by which the approved company shall request and receive the incentive provided under KRS 141.383 and 148.544;
 - (r) That the approved company may be required to pay an administrative fee as authorized under subsection (5) of this section; and
 - (s) Any other provisions deemed necessary or appropriate by the parties to the tax incentive agreement.
- (5) The office may require the approved company to pay an administrative fee, the amount of which shall be established by administrative regulation promulgated in accordance with KRS Chapter 13A. The administrative fee shall not exceed one-half of one percent (0.5%) of the estimated amount of tax incentive sought or five hundred dollars (\$500), whichever is greater.
- (6) Prior to commencement of activity as provided in a tax incentive agreement, the tax incentive agreement shall be submitted to the Government Contract Review Committee established by KRS 45A.705 for review, as provided in KRS 45A.695, 45A.705, and 45A.725.
- (7) The office shall notify the cabinet upon approval of an approved company. The notification shall include the name of the approved company, the name of the motion picture or entertainment production, the estimated amount of qualifying expenditures, the estimated date on which the approved company will complete filming or production, and any other information required by the cabinet.

- (8) Within one hundred eighty days (180) days of completion of the motion picture or entertainment production, the approved company shall submit to the office a detailed cost report of:
- (a) Qualifying expenditures;
 - (b) Qualifying payroll expenditures for above-the-line crew;
 - (c) Qualifying payroll expenditures for below-the-line crew; and
 - (d) The final script.
- (9) (a) The office, together with the secretary, shall review all information submitted for accuracy and shall confirm that all relevant provisions of the tax incentive agreement have been met.
- (b) Upon confirmation that all requirements of the tax incentive agreement have been met, the office, and the secretary shall review the final script, and if they determine that the motion picture or entertainment production does not:
1. Contain visual or implied scenes that are obscene; or
 2. Negatively impact the economy or the tourism industry of the Commonwealth;
- the office shall forward the detailed cost report to the cabinet for calculation of the refundable credit.
- (10) The cabinet shall verify that the approved company withheld the proper amount of income tax on qualifying payroll expenditures, and the cabinet shall notify the office of the total amount of refundable credit available on qualifying expenditures and qualifying payroll expenditures.
- (11) On or before October 1, 2010, and on or before each October 1 thereafter, for the immediately preceding fiscal year, the office shall report to the Tourism Development Finance Authority:
- (a) The number of tax incentive agreements that have been executed;
 - (b) The estimated amount of tax incentives that have been requested under KRS 141.383 and 148.542 to 148.546; and
 - (c) The amount of tax incentives approved under KRS 139.538, 141.383, and 148.542 to 148.546.
- (12) (a) By ~~November~~~~[October 1, 2010, and on or before October]~~ 1 of each year~~[thereafter]~~, the authority shall file an annual report with the **Governor and the** Legislative Research Commission. ***The report shall be submitted in cooperation with the Cabinet for Economic Development and included in the single annual report required in Section 1 of this Act.*** The report shall also be available on the Tourism, Arts and Heritage Cabinet's Web site.
- (b) The report shall include information for all motion picture or entertainment production projects approved.
- (c) The report shall include the following information:
1. For each approved motion picture or entertainment production project:
 - a. The name of the approved company and a brief description of the project;
 - b. The amount of approved costs included in the agreement; and
 - c. The total amount recovered under the tax incentive agreement;
 2. The number of applications for projects submitted during the prior fiscal year;
 3. The number of projects finally approved during the prior fiscal year; and
 4. The total dollar amount approved for recovery for all projects approved during the prior fiscal year, and cumulatively under KRS 141.383 and 148.542 to 148.546 since its inception, by year of approval.
- (d) The information required to be reported under this section shall not be considered confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.

➔Section 3. KRS 148.8591 is amended to read as follows:

- (1) By ~~November~~~~[October 1, 2010, and on or before October]~~ 1 of each year~~[thereafter]~~, the authority shall file an annual report with the **Governor and the** Legislative Research Commission. ***The report shall be submitted in cooperation with the Cabinet for Economic Development and included in the single annual report required in Section 1 of this Act.*** The report shall also be available on the Tourism, Arts and Heritage Cabinet's Web site.
- (2) The report shall include information for all projects approved after June 26, 2009.
- (3) The report shall include the following information:
 - (a) For each approved project:
 1. The name of the approved company and a brief description of the project;
 2. The amount of approved costs included in the agreement;
 3. The maximum amount of incentives the approved company may recover over the term of the agreement;
 4. The term of the agreement; and
 5. The total amount recovered under the agreement, reported for both the prior fiscal year and cumulatively;
 - (b) The number of applications for projects submitted during the prior fiscal year;
 - (c) The number of projects finally approved during the prior fiscal year; and
 - (d) The total dollar amount approved for recovery for all projects approved during the prior fiscal year, and cumulatively under the Tourism Development Act since its inception, by year of approval.
- (4) The information required to be reported under this section shall not be considered confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other provision of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.

➔Section 4. KRS 154.12-100 is amended to read as follows:

- (1) "Economic development bonds" means the bond program authorized by the General Assembly for the purpose of promoting economic development within the state.
- (2) The economic development bond program shall be administered by the secretary of the Cabinet for Economic Development. The board shall promulgate administrative regulations in accordance with KRS Chapter 13A for project selection criteria. The project selection criteria shall include, but not be limited to, the following:
 - (a) Potential job creation or job retention;
 - (b) Degree of public or private and local involvement;
 - (c) Degree and conditions of project payback; and
 - (d) Provision of child care assistance for employees' dependents aged twelve (12) years and younger. For the purpose of this section, child care assistance means onsite child care, child care information and referral, the purchasing of child care through vouchers or contracts, and any other form of child care assistance deemed applicable by the secretary.
- (3) Prior to submission of an economic development bond project to the Capital Projects and Bond Oversight Committee, the secretary of the Cabinet for Economic Development shall receive a written commitment from the public or private organization which has requested state bonds outlining projected job creation and retention, an investment breakdown, and overall project description. This shall be submitted by the secretary to the Capital Projects and Bond Oversight Committee. Subsequently, the secretary of the Cabinet for Economic Development shall execute a written agreement with the public or private organizations involved expressing in detail the respective obligations on the parties, which shall thereafter be automatically forwarded to the committee for its records.
- (4) Projects of state agencies as defined in KRS 42.005 shall not be eligible for funding from the economic development bond program, unless expressly provided in a branch budget bill. Airport construction and renovation projects shall be eligible for funding under this section. The secretary of the Cabinet for Economic Development shall consult with the secretary of the Finance and Administration Cabinet on the terms and conditions relating to the use of state economic development bonds before any commitment is made on any

project to any public or private organization. Before any economic development bonds are issued, the proposed bond issue shall be approved by the board, and the State Property and Buildings Commission, under the provisions of KRS 56.450.

- (5) Following the approval by the board, the project shall be presented by the secretary of the Cabinet for Economic Development or his designee with supporting documentation for review and approval at the next regularly scheduled meeting of the Capital Projects and Bond Oversight Committee pursuant to KRS 45.810 and at the next regularly scheduled meeting of the State Property and Buildings Commission.
- (6) Notwithstanding the provisions of KRS 56.872(3), the amount of economic development bonds issued during any biennium shall not exceed the amount stated in the biennial budget.
- (7) The Cabinet for Economic Development shall submit an annual report to the Capital Projects and Bond Oversight Committee, **and to the Governor and Legislative Research Commission as required in Section 1 of this Act**, showing the economic development bonds issued during the previous fiscal year and the amounts paid back and the balance still owing with respect to loans made by the Cabinet for Economic Development with proceeds of economic development bonds during the previous five (5) fiscal years.

➔Section 5. KRS 154.12-208 is amended to read as follows:

The corporation shall annually submit a complete and detailed report of its activities **by November 1 of each year**~~[within one hundred twenty (120) days after the end of each fiscal year]~~ to the Legislative Research Commission and to the Governor, **as required in Section 1 of this Act**. The annual report shall include, but not be limited to, descriptions of all programs funded, an evaluation of the performance of each program, a summary of expenditures, and a detailed description of the participants.

➔Section 6. KRS 154.12-278 is amended to read as follows:

- (1) As used in this section, "cluster" and "knowledge-based" shall have the same meaning as in KRS 164.6011.
- (2) There is established the Department of Commercialization and Innovation in the Cabinet for Economic Development. The department shall be headed by a commissioner appointed by the Governor under KRS 12.040.
- (3) The duties of the Department of Commercialization and Innovation shall include but not be limited to:
 - (a) Implement the Kentucky Innovation and Commercialization Center Program as set forth in KRS 154.12-300 to 154.12-310;
 - (b) Monitor the return on investments and effectiveness of the Kentucky Innovation Act initiatives as set forth in the Strategic Plan for the New Economy as approved by the Kentucky Innovation Commission, January 7, 2002, or as revised, and report annually ~~by prior to~~ November 1 to the Kentucky Innovation Commission, **and to the Governor,**~~]~~ and the **Legislative Research Commission, as required in Section 1 of this Act**~~[General Assembly]~~;
 - (c) Oversee the modernization initiative in KRS 154.12-274;
 - (d) Assist the cabinet in the recruitment of research and development companies;
 - (e) Assist the cabinet in the attraction of high-technology research and development centers;
 - (f) Support growth and creation of knowledge-based, innovative companies;
 - (g) Build the infrastructure for the new economy businesses and promote networks of technology-driven clusters and research intensive industries;
 - (h) Administer the high-tech construction pool and the high-tech investment pool;
 - (i) Recommend projects to the Kentucky Economic Development Finance Authority for funding through the high-tech construction pool and high-tech investment pool; and
 - (j) Review and approve the annual plan which details the annual allocation of funds from the Science and Technology Funding Program, prior to the Council on Postsecondary Education executing a contract with the science and technology organization to administer science and technology funding programs. As used in this paragraph, the Science and Technology Funding Program means the Kentucky Enterprise Fund Program, the Rural Innovation Program, the Kentucky Commercialization Program, The Regional Technology Corporations/Innovation and Commercialization Center Satellites, and the

Experimental Program to Stimulate Competitive Research/Kentucky Science and Engineering Foundation.

- (4) The high-tech construction pool shall be used for projects with a special emphasis on the creation of high-technology jobs and knowledge-based companies. The commissioner, in administering the high-tech construction pool, shall recommend distribution of funds and projects to the Kentucky Economic Development Finance Authority for its approval. The commissioner shall recommend any designated amount of pool funds to be set aside for any match requirements. Any funds used for matching purposes may include public and private funds.
- (5) The high-tech investment pool shall be used to build and promote technology-driven industries and research-intensive industries, as well as their related suppliers, with the goal of creating clusters of innovation-driven industries in Kentucky. The commissioner, in administering the high-tech investment pool, shall be authorized to recommend funds to be used to support loans and grants, or to secure an equity or related position.
- (6) The Kentucky Economic Development Finance Authority shall assure in their approval of funding of projects that the highest priority is given to knowledge-based companies in fulfillment of the purposes and intentions of the purposes of this section.

➔Section 7. KRS 154.20-150 is amended to read as follows:

- (1) On or before October 1, 1992, and on or before the first day of every third month thereafter, the authority shall provide a written project status report to the Legislative Research Commission, and the authority shall be compelled to send a representative to testify on the project status report and the authority shall provide additional information on any projects upon request by the Legislative Research Commission. The written project status report shall include but is not limited to:
 - (a) The current status of each project under consideration by the authority, the proposed cost of a project, for each project under consideration, including any proposed financial obligations of the authority, the number of jobs to be created or retained by each project under consideration, and a description of the applicants with respect to each project under consideration; and
 - (b) The current status of each project, along with an updated cost for each project in progress, including any financial obligations of the authority and a description of the principals with respect to each project in progress.
- (2) On or before **November 1** ~~the first day~~ of each ~~fiscal~~ year, the authority shall submit an overview report to the Legislative Research Commission **and the Governor as required in Section 1 of this Act**, on the success or failure of each completed project, in order to determine the effectiveness of the Kentucky Economic Development Finance Authority.
- (3) In addition to the project status report, all construction, reconstruction, or alteration, financed or facilitated in whole or in part by the authority shall be reported to the Office of Employment and Training within the Department of Workforce Investment in the Education and Workforce Development Cabinet and to the Kentucky Legislative Research Commission not later than fifteen (15) days following the end of the month in which the agreement or contract facilitating or permitting such activity was executed. This construction activity report shall be subject to public information requests as provided by KRS 61.878. Reports shall list subject construction activity by location of project site, and shall specify the type of construction, project owner, estimated cost of project, and estimated starting and completion dates if known.

➔Section 8. KRS 154.27-050 is amended to read as follows:

- (1) The department may release to an approved company any sales tax incentives under KRS 139.517 and 154.27-070 after review of the request for incentives required by KRS 139.517 and determination of the amount due regardless of whether the minimum capital investment has been made as required by the tax incentive agreement.
- (2) The authority shall monitor all tax incentive agreements. The authority may seek assistance from the Department for Energy Development and Independence, the Department of Revenue, the Center for Applied Energy Research, or other entities or individuals in performing its monitoring functions.
- (3) The department shall track the amount of revenues released and incentives received for each eligible project under each tax incentive agreement and shall provide the authority the information upon request.
- (4) **By November 1 of each year** ~~On or before December 1, 2008, and every December 1 thereafter~~, the authority and the department shall jointly prepare a report for the **Governor and the** Legislative Research Commission,

as required in Section 1 of this Act. The report shall include a list of all companies with which tax incentive agreements have been entered into and a summary of the terms of each agreement, including the type of facility approved, product to be produced, estimated output upon completion, required minimum capital investment and maximum recovery, incentives approved by type of tax and amount, activation date, and termination date.

➔Section 9. KRS 154.31-030 is amended to read as follows:

- (1) The application, approval, and monitoring process under this subchapter shall be as follows:
 - (a) An eligible company with a proposed economic development project may submit an application to the authority. The application shall include the information required by subsection (3) of this section;
 - (b) Upon review of the application and any additional information submitted, the authority may, by resolution, approve an economic development project and authorize the negotiation and execution of an agreement pursuant to subsection (4) of this section. Approval granted pursuant to this subsection shall apply to a specific economic development project at a specific location within the Commonwealth;
 - (c) Upon approval, the authority shall notify the department that an approved company is eligible for a sales and use tax incentive under this subchapter and shall provide the department with the information necessary to monitor the use of incentives by the approved company. The authority shall notify the department if the agreement is extended or amended, or if the incentives are transferred, and shall provide the department with the information necessary to update its records; and
 - (d) The approved company shall be eligible to receive the sales and use tax incentives authorized by the agreement upon the earlier of the completion of the economic development project or expiration of the project term. The approved company shall apply to the department for the sales and use tax incentives as provided in KRS 139.535, and shall, during the project term, submit all information required by the department as provided in KRS 139.535.
- (2) The authority may establish standards for the review of applications and the approval of eligible companies through the promulgation of administrative regulations in accordance with KRS Chapter 13A. In reviewing applications and establishing standards, the authority shall consider the creditworthiness of the eligible company, employment opportunities for Kentucky residents, wages to be paid, whether the eligible company is participating in other incentive programs pursuant to KRS Chapter 154 for the project, the likelihood that the project will be an economic success, and any other factors the authority determines to be relevant.
- (3) The application submitted by an eligible company shall include but not be limited to the following:
 - (a) A description of the proposed economic development project;
 - (b) The anticipated minimum investment in the proposed economic development project;
 - (c) An estimate of the approved recovery amount that the company will seek;
 - (d) A timeline for completion of the proposed economic development project;
 - (e) Supporting documentation, as requested by the authority;
 - (f) Payment of any applicable application fee required by the authority; and
 - (g) Any other information requested by the authority.
- (4)
 - (a) Upon approval of an eligible company, the authority may enter into an agreement with the approved company. The terms of the agreement shall be determined by negotiations between the authority and the approved company, and shall include but not be limited to the following provisions:
 1. The project term;
 2. A description of the economic development project;
 3. The total approved recovery amount in each category for which the approved company is eligible;
 4. That the approved company shall maintain all records and documentation relating to eligible expenditures and the Kentucky sales and use tax paid, and shall provide those records and documentation to the authority or the department upon request;

5. That the approved company shall execute information-sharing agreements prescribed by the department with contractors, vendors, and other related parties to verify the costs of and payment of sales and use tax on the tangible personal property eligible for the sales and use tax incentive under this subchapter;
 6. That the sales and use tax incentives shall not be assignable or transferable without written notice to the authority and approval of the authority; and
 7. Any other provisions not inconsistent with this subchapter.
- (b) The project term established in the agreement may be extended by approval of the authority for good cause shown; however, the term shall not be extended beyond seven (7) years from the date of approval.
 - (c) An approved company may transfer or assign its designation as an approved company upon prior notification to the authority and approval of the authority in a manner prescribed by the authority.
- (5) The contents of a company's filings under this subchapter shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.
 - (6) The authority shall annually submit a complete and detailed report of the use of the sales and use tax incentives and participation of approved companies under this subchapter **by November 1 of each year** ~~within one hundred twenty (120) days after the end of each fiscal year~~ to the Legislative Research Commission and to the Governor, **as required in Section 1 of this Act.**

Signed by Governor April 25, 2014.

CHAPTER 135

(HB 105)

AN ACT relating to fees for fingerprinting and photography by law enforcement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Kentucky State Police may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.*
- (2) *If the actual cost of processing fingerprinting and photograph requests rises above the fee amounts set in this section, the Department of Kentucky State Police may set new fees through administrative regulations.*
- (3) *Nothing in this section shall change any other fee allocation allowed by statute.*

➔Section 2. KRS 64.090 is amended to read as follows:

- (1) Sheriffs may charge and collect the following fees from the Commonwealth and any of its agencies, including the Department of Kentucky State Police, when the source of payment is not otherwise specified, if the Commonwealth, any of its agencies, or the Department of Kentucky State Police makes a request that the sheriff perform any of the following:
 - (a) Executing and returning process\$20.00;
 - (b) Serving an order of court and return3.00;
 - (c) Summoning or subpoenaing each witness, fee to be paid by requester
to sheriff before service10.00;
 - (d) Summoning an appraiser or reviewer2.00;
 - (e) Attending a surveyor, when ordered by a
court, per deputy or sheriff assigned20.00;
 - (f) Taking any bond that he is authorized or

- required to take in any action5.00;
- (g) Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six percent (6%) on the first three hundred dollars (\$300) and three percent (3%) on the residue; when he or she levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case;
- (h) Taking a recognizance of a witness3.00;
- (i) Levying an attachment5.00;
- (j) When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court;
- (k) Summoning a garnishee3.00;
- (l) Summoning a jury in a misdemeanor case, attending the trial, and
conducting the defendant to jail, to be paid by the party
convicted8.00;
- (m) Serving process or arresting the party in
misdemeanor cases, to be paid by the plaintiff30.00;
- (n) Serving an order or process of revivor3.00;
- (o) Executing a writ of possession against each tenant or defendant7.00;
- (p) Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission;
- (q) Summoning and attending a jury in a case of forcible entry and
detainer, besides fees for summoning witnesses8.00;
- (r) Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of the fee-bill or fine;
- (s) Levying for a fee-bill3.00;
- (t) Serving a notice2.00;
- (u) Serving summons, warrants or process of arrest in cases of
children born out of wedlock6.00;
- (v) Serving a civil summons in a nonsupport case10.00;
- (w) Serving each order appointing surveyors of
roads, to be paid out of the county levy5.00;
- (x) Serving each summons or order of court in applications concerning
roads, to be paid out of the county levy if the road is established,
and in all other cases to be paid by the applicant5.00;
- (y) Like services in cases of private passways to
be paid by the applicant5.00;
- (z) Executing each writ of habeas corpus, to be
paid by the petitioner3.00;
- (aa) All services under a writ issued under
KRS 381.460 to 381.57010.00; ~~and~~
- (bb) ***Fingerprinting persons for professional, trade, or commercial***

purposes, or for personal use, per set of impressions 10.00;

(cc) Taking or copying photographs for professional, trade,

or commercial purposes, or for personal use, per photograph..... 5.00;

(dd) For services in summoning grand and petit jurors and performing his or her duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury for constructive service the sum of \$1.50 and for personal service the sum of \$3.00.

- (2) Sheriffs may charge and collect a fee of forty dollars (\$40) from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of Kentucky State Police for the services provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (1) *Sheriffs may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.*
- (2) *If the Department of Kentucky State Police sets new fingerprinting and photograph fees under the provisions of Section 1 of this Act, sheriffs may increase fingerprinting and photograph fees to equal those fees established by the Department of Kentucky State Police through administrative regulations.*
- (3) *Nothing in this section shall change any other fee allocation allowed by statute.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *Any city, county, charter county, urban-county government, consolidated local government, unified local government, or special district, or any agency or instrumentality thereof, may charge a fee of ten dollars (\$10) per set of fingerprint impressions taken and five dollars (\$5) per photograph taken or copied when those services are requested by a person for professional, trade, or commercial purposes or for personal use.*
- (2) *If the Department of Kentucky State Police sets new fingerprinting and photograph fees under the provisions of Section 1 of this Act, any city, county, charter county, urban-county government, consolidated local government, or special district, or any agency or instrumentality thereof, may increase fingerprinting and photograph fees to equal those fees established by the Department of Kentucky State Police through administrative regulations.*
- (3) *Nothing in this section shall change any other fee allocation allowed by statute.*

Signed by Governor April 25, 2014.

CHAPTER 136

(HB 154)

AN ACT relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 160.180 is amended to read as follows:

- (1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
- (2) No person shall be eligible to membership on a board of education:
- Unless he has attained the age of twenty-four (24) years; and
 - Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and

- (c) Unless he has completed at least the twelfth grade or has been issued a GED certificate or has received a high school diploma through participation in the external diploma program and he is elected after July 13, 1990; and
 - (d) An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent as determined by passage of the twelfth grade equivalency examination held under regulations adopted by the Kentucky Board of Education has been filed with the nominating petition required by KRS 118.315; or
 - (e) Who holds a state office requiring the constitutional oath or is a member of the General Assembly; or
 - (f) Who holds or discharges the duties of any civil or political office, deputyship, or agency under the city or county of his residence; or
 - (g) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended; or
 - (h) Who has been removed from membership on a board of education for cause; or
 - (i) Who has a relative as defined in subsection (1) of this section employed by the school district and is elected after July 13, 1990. However, this shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.
- (3) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (g) of subsection (2) of this section, or if he moves his residence from the district for which he was chosen, or if he attempts to influence the hiring of any school employee, except the superintendent of schools or school board attorney, or if he does anything that would render him ineligible for reelection, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060.
- (4) A board member shall be eligible for reelection unless he becomes disqualified.
- (5) The annual in-service training requirements for all school board members *in office as of December 31, 2014*, shall be as follows:
- (a) Twelve (12) hours for school board members with zero to three (3) years of experience;
 - (b) Eight (8) hours for school board members with four (4) to seven (7) years of experience; and
 - (c) Four (4) hours for school board members with eight (8) or more years of experience.

The Kentucky Board of Education shall identify the criteria for fulfilling this requirement.

- (6) (a) *For all board members who begin their initial service on or after January 1, 2015, the annual in-service training requirements shall be twelve (12) hours for school board members with zero to eight (8) years of experience and eight (8) hours for school board members with more than eight (8) years of experience; and*
- (b) *Training topics for school board members shall include:*
- 1. *Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with zero to three (3) years experience;*
 - 2. *Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with four (4) to seven (7) years experience; and*
 - 3. *One (1) hour of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.*

The Kentucky Board of Education shall identify criteria for fulfilling this requirement.

➔Section 2. KRS 160.431 is amended to read as follows:

- (1) The local district superintendent shall appoint a finance officer who shall be responsible for the cash, investment, and financial management of the school district.
- (2) (a) *A person initially employed as a school finance officer on or after July 1, 2015, shall obtain certification from the Department of Education prior to holding the position and entering the duties of the position of school finance officer.*

- (b) *The Kentucky Board of Education shall promulgate administrative regulations to prescribe the criteria and procedures to be used in the certification process for a school finance officer.*
- (c) *The administrative regulations promulgated under this subsection shall specify:*
 - 1. *The initial qualification requirements for school finance officer certification;*
 - 2. *The certification application and appeal process; and*
 - 3. *The certification renewal process.*
- (3) The school finance officer shall be required to complete forty-two (42) hours of continuing education every two (2) years from a provider approved by the Department of Education. *The Kentucky Board of Education shall promulgate administrative regulations to identify and prescribe the criteria for fulfilling the requirements of this subsection. The administrative regulations shall specify:*
 - (a) *The topics of continuing education;*
 - (b) *Qualifications for continuing education providers;*
 - (c) *Consequences for failure to meet the continuing education requirement; and*
 - (d) *Requirements for reinstatement of school finance officer certification.*
- (4) (a) *The finance officer shall present a detailed monthly financial report for board approval to include the previous month's revenues and expenditures of the district. The monthly report shall be posted on the district Web site for a minimum of six (6) months after its approval.*
- (b) *Within six (6) months following the end of each fiscal year, the finance officer shall submit to the Kentucky Department of Education a detailed annual financial report to include the district's total assets, liabilities, revenues, and expenditures. The annual report shall be posted on the district Web site and department Web site for a minimum of two (2) years.*
- (c) 1. *The Department of Education shall review each district's annual financial report and shall provide, within two (2) months of receipt, the local board of education a written report indicating the financial status of the district. The department's written report shall be posted on the department Web site and the district Web site for a minimum of two (2) years.*
- 2. *The commissioner of education shall annually present to the Interim Joint Committee on Education a copy of the department's written report for each district.*
- (d) *Nothing in this subsection shall lessen the obligation of a school district to publish its financial statements in accordance with the provisions of KRS 424.220.*

➔Section 3. KRS 156.111 is amended to read as follows:

- (1) Prior to July 1, 1992, the Department of Education shall establish a Superintendents Training Program and Assessment Center. The assessment center shall be modeled after the American Association of School Administrators assessment process or a similar validated process. The department may provide assessment centers regionally and shall provide for assessor training. The center shall include, but not be limited to, training for superintendents in the following subjects:
 - (a) Core concepts of management;
 - (b) School-based decision making;
 - (c) Kentucky school law;
 - (d) Kentucky school finance; and
 - (e) School curriculum and assessment.
- (2) At the conclusion of the training, each participant shall complete a written comprehensive examination based on the content of the training.
- (3) In addition to any applicable certification and experience requirements, to be qualified and eligible for continued employment as a school superintendent, effective July 1, 1994, the school superintendent shall have successfully completed the assessment center process. A person hired for the first time as superintendent in Kentucky after June 30, 1994, shall successfully complete the assessment center process within one (1) year of assuming his duties as superintendent.

- (4) The Kentucky Board of Education shall adopt administrative regulations to govern the training content, number of hours, written examination, and criteria for successful completion of the training and assessment center process. The board shall also establish the continuing professional development requirements for school superintendents ***to include, at a minimum, three (3) hours of annual training in school finance and three (3) hours of annual training in ethics***~~[, to be effective July 1, 1994]~~.

➔Section 4. KRS 161.020 is amended to read as follows:

- (1) (a) No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Education Professional Standards Board.
- (b) ***No person seeking initial employment as a school finance officer on or after July 1, 2015, shall be eligible to hold the position of school finance officer unless the person holds a certificate of legal qualification for the position, issued by the Kentucky Department of Education.***
- (2) No person shall enter upon the duties of a position requiring certification qualifications until his or her certificate has been filed or credentials registered with the local district employer.
- (3) The validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

Signed by Governor April 25, 2014.

CHAPTER 137

(HB 170)

AN ACT relating to fiscal matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 160.613 is amended to read as follows:

- (1) There is hereby authorized a utility gross receipts license tax for schools not to exceed three percent (3%) of the gross receipts derived from the furnishing, within the district, of utility services, except that "gross receipts" shall not include:
- (a) Amounts received for furnishing energy or energy-producing fuels, used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production; ~~or, and shall not include~~
- (b) Amounts received for furnishing ***utility services***~~[any of the above utilities]~~ which are to be resold.
- (2) If any user of utility services purchases the utility services directly from any supplier who is exempt either by state or federal law from the utility gross receipts license tax, then the ***user of the utility services***~~[consumer]~~, if the tax has been levied in the ~~user's~~~~[consumer's]~~ district, shall be liable for the tax and shall pay directly to the department, in accordance with the provisions of KRS 160.615, a utility gross receipts license tax for schools computed by multiplying the gross cost of all utility services received by the tax rate levied under the provisions of this section.
- (3) ***If a person engaged in manufacturing, processing, mining, or refining chooses to claim that the energy or energy-producing fuels purchased from a utility services provider exceeds an amount equal to three percent (3%) of the cost of production as provided in subsection (1)(a) of this section and receives confirmation of eligibility from the department, the person shall:***
- (a) ***Provide the utility services provider with a copy of the energy direct pay authorization issued by the department; and***
- (b) ***Report and pay directly to the department, in accordance with the provisions of KRS 160.615, the utility gross receipts license tax due.***

➔Section 2. KRS 160.6156 is amended to read as follows:

- (1) Any utility service provider *or any registered user of utility services as provided in subsections (2) or (3) of Section 1 of this Act* that has paid the utility gross receipts tax imposed by a school district pursuant to KRS 160.613 and 160.614 *to the department* may request a refund or credit for any overpayment of tax or any payment where no tax was due within two (2) years after the tax due date, including any extensions granted.
- (2) A request for refund shall be in writing, and shall be made to the department with a copy to the school district to which the tax was allocated. The request shall state the amount requested, the applicable period, and the basis for the request.
- (3)
 - (a) Refunds shall be authorized by the department, in consultation with the chairman or finance officer of the district board of education, with interest as provided in KRS 131.183.
 - (b) Notwithstanding paragraph (a) of this subsection, a utility service provider shall not be entitled to a refund or credit of the taxes paid under KRS 160.613 or 160.614 if the utility service provider has increased its rates in accordance with KRS 160.617, unless the utility service provider refunds or credits its related customers the amount of overpayment made to the department.
- (4) The department shall make authorized tax refunds, including interest, from current tax collections in its possession allocated for distribution to the affected district. Applicable school district distributions and the department administrative expense allocation provided for pursuant to KRS 160.6154(2) shall be adjusted proportionately to reflect refunds paid. If sufficient funds are not available from the current distribution cycle, the department shall pay refunds from subsequent amounts collected for distribution to the affected district until all refund payments, including interest, have been completed.
- (5) If the department denies a requested refund in whole or in part, the taxpayer may appeal the denial to the Circuit Court in the county where the school district is located *within thirty (30) days from the mailing date of the denial*.

➔Section 3. KRS 91A.080 is amended to read as follows:

- (1) The legislative body of each local government which elects to impose and collect license fees or taxes upon insurance companies for the privilege of engaging in the business of insurance may, except as provided in subsection (10) of this section, enact or change its license fee or rate of tax to be effective July 1 of each year on a prospective basis only and shall file with the commissioner of insurance at least one hundred (100) days prior to the effective date, a copy of all ordinances and amendments which impose a license fee or tax. No less than eighty-five (85) days prior to the effective date, the commissioner of insurance shall promptly notify each insurance company engaged in the business of insurance in the Commonwealth of those local governments which have elected to impose the license fees or taxes and the current amount of the license fee or rate of tax.
- (2) Any license fee or tax imposed by a local government upon an insurance company with respect to life insurance policies may be based upon the first year's premiums, and, if so based, shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the local government.
- (3) Any license fee or tax imposed by a local government upon any insurance company with respect to any policy which is not a life insurance policy shall be based upon the premiums actually collected by the insurance company within each calendar quarter on risks located within the corporate limits of the local government on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders. In determining the amount of license fee or tax to be collected and to be paid to the local government, the insurance company shall use the tax rate effective on the first day of the policy term. When an insurance company collects a premium as a result of a change in the policy during the policy term, the tax rate used shall be the rate in effect on the effective date of the policy change. With respect to premiums returned to policyholders, the license fee or tax shall be returned by the insurance company to the policyholder pro rata on the unexpired amount of the premium at the same rate at which it was collected and shall be taken as a credit by the insurance company on its next quarterly report to the local government.
- (4) The Department of Insurance shall, by administrative regulation, provide for a reasonable collection fee to be retained by the insurance company or its agent as compensation for collecting the tax, except that the collection fee shall not be more than fifteen percent (15%) of the fee or tax collected and remitted to the local government or two percent (2%) of the premiums subject to the tax, whichever is less. To facilitate computation, collection, and remittance of the fee or tax and collection fee provided in this section, the fees or taxes set out in subsection (1), (2), or (3) of this section, together with the collection fee in this section, may be rounded off to the nearest dollar amount.

- (5) Pursuant to KRS 304.3-270, if any other state retaliates against any Kentucky domiciliary insurer because of the requirements of this section, the commissioner of insurance shall impose an equal tax upon the premiums written in this state by insurers domiciled in the other state.
- (6) Accounting and reporting procedures for collection and reporting of the fees or taxes and the collection fee herein provided shall be determined by administrative regulations promulgated by the Department of Insurance.
- (7)
 - (a) Upon written request of the legislative body of any local government, at the expense of the requesting local government, which shall be paid in advance by the local government to the Department of Insurance, the Department of Insurance shall audit, or cause to be audited by contract with qualified auditors, the books or records of the insurance companies or agents subject to the fee or tax to determine whether the fee or tax is being properly collected and remitted, and the findings of the audit shall be reported to the local government and the insurance company subject to the audit. An insurance company may appeal the findings of the audit conducted under this subsection and any assessment issued pursuant to the audit findings in accordance with the provisions of KRS 91A.0804(5).
 - (b) Willful failure to properly collect and remit the fee or tax imposed by a local government pursuant to the authority granted by this section shall constitute grounds for the revocation of the license issued to an insurance company or agent under the provisions of KRS Chapter 304.
 - (c) If the Department of Insurance finds that an insurance company has willfully engaged in a pattern of business conduct that fails to properly collect and remit the fee or tax imposed by a local government pursuant to the authority granted by this section, the Department of Insurance may assess the responsible insurance company an appropriate penalty fee no greater than ten percent (10%) of the additional license fees or taxes determined to be owed to the local government. The penalty fee shall be paid to the local government owed the license fee or tax less any administrative costs of the Department of Insurance in enforcing this section. Any insurance company or agent held responsible for a penalty fee may request a hearing with the Department of Insurance to be conducted pursuant to KRS 304.2-310 to 304.2-370 regarding the finding of a willful violation and the subsequent penalty fee.
- (8) The license fees or taxes provided for by subsections (2) and (3) of this section shall be due thirty (30) days after the end of each calendar quarter. Annually, by March 31, each insurance company shall furnish each local government to which the tax or fee is remitted with a breakdown of all collections in the preceding calendar year for the following categories of insurance:
 - (a) Casualty;
 - (b) Automobile;
 - (c) Inland marine;
 - (d) Fire and allied perils;
 - (e) Health; and
 - (f) Life.
- (9) Any license fee or tax not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid. Such interest payable to the local government is separate of penalties provided for in subsection (7) of this section. In addition, the local government may assess a ten percent (10%) penalty for a tax or fee not paid within thirty (30) days after the due date.
- (10) No license fee or tax imposed under this section shall apply to premiums~~[-received on-]~~:
 - (a) **Received on** policies of group health insurance provided for state employees under KRS 18A.225;
 - (b) **Received on** policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;
 - (c) **Received on** health insurance policies issued to individuals;
 - (d) **Received on** policies issued through Kentucky Access created in Subtitle 17B of KRS Chapter 304;
 - (e) **Received on** policies for high deductible health plans as defined in 26 U.S.C. sec. 223(c)(2);~~[-or]~~

- (f) ***Received on*** multistate surplus lines, defined as non-admitted insurance as provided in Title V, Subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203; **or**
 - (g) ***Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of cities, counties, charter county governments, urban-county governments, consolidated local governments, unified local governments, school districts, or any other political subdivisions of the Commonwealth.***
- (11) No county may impose the tax authorized by this section upon the premiums received on policies issued to public service companies which pay ad valorem taxes.
 - (12) Insurance companies which pay license fees or taxes pursuant to this section shall credit city license fees or taxes against the same license fees or taxes levied by the county, when the license fees or taxes are levied by the county on or after July 13, 1990. For purposes of this subsection, a consolidated local government, urban-county government, charter county government, or unified local government shall be considered a county.
 - (13) No license fee or tax imposed under this section shall apply to premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the Commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.
 - (14) A county may impose a license fee or tax covering the entire county or may limit the application of the fee or tax to the unincorporated portions of the county.

Signed by Governor April 25, 2014.

CHAPTER 138

(HB 208)

AN ACT relating to finance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 11.065 is amended to read as follows:

- (1) The secretaries of the Justice and Public Safety Cabinet, the Education and Workforce Development Cabinet, the Public Protection Cabinet, the Transportation Cabinet, the Cabinet for Economic Development, the Cabinet for Health and Family Services, the Finance and Administration Cabinet, the Energy and Environment Cabinet, the Labor Cabinet, the Tourism, Arts and Heritage Cabinet, the Personnel Cabinet, the Governor's Executive Cabinet, ***the chief information officer***, the state budget director, the Governor's chief of staff, and the Lieutenant Governor shall constitute the Governor's Executive Cabinet. There shall be a vice chairman appointed by the Governor who shall serve in an advisory capacity to the Executive Cabinet. The Governor shall be the chairman, and the secretary of the Finance and Administration Cabinet shall be a second vice chairman of the Executive Cabinet. The Governor may designate others to serve as vice chairman.
- (2) The cabinet shall meet not less than once every two (2) months and at other times on call of the Governor. The Executive Cabinet shall be a part of the Office of the Governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the Governor in the administration of the state government and shall assist the Governor in the proper operation of his office and perform other duties the Governor may require of them.
- (3) The cabinet shall consider matters involving policies and procedures the Governor or any member may place before it. The cabinet shall advise and consult with the Governor on all matters affecting the welfare of the state.

➔Section 2. KRS 42.722 is amended to read as follows:

As used in KRS 42.720 to 42.742, unless the context requires otherwise:

- (1) "Communications" or "telecommunications" means any transmission, emission, or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems, and includes all facilities and equipment performing these functions;
- (2) "Geographic information system" or "GIS" means a computerized database management system for the capture, storage, retrieval, analysis, and display of spatial or locationally defined data;
- (3) "Information resources" means the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel;
- (4) "Information technology" means data processing and telecommunications hardware, software, services, supplies, facilities, maintenance, and training that are used to support information processing and telecommunications systems to include geographic information systems;~~and~~
- (5) "Project" means a program to provide information technologies support to functions within an executive branch state agency, which should be characterized by well-defined parameters, specific objectives, common benefits, planned activities, expected outcomes and completion dates, and an established budget with a specified source of funding; *and*
- (6) **"Technology infrastructure" means any computing equipment, servers, networks, storage, desktop support, telephony, enterprise shared systems, information technology security, disaster recovery, business continuity, database administration, and software licensing.**

➔Section 3. KRS 42.724 is amended to read as follows:

- (1) There is hereby created within the Finance and Administration Cabinet an agency of state government known as the Commonwealth Office of Technology.
- (2) The Commonwealth Office of Technology shall be headed by an executive director, *also known as the chief information officer*, appointed by the secretary of the Finance and Administration Cabinet. Duties and functions of the executive director shall include *serving on the Governor's Executive Cabinet* and those established in KRS 42.730.
- (3) The Commonwealth Office of Technology shall consist of the following **five (5)**~~four (4)~~ offices, each headed by an executive director and organized into divisions headed by a division director:
 - (a) Office of Enterprise Technology, *consisting of the:*
 1. ~~{which shall contain the}~~ Division of IT Governance; *and*
 2. **Division of Enterprise Architecture;**
 - (b) Office of Infrastructure Services, consisting of the:
 1. Division of Technical Services;
 2. Division of Communications;
 3. Division of IT Operations; *and*
 4. Division of Field Services;~~and~~
 5. ~~Division of Printing Services, which shall be responsible for the printing and duplicating needs of state agencies as designated by the Finance and Administration Cabinet;~~
 - (c) Office of Application Development, consisting of the:
 1. Division of **Revenue Application Development**~~{Financial Information Technology}~~;
 2. Division of Agency **Application Development**~~{Information Technology}~~;
 3. Division of **Development** Support Services;~~and~~
 4. Division of Geographic Information Systems; *and*
 5. **Division of Data Management Services;**
 - (d) Office of Chief Information Security Officer. The office shall ensure the efficiency and effectiveness of information technology security functions and responsibilities; *and*
 - (e) **Office of Information Technology Service Management.**

- (4) Executive directors and division directors appointed under this section shall be appointed by the secretary with the approval of the Governor.

➔Section 4. KRS 42.726 is amended to read as follows:

- (1) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
- (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
 - (b) Assuring compatibility and connectivity of Kentucky's information systems;
 - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
 - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture. This specifically includes but is not limited to directions, standards, and architecture related to the privacy and confidentiality of data collected and stored by state agencies;
 - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;
 - (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth ***and all related support staff, planning, administration, asset management, and procurement for all executive branch cabinets and agencies except:***
 - 1. ***Agencies led by a statewide elected official;***
 - 2. ***The nine (9) public institutions of postsecondary education;***
 - 3. ***The Department of Education's services provided to local school districts;***
 - 4. ***The Kentucky Retirement Systems and the Teachers' Retirement System;***
 - 5. ***The Kentucky Housing Corporation;***
 - 6. ***The Kentucky Lottery Corporation;***
 - 7. ***The Kentucky Higher Education Student Loan Corporation; and***
 - 8. ***The Kentucky Higher Education Assistance Authority;***
 - (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
 - (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
 - (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;
 - (j) Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
 - (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;

- (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
 - (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council; and
 - (p) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (2) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
 - (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
 - (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
 - (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
 - (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:
 - 1. New and emerging technologies as approved by the executive director or her or his designee; or
 - 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (3) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.

➔Section 5. In order to reflect the reorganization effectuated by this Act, the reviser of statutes shall replace references in the Kentucky Revised Statutes to the agencies, subagencies, and officers affected by this Act with references to the appropriate successor agencies, subagencies, and officers established by this Act. The reviser shall base these actions on the functions assigned to the new entities by this Act and may consult with officers of the affected agencies, or their designees, to receive suggestions.

➔Section 6. The General Assembly hereby confirms Executive Order 2013-403, dated June 14, 2013, to the extent it is not otherwise confirmed or superseded by this Act.

➔Section 7. KRS 141.438 is amended to read as follows:

- (1) For taxable years beginning on or after January 1, 2011, there is hereby established the Endow Kentucky tax credit.
- (2) A taxpayer providing an endowment gift to a permanent endowment fund of a qualified community foundation, or county-specific component fund, or affiliate community foundation, which has been certified under KRS 147A.325, and meeting the requirements of subsection (7) of this section, may claim a credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401. The ordering of the credit shall be as provided in KRS 141.0205.

- (3) The credit shall be equal to twenty percent (20%) of the value of the endowment gift provided by the taxpayer, not to exceed ten thousand dollars (\$10,000).
- (4) The credit shall be nonrefundable, but any amount of credit that a taxpayer is not able to utilize during a particular taxable year may be carried forward for use in a subsequent taxable year, for a period not to exceed five (5) years.
- (5) No tax credit claimed under this section may be sold or transferred. If the taxpayer is a pass-through entity not subject to tax under KRS 141.040, the amount of approved credit shall be applied against the tax imposed by KRS 141.0401 at the entity level, and shall also be distributed to each partner, member, or shareholder based on the partner's, member's, or shareholder's distributive share of the income of the pass-through entity.
- (6) The total amount of tax credit that may be awarded under this section shall be limited to:
 - (a) Five hundred thousand dollars (\$500,000) in each fiscal year ***beginning on or before July 1, 2015; and***
 - (b) ***One million dollars (\$1,000,000) in each fiscal year beginning on or after July 1, 2016.***
- (7) A taxpayer pursuing a tax credit under this section shall:
 - (a) File an application for preliminary authorization of the tax credit with the department;
 - (b) After receiving preliminary authorization from the department, provide an endowment gift to a qualified community foundation, county-specific component fund, or affiliate community foundation which has been certified under KRS 147A.325 within thirty (30) days of the date of the notice of authorization for the tax credit from the department; and
 - (c) Within ten (10) days of making the gift, report to the department proof of the endowment gift.
- (8) (a) The department shall:
 - 1. Create the application required to be filed by the taxpayer seeking preliminary approval for the tax credit; and
 - 2. Publish on its Web site the amount of total credit allocated to date, the date the last processed application for preliminary approval was received, and the remaining credit available.
 - (b) 1. Upon receipt of an application for preliminary approval submitted under subsection (7) of this section, the department shall review the application and, if approved, the department shall issue a notice of preliminary approval to the requesting taxpayer.
 - 2. The notice of preliminary approval shall include the amount of credit, shall notify the taxpayer that the proposed gift must be made within thirty (30) days of the date reflected on the notice of authorization, and that the taxpayer must notify the department that the gift has been made, in the form and format determined by the department, within ten (10) days of making the gift.
 - 3. Upon preliminary approval of an application for credit, the department shall reduce the outstanding available credit cap amount to reflect the preliminary approved credit.
 - (c) Upon timely receipt of notification from a taxpayer preliminarily approved for a credit that the investment has been timely made, the department shall verify the information provided and, if the information is accurate, the department shall issue a final tax credit letter to the taxpayer.
 - (d) If a taxpayer fails to make the required investment or provide proof of the investment to the department within the time frames established by this subsection and subsection (7) of this section, the department shall void the preliminary approval and shall restore the allocated amounts to the tax credit cap.

Signed by Governor April 25, 2014.

CHAPTER 139

(HB 237)

AN ACT relating to road projects and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The projects authorized by the General Assembly in this Act constitute the official 2014-2016 Biennial Highway Construction Plan.

➔Section 2. The General Assembly acknowledges that the project authorizations contained within this Act are based on the Transportation Cabinet's estimates. The Transportation Cabinet shall have the authority to expend funds necessary to complete the projects as authorized in this Act, amended only by variations dictated by bid or unforeseen circumstances.

➔Section 3. Projects with the "SPB" and "SB2" designations are projects to be completed with Highway Bonds authorized in 2009 Ky. Acts ch. 94 and 2010 (1st Extra. Sess.) Ky. Acts ch. 3. Projects with the "SPB" and "SB2" designations that cannot be completed due to insufficient Bond Funds shall be given "SPP" funding priority. Project phases with an "SPP" funding designation shall be authorized or awarded before any project phase with an "SP" funding designation is authorized or awarded.

➔Section 4. If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific money shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the 2014-2016 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from 2014 Regular Session HJR 62.

➔Section 5. The Secretary of the Transportation Cabinet shall produce a single document that contains two separately identified sections, as follows:

Section 1 shall detail the enacted fiscal biennium 2014-2016 Biennial Highway Construction Program and Section 2 shall detail the 2014-2016 Highway Preconstruction Program Plan for fiscal year 2014-2015 through fiscal year 2019-2020 as identified by the 2014 General Assembly. This document shall mirror in data type and format the fiscal year 2014-2020 Recommended Six-Year Road Plan as submitted to the 2014 General Assembly. The document shall be published and distributed to members of the General Assembly and the public within 60 days of adjournment of the 2014 Regular Session of the General Assembly.

The Secretary of the Transportation Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any project included in the enacted Biennial Highway Construction Plan which has been delayed beyond the fiscal year for which the project was authorized. The report shall include:

- (a) The county name;
- (b) The Transportation Cabinet project identification number;
- (c) The route where the project is located;
- (d) The length of the project;
- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;
- (j) A detailed description of the circumstances leading to the delay; and
- (k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.

➔Section 6. This Act in conjunction with 2014 Regular Session HJR 62 shall constitute the Six-Year Road Plan.

➔Section 7. Whereas the funding for these projects is provided by 2014 Regular Session HB 236, which takes effect upon its passage and approval by the Governor or upon otherwise becoming law, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon otherwise becoming law.

➔Section 8. The 2014-2016 Biennial Highway Construction Plan is as follows:

Signed by Governor April 25, 2014.

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ADAIR	170	KY-61	SAFETY(P)	INTERCHANGE LIGHTING AT LOUIE B. NUNN PARKWAY. (12CCR)	PL				
					DN	NH		170,000	
					RW				
					UT				
					CN	NH			570,000
					Project Cost:		0	170,000	570,000
ADAIR	8851		MAJOR WIDENING(O)	ADD PASSING LANES/TRUCK LANES FROM THE COLUMBIA BYPASS TO THE CAMPBELLSVILLE BYPASS (HEARTLAND PARKWAY).	PL				
					DN	SPP		710,000	
					RW	SPP			1,425,000
					UT				
					CN				
					Project Cost:		0	710,000	1,425,000
Total for ADAIR county									
ALLEN	201	KY-98	SAFETY(P)	IMPROVE THE SAFETY OF KY 98 NEAR DURHAM SPRINGS CHURCH (12CCR)	PL				
					DN				
					RW	SPP	1,050,000		
					UT	SPP		750,000	
					CN				
					Project Cost:		1,050,000	750,000	0
ALLEN	320	KY-100	RECONSTRUCTION(O)	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD INTERSECTION (12CCR)	PL				
					DN	SPP			800,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	800,000

CHAPTER 139

895

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ALLEN	1080	KY-2160	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2160 OVER FLORIDA CREEK SOUTH OF INTERSECTION WITH HUNT LANE (CR 1155) (SR 40.8) 002B00048N	PL DN RW UT CN	BRO BRO BRO	80,000 30,000 110,000	570,000 570,000	896 0
				Project Cost:					
ALLEN	1081	CR-1167	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON HADE BELL RD (CR 1167) OVER BAYS FORK 0.5 MILE N OF PARDUE RD (CR 1163)(SR 28.7)002C00012N	PL DN RW UT CN	BRZ BRZ BRZ	70,000 85,000 155,000	0	175,000 175,000
				Project Cost:					
ALLEN	8305	KY-100	RECONSTRUCTION(O)	RECONSTRUCT KY-100 (OLD GALLATIN ROAD) FROM 0.2 MILES SOUTH OF KY-2160 (MP 14.1) TO KY-980 (MP 14.41). (06CCN)	PL DN RW UT CN	SPP SPP SPP	250,000 960,000 1,210,000	1,500,000 1,500,000	0
				Project Cost:					
ALLEN	8400	KY-98	SCOPING STUDY(O)	CONDUCT A SCOPING STUDY ON THE EASTERN SCOTTSVILLE BYPASS. (06CCN) (10CCR)	PL DN RW UT CN	SP	500,000	0	0
				Project Cost:					
ALLEN	8801		ECONOMIC DEVEL(O)	INDUSTRIAL PARK ACCESS ROADS	PL DN RW UT CN				
				Project Cost:					
					CN	SPP	0	300,000 300,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016	
Total for ALLEN county										
ANDERSON	918	US-127	SAFETY-HAZARD ELIM(P)	REPLACE GUARDRAIL END TREATMENTS ON VARIOUS ROUTES IN ANDERSON, BOURBON, BOYLE, CLARK, FAYETTE, JESSAMINE, MADISON, MERCER, MONTGOMERY, SCOTT, AND WOODFORD COUNTIES. (2010BOP)	PL		500,000			
					DN				800,000	
					RW		1,450,000			
					UT		1,075,000	750,000		
					CN			2,370,000	175,000	
					Total Amounts:			3,025,000	3,120,000	975,000
ANDERSON	8100	US-62	SAFETY(P)	WIDENING AND IMPROVEMENTS ON US-62 FROM 0.103 MILE WEST OF THE NEW SCHOOL ENTRANCE/WESTWOOD ESTATES TO 0.095 MILE EAST OF US-127B (LAWRENCEBURG BYPASS). (02CCN)(04CCN)(08CCR)(12CCR)	PL					
					DN					
					RW		3,800,000			
					UT					
					CN			3,650,000		
					Project Cost:			3,800,000	3,650,000	0
Total for ANDERSON county										
BALLARD	1143	KY-358	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 358 OVER CLAYTON CREEK APPR. 0.5 MILE NORTH OF KY 473 (SR 26.5) 004B00044N	PL					
					DN					
					RW	BRO	150,000			
					UT	BRO	250,000			
					CN	BRO		580,000		
					Project Cost:			400,000	580,000	0

CHAPTER 139

897

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for BALLARD county									
BARREN	108.5	KY-90	SPOT IMPROVEMENTS(O)	PRIORITY SECTION 3: RECONSTRUCT KY-90 EAST OF GLASGOW FROM APPROX. 0.38 MILE EAST OF KY-839 TO THE METCALFE COUNTY LINE. (2002BOPC)(08CCR)(10CCR)(12CCR)	PL				898
					DN				
					RW		150,000		
					UT		250,000		
					CN			580,000	
					Total Amounts:				
							400,000	580,000	0
					PL				
					DN				
					RW				
BARREN	8705	US-31	NEW ROUTE(O)	CONNECT US-31E (MP 12.6) TO OLD CALVARY DRIVE (CS 1196) AT THE EXISTING INTERSECTION OF US-31E AND TROJAN TRAIL. (12CCN)	PL				
					DN				
					RW		50,000		
					UT		180,000		
					CN			550,000	
					Project Cost:				
							10,010,000	0	0
							10,010,000		
					PL				
					DN				
BARREN	8819	KY-90	MAJOR WIDENING(O)	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW.	PL				
					DN				2,500,000
					RW				
					UT				
					CN				
					Project Cost:				
							0	0	2,500,000
					PL				
					DN				
BARREN	8821	KY-1297	MAJOR WIDENING(O)	MAJOR WIDENING FROM DONNELLY DRIVE TO US-31E (ROGER WELLS) IN GLASGOW AND WIDEN DONNELLY DRIVE.	PL				
					DN				1,200,000
					RW				
					UT				
					CN				
					Project Cost:				
							0	0	1,200,000
					PL				
					DN				

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BARREN	9005	US-68	SAFETY-HAZARD ELIM(P)	INTERSECTION REALIGNMENT ON US 68 AT KY 255 IN BARREN COUNTY AT M.P. 3.971. (2012BOP)(AR/W)	PL				
					DN				
					RW				
					UT				
					CN	SAF	250,000		
					Project Cost:		250,000	0	0
Total for BARREN county									
					PL				3,700,000
					DN				
					RW		50,000		
					UT		180,000		
					CN		10,260,000	550,000	
					Total Amounts:		10,490,000	550,000	3,700,000
BATH	193	KY-111	RECONSTRUCTION(O)	RECONSTRUCT KY-111 IN THE VICINITY OF THE "S-CURVE" EAST OF OWINGSVILLE.	PL				
					DN				
					RW	SPP		1,580,000	
					UT	SPP		1,040,000	
					CN	SPP			5,520,000
					Project Cost:		0	2,620,000	5,520,000
BATH	394	KY-36	SAFETY(P)	IMPROVE INTERSECTION OF KY 36 AND KENDALL SPRINGS ROAD TO ACCOMMODATE INDUSTRIAL TRUCK TRAFFIC.	PL				
					DN	SPP	250,000		
					RW	SPP	300,000		
					UT	SPP	200,000		
					CN	SPP		750,000	
					Project Cost:		750,000	750,000	0
BATH	8402	KY-111	SCOPING STUDY(O)	STUDY FOR RECONSTRUCTION FROM US-60 IN OWINGSVILLE NORTH TO PRICKLY ASH ROAD. (08CCN) (10CCN)	PL				
					DN				
					RW	SP	1,600,000		
					UT	SP	1,000,000		
					CN	SP		5,500,000	
					Project Cost:		2,600,000	5,500,000	0

CHAPTER 139

899

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BATH	8403	-0	NEW ROUTE(O)	NEW CONSTRUCTION FROM KENDALL SPRINGS ROAD TO BATH COUNTY HIGH SCHOOL IN OWINGSVILLE. (08CCN)	PL	SP	240,000		900
					DN	SP	1,200,000		
					RW				
					UT				
					CN				
				Project Cost:			1,440,000	0	0
BATH	8404	KY-965	RECONSTRUCTION(O)	RECONSTRUCT CURVE AT .8 MILE SOUTH OF KY-36. (08CCN)(12CCR)	PL				
					DN				
					RW	SPP	350,000		
					UT	SPP	50,000		
					CN	SPP		750,000	
				Project Cost:			400,000	750,000	0
BATH	8813	US-60	PAVEMENT REHAB-INT(P)	INTERSECTION IMPROVEMENT AT KY 211 AND US 60 IN SALT LICK	PL				
					DN	STP		325,000	
					RW	STP		350,000	
					UT	STP		300,000	
					CN	STP			1,000,000
				Project Cost:			0	975,000	1,000,000
BATH	8814	KY-36	RECONSTRUCTION(O)	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY.	PL	SPP		400,000	
					DN	SPP			2,100,000
					RW				
					UT				
					CN				
				Project Cost:			0	400,000	2,100,000
Total for BATH county							240,000	400,000	
					PL				
					DN		1,450,000	325,000	2,100,000
					RW		2,250,000	1,930,000	
					UT		1,250,000	1,340,000	
					CN			7,000,000	6,520,000
				Total Amounts:			5,190,000	10,995,000	8,620,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BELL	110	KY-441	NEW ROUTE(O)	CONSTRUCT NEW ROUTE FROM KY 441 TO US 25E IN MIDDLESBORO. (08CCR)	PL	SP	400,000		
					DN	SP		620,000	
					RW	SP		490,000	
					UT	SP			
					CN	SP			6,400,000
				Project Cost:			400,000	1,110,000	6,400,000
BELL	189	US-119	SAFETY(P)	IMPROVE CONGESTION AND FREIGHT MOVEMENT BY CONSTRUCTING A TWO WAY LEFT TURN LANE (12CCR)	PL				
					DN				
					RW				
					UT	SPP	200,000		
					CN	SPP		2,424,500	
				Project Cost:			200,000	2,424,500	0
BELL	217	KY-66	RECONSTRUCTION(O)	RECONSTRUCT KY-66 FROM 500' S OF NCL PINEVILLE TO KY-221	PL				
					DN				
					RW	SP	2,220,000		
					UT	SP	830,000		
					CN	SP		7,980,000	
				Project Cost:			3,050,000	7,980,000	0
BELL	1079	KY-2011	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-2011 (MP 8.498) OVER RED BIRD CREEK; .55 MI SOUTH OF JCT KY 66; (SR=3.5) 007B00074N	PL				
					DN				
					RW	BRX	250,000		
					UT	BRX	150,000		
					CN	BRX			550,000
				Project Cost:			400,000	0	550,000
BELL	1083	CR-1327	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1327 (MP 0.014) OVER LEFT FORK STRAIGHT CREEK; .10 MI W OF JCT KY 66; (STRUCTURALLY DEFICIENT, SR=2) 007C00048N	PL				
					DN				
					RW				
					UT				
					CN	BRZ			800,000
				Project Cost:			0	0	800,000

CHAPTER 139

901

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BELL	1093	CR-1184	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON DAVIS OXENDINE RD (CR 1184) OVER HANCES CREEK AT JCT WITH KY 1344(SR 12.9) 007C00061N	PL DN RW UT CN	BRZ BRZ	50,000 400,000	400,000	902
				Project Cost:			50,000	400,000	0
BELL	8701	US-119	SAFETY(P)	PAGE SCHOOL TURN LANE. (12CCCN)	PL DN RW UT CN				
				Project Cost:			94,555 980,000 1,074,555	0	0
BELL	8702	US-119	MINOR WIDENING(O)	PROVIDE A PASSING BAY ON US 119 IN THE VICINITY OF MP 15 IN BELL COUNTY. (12CCCN)	PL DN RW UT CN	SPP		400,000	
				Project Cost:			0	400,000	0
Total for BELL county									
					PL DN RW UT CN		400,000 2,470,000 1,324,555 980,000 5,174,555	400,000 620,000 490,000 10,804,500 12,314,500	7,750,000 7,750,000
				Total Amounts:					
BOONE	9	I-275	BRIDGE INSPECTION(P)	I-275 BRIDGE OVER THE OHIO RIVER NEAR LAWRENCEBURG, INDIANA (B52); JOINT PROJECT WITH INDIANA TO PERFORM FRACTURE CRITICAL INSPECTION. (008B00052N)	PL DN RW UT CN	IM	20,000	0	0
				Project Cost:			20,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	14	I-75	I-CHANGE RECONST(O)	RECONSTRUCT THE KY-536 (MT. ZION ROAD) INTERCHANGE.	PL DN RW UT CN	IM	0	0	8,930,000
				Project Cost:			0	0	8,930,000
BOONE	14.5	I-75	MINOR WIDENING(O)	ADD AUXILIARY LANES ON I-71/75 FROM KY 536 TO US 42 (NB & SB) AS PER THE INTERCHANGE JUSTIFICATION STUDY (IJS). (10CCR)(12CCR)	PL DN RW UT CN	IM			6,300,000
				Project Cost:			0	0	6,300,000
BOONE	18	I-75	I-CHANGE RECONST(O)	RECONSTRUCT THE KY-338 (RICHWOOD ROAD) INTERCHANGE. (FUNDING FOR IMR SHOWN UNDER 6-14.01) (10CCR)(12CCR)	PL DN RW UT CN	IM		5,000,000	20,950,000
				Project Cost:			0	5,000,000	20,950,000
BOONE	158	KY-536	RECONSTRUCTION(O)	RECONSTRUCT KY-536 TO A 5-LANE URBAN SECTION FROM 1500' WEST OF US-42 TO I-75 (MP 10.3 TO MP 13.24). (DOES NOT INCLUDE INTERCHANGE RECONSTRUCTION) (00CCR) (10CCR)(12CCR)	PL DN RW UT CN	STP		4,060,000	
				Project Cost:			0	4,060,000	0
BOONE	318	KY-237	CONGESTION MITIGTN(O)	LIMABURG ACCESS ROAD AND SIDEWALK FROM THE INTERSECTION OF GATEWAY BLVD AND KY-237 TO EXISTING LIMABURG ROAD (KY-3168) NEAR MILEPOINT 2.10 (2008BOPC). (10CCR)	PL DN RW UT CN	CM	224,343	224,343	0
				Project Cost:			224,343	224,343	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	351.1	US-25	MAJOR WIDENING(O)	DRY RIDGE-FLORENCE ROAD, 5-LANE US-25 FROM RICHWOOD ROAD TO WINNING COLORS DRIVE WITH GRADE SEPARATION OF KY-338 AT US-25 & RR OVERPASS FOR KY-338. (2004BOPC)(2006BOPC)	PL DN RW UT CN		610,000		904
				Project Cost:			610,000	0	0
BOONE	351.2	US-25	MAJOR WIDENING(O)	DRY RIDGE-FLORENCE ROAD, 5-LANE US-25 FROM WINNING COLORS DRIVE TO BEESOM DRIVE. (2008BOPC) (10CCR)	PL DN RW UT CN		1,710,000		
				Project Cost:			1,710,000	0	0
BOONE	351.3	US-25	MAJOR WIDENING(O)	DRY RIDGE-FLORENCE ROAD, 5-LANE US-25 FROM BEESOM DRIVE TO ARISTOCRAT DRIVE WITH GRADE SEPARATION OF KY 536 AT US 25. (2008BOPC) (10CCR)	PL DN RW UT CN		900,000		
				Project Cost:			900,000	0	0
BOONE	351.4	US-25	MAJOR WIDENING(O)	DRY RIDGE-FLORENCE ROAD, 5-LANE US-25 FROM ARISTOCRAT DRIVE TO RR SPUR CROSSING. (2004BOPC)(2006BOPC) (10CCR)	PL DN RW UT CN		950,000		
				Project Cost:			950,000	0	0
BOONE	351.5	US-25	RECONSTRUCTION(O)	DRY RIDGE-FLORENCE ROAD, 3-LANE US-25 FRONTAGE ROAD FROM 0.11 MILE SOUTH OF KY 338 TO WINNING COLORS. (2006BOPC) (10CCR)	PL DN RW UT CN		100,000		
				Project Cost:			100,000	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	367	US-42	SAFETY(P)	CONSTRUCT ADDITIONAL TURN LANES AT THE INTERSECTION OF KY 842 AND US 42 (12CCR)	PL				
					DN				
					RW	CM	1,750,000		
					UT	CM	150,000		
					CN	CM		2,500,000	0
				Project Cost:			1,900,000	2,500,000	0
BOONE	400.09	-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN	SNK	44,000	0	0
				Project Cost:			44,000	0	0
BOONE	400.1	-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN	SNK		44,000	0
				Project Cost:			0	44,000	0
BOONE	400.11	-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN	SNK			44,000
				Project Cost:			0	0	44,000
BOONE	401.09	-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN	SNK	56,000	0	0
				Project Cost:			56,000	0	0

CHAPTER 139

905

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	401.1	-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	0	56,000 56,000	906 0
Project Cost:									
BOONE	401.11	-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	0	56,000 56,000	0 56,000
Project Cost:									
BOONE	409	I-75	SAFETY(P)	CONSTRUCT A RAMP FROM THE MALL ROAD INTERCHANGE TO SOUTHBOUND I-75.(12CCR)	PL DN RW UT CN	SPP	250,000 50,000 300,000	1,500,000 1,500,000	0 56,000 56,000
Project Cost:									
BOONE	412	US-42	MATCHED FED FUNDS(O)	INTERSECTION IMPROVEMENT PROJECT AT US 42 AND RICE PIKE/HICKS PIKE. US 42 MP 8.4 TO 8.6. TOLL CREDITS. (2012BOP)	PL DN RW UT CN	SNK	750,000 600,000 1,350,000	2,750,000 2,750,000	0 0
Project Cost:									
BOONE	415	KY-237	MATCHED FED FUNDS(O)	PROVIDE ADDITIONAL LEFT TURN LANE ONTO WORLDWIDE BLVD FROM KY 237. ADD ADDITIONAL THROUGH LANES ON KY 237 NORTH OF KY 2846 (TANNERS LN). PROVIDE LANE EXTENSION ON WORLDWIDE BLVD FROM	PL DN RW UT CN	SNK	1,000,000	500,000	500,000
Project Cost:									
							0	1,000,000	500,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	417	PV-1011	RECONSTRUCTION(O)	EXTENSION OF WENDELL FORD BLVD TO AERO PKWY, 0.48 MILES. (2012BOP)	PL DN RW UT CN	SNK	0	2,576,717 2,576,717	0
Project Cost:									
BOONE	422	CR-1002	MATCHED FED FUNDS(O)	RECONSTRUCTION OF THE INTERSECTION OF CAMP ERNST ROAD AND LONGBRANCH ROAD. WIDENING OF 1,900 FEET OF LONGBRANCH ROAD. (2012BOP)	PL DN RW UT CN	SNK	57,600	50,000 112,000	524,640 524,640
Project Cost:									
BOONE	423	KY-3060	MATCHED FED FUNDS(O)	CORRECT GEOMETRIC DEFICIENCIES AND ADD LEFT TURN LANES ON FROGTOWN ROAD AT TRIPLE CROWN BLVD AND CEDARWOOD. (2012BOP)(ADM. BY KYTC)	PL DN RW UT CN	SNK	0	0	120,000
Project Cost:									
BOONE	700	CR-1057	MATCHED FED FUNDS(O)	TWO-LANE EXTENSION OF EXISTING VETERANS WAY BETWEEN KY 18 AND KY 237. LPA PROJECT (2012BOP)	PL DN RW UT CN	SNK	1,650,000	0	0
Project Cost:									
BOONE	966.02	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2014. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	8,300,000	0	0
Project Cost:									

CHAPTER 139

907

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	966.04	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2016. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	0	0	3,300,000 3,300,000
Project Cost:									
BOONE	1079	KY-20	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 20 OVER WOOLPER CREEK SE OF STONE CREEK LANE (PR 1300)(SR 39.7) 008B00018N	PL DN RW UT CN	BRO	100,000 50,000 150,000	1,500,000 1,500,000	0
Project Cost:									
BOONE	2039	I-275	BRIDGE REHAB(P)	DECK OVERLAY ON THE CARROLL CROPPER BRIDGE, I-275 OVER OHIO RIVER IN BOONE COUNTY. (LET BY KYTC W/ INDOT TO REIMBURSE 50% OF THE COST)(2012BOP)	PL DN RW UT CN	IM	50,000 13,000,000 13,050,000	0	0
Project Cost:									
BOONE	2045	I-275	BRIDGE REHAB(P)	OVERLAY BRIDGE DECK AND REPLACE EXPANSION JOINTS ON THE POINT PLEASANT ROAD BRIDGE OVER I-275 (MP 0.363) NORTHEAST OF KY 236. (008B00053N) (2012BOP)	PL DN RW UT CN	IM	250,000 250,000	0	0
Project Cost:									
BOONE	3700	US-42	CONGESTION MITIGTN(O)	CONSTRUCT AN ADDITIONAL US-42 LEFT TURN LANE TO NORTHBOND MALL ROAD (2006BOPC)	PL DN RW UT CN	CM	1,980,000 1,980,000	0	0
Project Cost:									

908

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOONE	8001.21	KY-237	RECONSTRUCTION(O)	RECONSTRUCT AND WIDEN KY 237 FROM VALLEY VIEW DRIVE TO ROGERS LANE.	PL				
					DN				
					RW	STP	10,320,000		
					UT	STP			1,120,000
					CN				
				Project Cost:			10,320,000	0	1,120,000
BOONE	8630	-0	NEW ROUTE(O)	CONSTRUCT A NEW LOOP ROAD AROUND THE CAMPUS OF GATEWAY COLLEGE LOCATED OFF MOUNT ZION ROAD. (10CCN)	PL				
					DN				
					RW				
					UT				
					CN	SB2	500,000		
				Project Cost:			500,000	0	0
BOONE	8851		BRIDGE REPLACEMENT(P)	REPLACEMENT OF CLOSED TIMBER BRIDGE ON RICHARDSON ROAD TO RE-OPEN CORRIDOR. (008C00036N)	PL				
					DN	SP		200,000	
					RW	SP			300,000
					UT				
					CN				
				Project Cost:			0	200,000	300,000
Total for BOONE county									
BOURBON	310.2	US-68	MAJOR WIDENING(O)	PARIS-MAYSVILLE ROAD; CONSTRUCT MILLERSBURG BYPASS (SECTION 2)(08CCR)	PL				
					DN				
					RW				
					UT				
					CN	NH	13,160,000		
				Project Cost:			13,160,000	0	0
CHAPTER 139									
					PL				
					DN		4,377,600	5,200,000	120,000
					RW		13,170,000	1,050,000	36,480,000
					UT		850,000	4,172,000	1,620,000
					CN		26,024,343	10,926,717	3,924,640
				Total Amounts:			44,421,943	21,348,717	42,144,640

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOURBON	365.1	KY-3364	BRIDGE REHAB(P)	STRUCTURE OVER SCOTT'S CREEK ON KY 3364, 0.7 MILE NORTH OF US 460 AT NORTH MIDDLETOWN (BRIDGE IMPROVEMENTS). (03KYDN)(2012BOP)	PL DN RW UT CN	KYD	18,723		910
				Project Cost:			18,723	0	0
BOURBON	1119	CR-1308	BRIDGE REPLACEMENT(P)	TOWNSEND VALLEY ROAD; REPLACE BRIDGE AND APPROACHES OVER TOWNSEND CREEK (C42) 1.6 MILES WEST OF JCT. US-27. (SR=32.0); (009C00042N)	PL DN RW UT CN		120,000	500,000	0
				Project Cost:			120,000	500,000	0
BOURBON	1124	CR-1308	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1308 (MP 3.588) OVER TOWNSEND CREEK; .9 MILE OF JCT KY 353; (STRUCTURALLY DEFICIENT, SR=33.2) 009C00043N	PL DN RW UT CN		90,000 75,000		765,000 765,000
				Project Cost:			165,000	0	
BOURBON	8705	US-460	RECONSTRUCTION(O)	RECONSTRUCT US 460 FROM RUSSELL CAVE ROAD TO US 27 BYPASS IN PARIS; MP 1.394 TO MP 7.696.(12CCN)	PL DN RW UT CN			3,000,000	2,500,000
				Project Cost:			0	3,000,000	2,500,000
BOURBON	8707	CS-2016	NEW ROUTE(O)	EXTEND FIFTH STREET IN MILLERSBURG TO THE MILLERSBURG BYPASS.(12CCN)	PL DN RW UT CN		150,000		
				Project Cost:			150,000	400,000	900,000 900,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for BOURBON county									
BOYD	206	US-60	RECONSTRUCTION(O)	RECONSTRUCT US 60 FROM KY 716 TO ROSE HILL CEMETERY. (12CCR)	PL		168,723		
					DN		90,000	3,300,000	
					RW				
					UT		195,000	100,000	2,500,000
					CN		13,160,000	500,000	1,665,000
					Total Amounts:		13,613,723	3,900,000	4,165,000
					PL				
					DN				
					RW				
					UT	SPP		100,000	
BOYD	208	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2014. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	CN	SPP		100,000	1,740,000
					Project Cost:		0	100,000	1,740,000
					PL				
					DN				
					RW				
					UT				
					CN	SAH	2,400,000		
					Project Cost:		2,400,000	0	0
					PL				
					DN				
BOYD	208.01	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2015. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	CN	SAH		1,200,000	
					Project Cost:		0	1,200,000	0
					PL				
					DN				
					RW				
					UT				
					CN	SAH			
					Project Cost:				
					PL				
					DN				
BOYD	208.02	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2016. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	CN	SAH			1,200,000
					Project Cost:		0	0	1,200,000
					PL				
					DN				
					RW				
					UT				
					CN	SAH			
					Project Cost:				
					PL				
					DN				

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BOYD	8400	US-60	CONGESTION MITIGTN(O)	US 60 FROM I-64 AT INTERCHANGE 181 (MP 0.2) EXTENDING NORTHERLY TO THE KY 180 (MP 4.02) INTERSECTION AT CANNONSBURG CONSISTING OF 4 DRIVING LANES WITH WIDE, DGA SHOULDERS. (08CCN) (10CCR)(12CCR)	PL DN RW UT CN	SB2 SB2	2,500,000 30,290,000 2,500,000 30,290,000		912
				Project Cost:			0		0
BOYD	8801	US-23	SAFETY(P)	SAFETY UPGRADES AND CONSTRUCT TURN LANES ON US-23 AT 12TH STREET - CATLETTSBURG	PL DN RW UT CN	SPP SPP SPP	150,000 1,200,000 500,000 1,700,000		
				Project Cost:			0	150,000	1,700,000
Total for BOYD county									
BOYLE	242.01	US-68	BRIDGE REPLACEMENT(P)	REPLACE U.S. 68 AND U.S. 150 BRIDGE OVER CHAPLIN RIVER, PERRYVILLE. (2005HPP-KY134) (EARMARK DOES NOT COVER TOTAL CONSTRUCTION COST OF \$1,300,000).	PL DN RW UT CN		2,500,000 2,400,000 4,900,000	100,000 31,490,000 31,740,000	1,200,000 3,440,000 4,640,000
				Total Amounts:					
				Project Cost:			384,940 384,940	0	0
BOYLE	1133	CR-1226	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CURTIS RD (CR 1226) OVER N ROLLING FORK AT JCT WITH KY 37(SR 19.2) 011C00042N	PL DN RW UT CN	BRZ BRZ BRZ	50,000 50,000 100,000	490,000 490,000	0
				Project Cost:					

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for BOYLE county									
BRACKEN	355.17	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2015. (12CCR)	PL				
					DN				
					RW		50,000		
					UT		50,000		
					CN		364,940	490,000	
				Total Amounts:			464,940	490,000	0
					PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	190,000	0
BRACKEN	355.18	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2016. (12CCR)	PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	0	190,000
BRACKEN	1068	CR-1023	BRIDGE REPLACEMENT(P)	LONG STRETCH ROAD; REPLACE BRIDGE AND APPROACHES OVER TURTLE CREEK 400 FEET NORTH OF KY-8 (C03). (SR=17.7); (012C00003N)(10CCR)	PL				
					DN				
					RW		25,000		
					UT		5,000		
					CN				
				Project Cost:			30,000	175,000	0
BRACKEN	1074	KY-8	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-8 (MP 4.221) OVER SNAG CREEK; 1 MI W OF JCT KY 1109; (STRUCTURALLY DEFICIENT, SR=48.3) 012B00005N	PL				
					DN				
					RW		150,000		
					UT		75,000		
					CN				
				Project Cost:			225,000	0	0

CHAPTER 139

913

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BRACKEN	8309	KY-10	RECONSTRUCTION(O)	SPOT IMPROVEMENTS FROM THE CITY OF BROOKSVILLE SOUTH TO POWERSVILLE. (06CCN) (10CCR)	PL DN RW UT CN	SP SP SP	1,820,000 4,870,000 1,200,000		914
				Project Cost:			1,820,000	6,070,000	0
BRACKEN	8311	KY-1159	RECONSTRUCTION(O)	RECONSTRUCT KY-1159 FROM BROOKSVILLE TO KY-9/AA HIGHWAY. (06CCN) (10CCR) (12CCR)	PL DN RW UT CN	SPP SPP	4,410,000		
				Project Cost:			4,410,000	0	22,000,000
								22,000,000	
Total for BRACKEN county									
BREATHITT	1089	KY-3193	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-3193 (MP 4.034) OVER NORTH FORK OF KENTUCKY RIVER; ON CR 5318 .4 MILE SOUTHWEST OF KY 15 (STRUCTURALLY DEFICIENT, SR=35.3) 013B00044N	PL DN RW UT CN		1,820,000 4,585,000 80,000	4,870,000 1,200,000	22,190,000
				Total Amounts:			6,485,000	6,435,000	22,190,000
				Project Cost:			110,000	0	2,000,000
									2,000,000
BREATHITT	1096	KY-30	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 30 OVER THE MIDDLE FORK OF KENTUCKY RIVER (013B00017N).	PL DN RW UT CN	BRO BRO	150,000 3,120,000		0
				Project Cost:			3,270,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BREATHITT	1100	KY-476	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 476 OVER CANEY CREEK BETWEEN HARDSHELL CANEY CREEK ROAD (CR 1117) AND NIX BRANCH ROAD (CR 1115)(SR 40.3) 013800014N	PL DN RW UT CN	BRO BRO BRO	0	50,000 100,000 150,000	520,000 520,000
				Project Cost:					
BREATHITT	1105	CR-1165	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON MARIE ROBERTS ROAD (CR 1165) OVER TROUBLESOME CREEK 0.1 MILE SW OF KY 15(SR 27.1) 013C00011N	PL DN RW UT CN	BRZ BRZ BRZ	200,000		190,000 100,000
				Project Cost:			200,000	0	290,000
Total for BREATHITT county									
				Total Amounts:	PL DN RW UT CN		200,000 60,000 200,000 3,120,000 3,580,000	50,000 100,000 150,000	190,000 100,000 2,520,000 2,810,000
BRECKINRIDGE	394	US-60	MINOR WIDENING(O)	ADD CENTER TURN LANE ALONG US 60 IN IRVINGTON (PHASE 1) FROM WEST OF IRVINGTON TO KY 2202. (12CCR)	PL DN RW UT CN	SPP SPP	1,190,000 710,000 1,900,000	0	0
				Project Cost:					
				Total Amounts:	PL DN RW UT CN		1,190,000 710,000 1,900,000	0	0
Total for BRECKINRIDGE county									

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BULLITT	117.1	KY-61	MAJOR WIDENING(O)	KY-61 BEGINS SOUTH OF KY-44 AND ENDS NORTH OF THE NEWLY CONSTRUCTED CONESTOGA PARKWAY. (CSX RAILROAD) (CONSTRUCTION SEQUENCE 3) (10CCR)(12CCR) (LET W/ 117.20)	PL DN RW UT CN	SPP	0	20,130,000	916
				Project Cost:			0	20,130,000	0
BULLITT	117.2	KY-61	MAJOR WIDENING(O)	KY-61 BEGINS NORTH OF CONESTOGA PARKWAY AND ENDS AT EXISTING KY-61 SOUTH OF BROOKS RUN CREEK. (CONSTRUCTION SEQUENCE 2) (10CCR)(12CCR) (LET W/ 117.10)	PL DN RW UT CN	SPP	0	13,590,000	0
				Project Cost:			0	13,590,000	0
BULLITT	150.1	KY-44	SAFETY(P)	RECONSTRUCT KY-44 AT BELLS MILL ROAD. (06CCN) (10CCR)(12CCR)	PL DN RW UT CN	SPP	880,000	1,020,000	0
				Project Cost:			880,000	1,020,000	0
BULLITT	150.2	KY-44	SAFETY(P)	RECONSTRUCT KY-44 AT BOGARD/LLOYD LANE. (06CCN) (10CCR)(12CCR)	PL DN RW UT CN	SPP	1,280,000	1,280,000	0
				Project Cost:			1,280,000	1,280,000	0
BULLITT	150.3	KY-44	SAFETY(P)	RECONSTRUCT KY-44 AT ARMSTRONG/FISHER LANE. (06CCN)(10CCR)	PL DN RW UT CN	SPP	1,260,000	0	0
				Project Cost:			1,260,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BULLITT	347.5	KY-44	RECONSTRUCTION(O)	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM MT. WASHINGTON BYPASS EAST 2.0 MILES (04CCN)	PL DN RW UT CN	SP SP CN	890,000 1,090,000 1,980,000		
				Project Cost:			0		0
BULLITT	391.2	KY-480	RECONSTRUCTION(O)	WIDEN CEDAR GROVE ROAD (KY 480) FROM CEDAR GROVE ELEMENTARY SCHOOL TO VALLEY VIEW DRIVE AND CONSTRUCT ADDITIONAL RAMP ENHANCEMENTS/TURNING LANES ON KY 480 AND AT THE I-65/KY 480	PL DN RW UT CN	STP STP STP	250,000 1,000,000 1,250,000	7,000,000 7,000,000	0
				Project Cost:					0
BULLITT	516	-0	SAFETY(P)	VARIOUS SAFETY PROJECTS IN THE LOUISVILLE URBANIZED AREA.	PL DN RW UT CN	SLO	1,000,000 1,000,000	0	0
				Project Cost:					0
BULLITT	516.01	-0	SAFETY(P)	VARIOUS SAFETY PROJECTS IN THE LOUISVILLE URBANIZED AREA.	PL DN RW UT CN	SLO	1,000,000 1,000,000	1,000,000 1,000,000	0
				Project Cost:			0		0
BULLITT	755	KY-44	BIKE/PED FACIL(O)	CONSTRUCTION OF A SIDEWALK ON THE NORTH SIDE OF KY 44 FROM MT. WASHINGTON ELEMENTARY SCHOOL TO FISHER LANE IN MT. WASHINGTON.(2012BOP)	PL DN RW UT CN	SLO SLO SLO	80,000 80,000 290,000	450,000	0
				Project Cost:					0

CHAPTER 139

917

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BULLITT	1056	KY-61	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-61 (MP 7.609) OVER BARLEY CREEK; 10 MI NORTH OF JCT KY 251; (STRUCTURALLY DEFICIENT, SR=49) 015B00013N	PL DN RW UT CN	BRO	130,000 90,000 220,000		918 230,000 230,000
				Project Cost:			0		
BULLITT	8709		NEW ROUTE(O)	NEW ROUTE FROM KY 480 TO KY 44 WITH SALT RIVER CROSSING.	PL DN RW UT CN	SP		3,000,000	
				Project Cost:			0	3,000,000	0
BULLITT	8710		NEW ROUTE(O)	NEW ROUTE NORTHWEST OF MT. WASHINGTON FROM US 31E TO KY 2706.	PL DN RW UT CN	SP		1,000,000	
				Project Cost:			0	1,000,000	0
BULLITT	8856	I-65	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ON WEST SIDE OF I-65 BETWEEN MP 117.4 AND MP 117.8.	PL DN RW UT CN				2,000,000 2,000,000
				Project Cost:			0	0	
BULLITT	8857	KY-44	MAJOR WIDENING(O)	WIDEN TO 5 LANES BETWEEN MOUNT WASHINGTON AND SHEPHERDSVILLE	PL DN RW UT CN	SP		3,000,000	
				Project Cost:			0	3,000,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for BULLITT county									
BUTLER	125.1	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2015.(12CCR)	PL				
					DN			7,000,000	
					RW		1,350,000		
					UT		4,420,000		
					CN		2,550,000	44,020,000	2,230,000
					Total Amounts:		8,320,000	51,020,000	2,230,000
					PL				
					DN				
					RW				
					UT				
BUTLER	125.11	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2016.(12CCR)	CN	SPP		157,200	
					Project Cost:		0	157,200	0
					PL				
					DN				
					RW				
					UT				
					CN	SPP			157,200
					Project Cost:		0	0	157,200
					PL				
					DN				
BUTLER	1076	KY-403	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 403 OVER UNNAMED STREAM SE OF COOL SPRINGS ROAD (CR 1142) (SR 4.1) 016B00067N	PL				
					DN				
					RW	BRO	40,000		
					UT	BRO	75,000		
					CN	BRO		325,000	
					Project Cost:		115,000	325,000	0
					PL				
					DN				
					RW				
					UT				
BUTLER	8503	US-231	SAFETY-HAZARD ELIM(P)	CONSTRUCT TURN LANES IN BOTH DIRECTIONS AT THE INTERSECTION OF US-231/KY-70 ON TO BOAT FACTORY ROAD. (08CCN)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN	STP	1,200,000		
					Project Cost:		1,200,000	0	0
					PL				
					DN				
					RW				
					UT				

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
BUTLER	8504.05	KY-369	FERRY OPERATION(P)	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2015.(12CCR)	PL DN RW UT CN	SPP	0	157,200	920
				Project Cost:			0	157,200	0
BUTLER	8504.06	KY-369	FERRY OPERATION(P)	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2016.(12CCR)	PL DN RW UT CN	SPP	0	157,200	157,200
				Project Cost:			0	157,200	157,200
Total for BUTLER county									
				Total Amounts:	PL DN RW UT CN		40,000 75,000 1,200,000 1,315,000	639,400 639,400	314,400 314,400
CALDWELL	141	KY-139	SAFETY(P)	RECONSTRUCT SUBSTANDARD CURVES AT ROCK SPRINGS HILL(10CCR)	PL DN RW UT CN	SP	520,000	610,000 470,000	
				Project Cost:			520,000	1,080,000	0
CALDWELL	153	-0	NEW ROUTE(O)	NEW CONNECTOR FROM HOPKINSVILLE ROAD (KY-91) TO WILSON WAREHOUSE ROAD (KY-293) NORTHEAST OF PRINCETON. (06CCR)(10CCR)(12CCR)	PL DN RW UT CN	STP		2,960,000	
				Project Cost:			0	2,960,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CALDWELL	193	-0	NEW ROUTE(O)	SOUTHERN CONNECTOR FROM KY 139 TO KY 91, CALDWELL COUNTY. (2005HPP-KY162)	PL	HPP	9,900		
					DN				
					RW				
					UT				
					CN				
				Project Cost:			9,900	0	0
Total for CALDWELL county									
					PL				
					DN		529,900		
					RW			3,570,000	
					UT			470,000	
					CN				
				Total Amounts:			529,900	4,040,000	0
CALLOWAY	121	KY-1327	RECONSTRUCTION(O)	MURRAY FIVE-POINTS INTERSECTION ROUNDABOUT. (12CCR)	PL				
					DN				
					RW				
					UT				
					CN				
					STP		1,160,000		
					UT			1,760,000	
					STP				1,630,000
					CN				
				Project Cost:			1,160,000	1,760,000	1,630,000
CALLOWAY	271 01	KY-121	RECONSTRUCTION(O)	5-LANE KY-121 FROM US-641 TO COLDWATER ROAD IN MURRAY. (2008BOPP)(08CCR)(10CCN) (SEE ITEM NUMBER 1-271.10 AND 1-271.20 FOR 2012 HIGHWAY PLAN SCHEDULED CONSTRUCTION FUNDING)	PL				
					DN				
					RW				
					UT				
					CN				
					SPP		4,480,000		
				Project Cost:			4,480,000	0	0
CALLOWAY	314.1	US-641	MAJOR WIDENING(O)	MAJOR WIDENING FROM TENN. STATE LINE TO MURRAY PRIORITY SECTION 1; FROM CLARKS RIVER BRIDGE, NORTH 1.0 MILE TO EXISTING 4-LANE. (12CCR)	PL				
					DN				
					RW				
					UT				
					SPP				2,080,000
					CN				
				Project Cost:			0	0	2,080,000

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CALLOWAY	900	KY-1327	SAFETY(P)	CONSTRUCT TURN LANE ON KY 1327 AT CALLOWAY COUNTY SCHOOLS AND MSU AG EXPO CENTER.(12CCR)(AR/W)	PL DN RW UT CN	STP	900,000 900,000	0	0
				Project Cost:					
CALLOWAY	1061	KY-1536	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY 1536 OVER EAST FORK CLAYTON CREEK (B108) 0.3 MILE SOUTH OF KY 280. (SR=27.7) (08CCR). (018B00108N)	PL DN RW UT CN	BRX	0	800,000 800,000	0
				Project Cost:					
CALLOWAY	1132	KY-893	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-893 (MP 22.915) OVER MCCULLOUGH FORK; 4.0 MI EAST OF JCT US 641; (STRUCTURALLY DEFICIENT, SR=11.9) 018B00080N (AR/W)	PL DN RW UT CN	BRX	200,000 220,000 420,000	0	520,000 520,000
				Project Cost:					
CALLOWAY	1136	CR-1464	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1464 (MP 0.138) OVER BRANCH- CANEY CREEK; .15 MI N OF JCT CR 5412. (STRUCTURALLY DEFICIENT, SR=37.9) 018C00107N (AR/W)	PL DN RW UT CN	BRZ	60,000 60,000	0	450,000 450,000
				Project Cost:					
CALLOWAY	1149	CR-1411	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CARLTON RD (CR 1411) OVER W FORK ROCKHOUSE CREEK 0.1 MILE W OF COLLINS RD (CR 1505)(SR 37.3)018C00110N	PL DN RW UT CN	BRZ	0	150,000 100,000 250,000	0
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016	
CALLOWAY	8502	-0	NEW ROUTE(O)	CITY OF MURRAY BUSINESS LOOP FROM GLENDALE TO INDUSTRIAL ROAD. (SEE 1-120 FOR D, R, & U FUNDING)(08CCN)(10CCR)	PL					
					DN					
					RW					
					UT					
					CN	SPP			3,800,000	
Project Cost:						0	0	3,800,000		
CALLOWAY	8851	CS-1047	SAFETY(P)	CONSTRUCT A NEW IMPROVEMENT ALLOWING FOR AN OVERPASS FOR PEDESTRIANS CROSSING 16TH STREET GOING TO THE OTHER SIDE OF CAMPUS. MURRAY STATE AND THE CITY ARE IN AGREEMENT WITH THE NEED OF THE	PL					
					DN	SPP		800,000		
					RW					
					UT					
					CN			0	800,000	0
Project Cost:						0	800,000	0		
CALLOWAY	8852	US-641	MAJOR WIDENING(O)	NEW CONSTRUCTION OF 4-LANE ON US-641 SOUTH OF MURRAY FROM END OF CURRENT 5-LANE SECTION TO TENNESSEE STATE LINE.	PL					
					DN	SP			3,000,000	
					RW					
					UT					
					CN			0	0	3,000,000
Project Cost:						0	0	3,000,000		
Total for CALLOWAY county										
CAMPBELL	183	I-471	RECONSTRUCTION(O)	STUDY AND REHABILITATE THE I-471 CORRIDOR, CAMPBELL COUNTY, KENTUCKY. (SEE ALSO 6-8104.00)(2005HPP-KY120)	PL					
					DN					
					RW			1,360,000	800,000	3,000,000
					UT			280,000	1,860,000	2,080,000
					CN			5,380,000	800,000	6,400,000
Total Amounts:						7,020,000	3,610,000	11,480,000		
CAMPBELL	183	I-471	RECONSTRUCTION(O)	STUDY AND REHABILITATE THE I-471 CORRIDOR, CAMPBELL COUNTY, KENTUCKY. (SEE ALSO 6-8104.00)(2005HPP-KY120)	PL					
					DN					
					RW			1,439,839	0	0
					UT					
					CN	HPP		1,439,839	0	0
Project Cost:						1,439,839	0	0		
Total Amounts:										

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CAMPBELL	352	KY-536	NEW ROUTE(O)	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN) (12CCR)	PL DN RW UT CN		0	0	924 8,940,000
				Project Cost:			0	0	8,940,000
CAMPBELL	407	KY-9	SAFETY(P)	KY 9 EXTENSION, CAMPBELL COUNTY. (2006KYD). (KYD FUNDING MOVED FROM 6-8101.02)	PL DN RW UT CN				
				Project Cost:			2,170,000	2,170,000	0
CAMPBELL	425	KY-1120	MATCHED FED FUNDS(O)	CONSTRUCT A SIDEWALK ON THE SOUTH SIDE OF KY 1120 (MEMORIAL PARKWAY) FROM PAVILION PARKWAY TO WILSON ROAD OVER I-471 IN NEWPORT. (2012BOP)	PL DN RW UT CN		70,000	25,000	527,000
				Project Cost:			70,000	25,000	527,000
CAMPBELL	427	KY-1892	MATCHED FED FUNDS(O)	ROADWAY REHABILITATION ON CAROTHERS ROAD FROM MONMOUTH STREET (US 27) TO RIGHT TURN LANE INTO NEWPORT SHOPPING CENTER.	PL DN RW UT CN				104,874
				Project Cost:			0	0	104,874
CAMPBELL	1072	KY-1996	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1996 (MP 0.259) OVER STEVENS BRANCH; .75 MI WEST OF JCT KY 10; (STRUCTURALLY DEFICIENT, SR=19.9) 019B00013N	PL DN RW UT CN				
				Project Cost:			150,000	0	300,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CAMPBELL	1076	CS-1193	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CS-1193 (MP 0.783) OVER TAYLOR CREEK; 1.0 MI N. JCT KY 1120, (STRUCTURALLY DEFICIENT, SR=31.7) 019C00063N	PL				
					DN				
					RW	BRZ	230,000		
					UT	BRZ		120,000	
					CN				
				Project Cost:			230,000	120,000	0
CAMPBELL	1077	KY-10	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 10 OVER TWELVE MILE CREEK SE OF KY 1997 (SR 15.1) 019B00006N	PL				
					DN				
					RW	BRO		150,000	
					UT	BRO		50,000	
					CN				
				Project Cost:			0	200,000	0
CAMPBELL	1078	KY-2921	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2921 OVER BR OF TWELVE MILE CREEK 0.2 MILE NW OF WASHINGTON TRACE ROAD (CR 1006)(SR 24.3) 019B00061N	PL				
					DN				
					RW	BRO	75,000		
					UT	BRO	50,000		
					CN	BRO		500,000	
				Project Cost:			125,000	500,000	0
CAMPBELL	3504	-0	SAFETY-HAZARD ELIM(P)	INSTALLATION OF SIDEWALKS AND TRAFFIC CONTROL MEASURES ALONG 4TH AND MONMOUTH, FROM SARATOGA TO MONMOUTH AND 3RD STREET AND 8TH STREET/COLUMBIA TO PUTMAN AND 9TH IN THE CITY OF NEWPORT.	PL				
					DN	SAF	25,000		
					RW				
					UT				
					CN	SAF	225,000		
				Project Cost:			250,000	0	0
CAMPBELL	3505	CS-3085	SAFETY-HAZARD ELIM(P)	CONSTRUCT SIDEWALKS & INSTALL CROSSWALKS & ROADWAY MARKERS ALONG DAYTON PIKE FROM 7TH ST TO CHATEAU DR & ALONG BELMONT RD TO ERVIN TERRACE IN CITY OF DAYTON. (2012BOPC)	PL				
					DN	SAF	25,000		
					RW				
					UT				
					CN	SAF	136,200		
				Project Cost:			161,200	0	0

CHAPTER 139

925

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CAMPBELL	8101.01	KY-9	NEW ROUTE(O)	KY-9 RECONSTRUCTION ALONG A NEW ROUTE FROM MP 21.643 TO KY-8 NEAR THE 4TH STREET BRIDGE. (02CCN)(2004BOPC)(08CCR)(10CCR)(12CCR)(C-PHASE SEE 8101.10 & 8101.20)	PL DN RW UT CN	SPP	2,660,000		926
				Project Cost:			2,660,000	0	0
CAMPBELL	8101.1	KY-9	NEW ROUTE(O)	RECONSTRUCT KY 9 ALONG A NEW ROUTE FROM MP 21.643 TO NORTH OF 10TH STREET. (2012BOP)	PL DN RW UT CN	SPP		4,500,000	0
				Project Cost:			0	4,500,000	0
CAMPBELL	8101.2	KY-9	NEW ROUTE(O)	RECONSTRUCT KY 9 ALONG A NEW ROUTE FROM NORTH OF 10TH STREET TO US 27 (YORK STREET). (2012BOP)	PL DN RW UT CN	SPP			8,500,000
				Project Cost:			0	0	8,500,000
CAMPBELL	8104	I-471	NEW ROUTE(O)	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN)	PL DN RW UT CN	SP	2,700,000		
				Project Cost:			2,700,000	0	0
CAMPBELL	8105.01	I-275	NEW ROUTE(O)	TRANSPORTATION IMPROVEMENTS TO AA-I-275 CONNECTOR, CAMPBELL COUNTY. (2005HPP-KY155)(SEE 6-8105.00 FOR "KYD" COMPONENT)(06CCR)(10CCR)	PL DN RW UT CN	HPP	5,399,401	0	0
				Project Cost:			5,399,401	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CAMPBELL	8105.02	I-275	NEW ROUTE(O)	TRANSPORTATION IMPROVEMENTS TO AA-I-275 CONNECTOR, CAMPBELL COUNTY. (2005HPP-KY166)(SEE 6-8105.00 FOR "KYD" COMPONENT)	PL				
					DN				
					RW				
					UT				
					CN	HPP	7,249,112	0	0
				Project Cost:			7,249,112		
CAMPBELL	8105.03	-0	NEW ROUTE(O)	CONSTRUCT NEW TECHNOLOGY TRIANGLE ACCESS ROAD, CAMPBELL COUNTY, KENTUCKY. (2005HPP-KY126)(2006BOPC). (10CCR)	PL				
					DN				
					RW				
					UT				
					CN	HPP	1,439,839	0	0
				Project Cost:			1,439,839		
CAMPBELL	8703	-0	DRAINAGE IMPROVE(P)	CULVERT EXTENSION CARRYING TAYLOR CREEK UNDER KY 8 AND RIVERBOAT ROW. (12CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP	3,600,000	0	0
				Project Cost:			3,600,000		
CAMPBELL	8802		RESURFACING(P)	REPAVING AND DRAINAGE IMPROVEMENTS ON LINCOLN ROAD BETWEEN WARD AVENUE AND WOODLYN RIDGE (1/2 MILE) IN THE CITY OF BELLEVUE	PL				
					DN				
					RW				
					UT				
					CN	SPP	0	0	1,000,000
				Project Cost:			0	0	1,000,000
CAMPBELL	8803		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF NEWPORT.	PL				
					DN				
					RW				
					UT				
					CN	SPP	0	1,200,000	0
				Project Cost:			0	1,200,000	0

CHAPTER 139

927

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for CAMPBELL county									
					PL		120,000		928
					DN				104,874
					RW		3,205,000	150,000	8,940,000
					UT		3,390,000	195,000	
					CN		19,489,391	8,370,000	10,327,000
				Total Amounts:			26,204,391	8,715,000	19,371,874
CARLISLE	333	US-51	SAFETY(P)	CORRECT GEOMETRIC DEFICIENCIES AT INTERSECTION OF US-51/US-62/Front St/Elm St in Bardwell to Address Flow, Safety, and Access Issues.(12CCR)	PL				
					DN				
					RW				
					UT	SPP	250,000		
					CN	SPP		500,000	
				Project Cost:			250,000	500,000	0
Total for CARLISLE county									
					PL				
					DN				
					RW				
					UT		250,000		
					CN			500,000	
				Total Amounts:			250,000	500,000	0
CARROLL	8002.1	US-42	MINOR WIDENING(O)	WIDEN FOUR MILE ROAD TO WEST GHENT CITY LIMIT.(SECTION 4)(2006BOPC)(00CCN)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		7,100,000	
				Project Cost:			0	7,100,000	0
Total for CARROLL county									
					PL				
					DN				
					RW				
					UT				
					CN			7,100,000	
				Total Amounts:			0	7,100,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CARTER	144	KY-7	MAJOR WIDENING(O)	KY-7 (CAROL MALONE BLVD.) WIDENING FROM LITTLE SANDY RIVER BRIDGE TO ACADEMIC PARKWAY. (08CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SP	3,640,000		
Project Cost:							3,640,000	0	0
CARTER	1072	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-60 (MP 26.312) OVER UPPER STINSON CREEK; 1.5 MI E OF E-JCT KY 1; (STRUCTURALLY DEFICIENT, SR=29.6) 022B00064N	PL				
					DN				
					RW	BRO	230,000		
					UT	BRO	100,000		
					CN	BRO	1,100,000	1,100,000	
Project Cost:							330,000	1,100,000	0
CARTER	1075	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-60 (MP 4.111) OVER TYGARTS CREEK; .75 MI E OF JCT KY 1662; (STRUCTURALLY DEFICIENT, SR=47) 022B00037N	PL				
					DN				
					RW	BRO	110,000		
					UT	BRO	100,000		
					CN	BRO	210,000	0	500,000
Project Cost:							210,000	0	500,000
CARTER	1080	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 60 OVER REEVES BRANCH 0.05 MILE W OF REEVES BRANCH ROAD(CR 1352)(SR 39.4) 022B000038	PL				
					DN				
					RW	BRO	75,000		
					UT	BRO	250,000		
					CN	BRO	325,000	500,000	0
Project Cost:							325,000	500,000	0
CARTER	1081	KY-474	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 474 OVER SMITH CREEK IN CARTER AT INTERSECTION OF KY 474 AND NUNN ROAD(CR 1507)(SR 40.1) 022B00123N	PL				
					DN				
					RW	BRO		75,000	
					UT	BRO		150,000	
					CN	BRO	0	225,000	500,000
Project Cost:							0	225,000	500,000

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CARTER	1083	KY-2	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2 OVER JORDA FORK AT INTERSECTION OF KY 2 & JORDAN FORK ROAD(CR 1445)(SR40.2) 022B00072N	PL DN RW UT CN	BRO BRO BRO	250,000 250,000 500,000	400,000 400,000	930 0
				Project Cost:					
CARTER	8311	KY-1	SAFETY(P)	SAFETY IMPROVEMENTS AT THE EAST CARTER HIGH SCHOOL. (06CCN)(08CCR)(12CCR)	PL DN RW UT CN	SP SP SP	870,000 570,000 1,440,000	2,080,000 2,080,000	0
				Project Cost:					
CARTER	8312.1	KY-773	SAFETY(P)	SAFETY IMPROVEMENTS TO KY-773 AT KY-7: ADD LEFT-TURN LANE AND IMPROVE SIGHT DISTANCE ON KY-7. (06CCN)(2006BOPC) (08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SP SP SP	120,000 110,000 230,000	500,000 500,000	0
				Project Cost:					
Total for CARTER county									
					PL DN RW UT CN		1,655,000 1,380,000 3,640,000 6,675,000	75,000 150,000 4,580,000 4,805,000	1,000,000 1,000,000
				Total Amounts:					
CASEY	1064	CR-1006	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BRUSH CREEK ON UPPER BRUSH CREEK ROAD (CR 1006) 1.3 MI NE OF KY 1552 (023C00002N)(SR=20.3) (EBRP)	PL DN RW UT CN	BRZ BRZ BRZ BRZ	250,000 75,000 25,000 420,000	250,000	520,000
				Project Cost:			0	250,000	

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CASEY	8701	KY-70	RECONSTRUCTION(O)	NEW ALIGNMENT FROM MP 16.8 TO MP 17.4 (12CCN)	PL		780,000		
					DN	SP			
					RW	SP		480,000	
					UT	SP		500,000	
					CN				
				Project Cost:			780,000	980,000	0
CASEY	8702	US-127	RECONSTRUCTION(O)	CORRECT VERTICAL ALIGNMENT ON US 127 AND KY 1552 NEAR INTERSECTION.(12CCN)	PL		780,000		
					DN	SP			
					RW	SP		530,000	
					UT	SP		260,000	
					CN				
				Project Cost:			780,000	790,000	0
CASEY	8703	KY-70	RECONSTRUCTION(O)	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)	PL		1,560,000		
					DN	SP			
					RW	SP		3,420,000	
					UT	SP		890,000	
					CN				
				Project Cost:			1,560,000	4,310,000	0
CASEY	8704	KY-49	RECONSTRUCTION(O)	RECONSTRUCT BRUSHY CREEK HILL FROM MP 1.8 TO MP 2.8 (12CCN)	PL		1,250,000		
					DN	SP			
					RW	SP		1,320,000	
					UT	SP		1,040,000	
					CN				
				Project Cost:			1,250,000	2,360,000	0
CASEY	8705	KY-501	RECONSTRUCTION(O)	REALIGN KY 501 TO INTERSECT KY 70 EAST OF EXISTING LOCATION AND CORRECT VERTICAL ALIGNMENT OF KY 70 NEAR EXISTING INTERSECTION.(12CCN)	PL		520,000		
					DN	SP			
					RW	SP		80,000	
					UT	SP		250,000	
					CN	SP			900,000
				Project Cost:			520,000	330,000	900,000

CHAPTER 139

931

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CASEY	8706	KY-70	SAFETY(P)	CONSTRUCT A NEW STORM DRAINING SYSTEM, CURB AND GUTTER FROM BELDON AVENUE EASTWARD AND CONSTRUCT A NEW LEFT TURN ONTO COLLEGE STREET. (12CCN)	PL DN RW UT CN	SP SP SP	780,000	1,660,000 1,090,000	932
				Project Cost:			780,000	2,750,000	0
Total for CASEY county									
					PL				
					DN		5,670,000	250,000	
					RW			7,490,000	75,000
					UT			4,030,000	25,000
					CN				1,320,000
				Total Amounts:			5,670,000	11,770,000	1,420,000
CHRISTIAN	100.07	EB-9004	NEW ROUTE(O)	CHRISTIAN COUNTY, E.T. BREATHITT (PENNYRILE) PARKWAY EXTENSION.(KY182) (07KYD)(2006BOPC)	PL DN RW UT CN				
				Project Cost:			2,280,000	0	0
					CN	KYD	2,280,000		
				Project Cost:			2,280,000	0	0
CHRISTIAN	100.2	US-41	RECONSTRUCTION(O)	E.T. BREATHITT (PENNYRILE) PARKWAY EXTENSION SECTION 1A; RECONSTRUCT US-41A FROM CLINIC DRIVE (INCLUDING CLINIC DR RECONSTRUCTION) TO NORTH ENTRANCE OF THE MALL. (2004BOPC)(CONSTRUCT SEQUENCE	PL DN RW UT CN				
				Project Cost:			8,660,000	0	0
					CN	NH	8,660,000		
				Project Cost:			8,660,000	0	0
CHRISTIAN	156	KY-115	SAFETY(P)	RECONSTRUCT THE KY 115/KY 911 INTERSECTION IN OAK GROVE. (03KYDN) (04KYD-KY074)(05KYD) (10CCR)	PL DN RW UT CN				
				Project Cost:			2,820,000	0	0
					CN	STP	2,820,000		
				Project Cost:			2,820,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CHRISTIAN	180	KY-911	MAJOR WIDENING(O)	WIDEN KY-911 FROM US-41A TO OAK GROVE. (12CCR)	PL				
					DN				
					RW	STP	2,800,000		
					UT	STP	2,310,000		
					CN	STP			8,800,000
				Project Cost:			5,110,000	0	8,800,000
CHRISTIAN	203	KY-107	CONGESTION MITIGTN(O)	INTERSECTION IMPROVEMENT AT KY-107 AND KOFFMAN DRIVE JUST SOUTH OF COUNTRY CLUB LANE IN HOPKINSVILLE. (2006BOPC)	PL				
					DN				
					RW	CM	240,000		
					UT	CM	550,000		
					CN	CM		650,000	
				Project Cost:			790,000	650,000	0
CHRISTIAN	227	KY-1007	RECONSTRUCTION(O)	RECONSTRUCT KY 1007 FROM US 68 TO SANDERSON ROAD IN HOPKINSVILLE. (12CCR)	PL				
					DN				
					RW	SPP		5,520,000	
					UT				
					CN				
				Project Cost:			0	5,520,000	0
CHRISTIAN	1085	CR-1116	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON SUB STATION RD (CR 1116) OVER CSX RR 0.04 MILE E OF US 41 (SR 34.4) 024C00034N	PL				
					DN				
					RW	BRZ		150,000	
					UT	BRZ		120,000	
					CN				
				Project Cost:			0	270,000	0
CHRISTIAN	3700	KY-1007	CONGESTION MITIGTN(O)	NORTH DRIVE/GLASS AVENUE TRAFFIC CONGESTION IMPROVEMENT PROJECT: CONSTRUCTION OF LEFT-HAND TURNING LANES AT THE INTERSECTION OF NORTH DRIVE AND GLASS AVENUE. (2010BOPC)	PL				
					DN				
					RW	CM	51,000		
					UT				
					CN	CM	1,413,000		
				Project Cost:			1,464,000	0	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CHRISTIAN	8505	-0	NEW ROUTE(O)	EXTEND LOVERS LANE AND MAKE SAFETY IMPROVEMENTS. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	STP	2,710,000 2,710,000	0	0
Project Cost:									
CHRISTIAN	8702	KY-107	SCOPING STUDY(O)	CONNECTOR ROAD FROM KY 107 TO THE NEW I-24/PENNYRILE INTERCHANGE.	PL DN RW UT CN	SPP			1,000,000
Project Cost:									
CHRISTIAN	8703	KY-107	MINOR WIDENING(O)	WIDEN KY 107 TO THREE LANES FROM GREENWAY LANE TO KY 380.(12CCN)	PL DN RW UT CN	SPP	1,110,000 1,360,000		
Project Cost:									
Total for CHRISTIAN county									
							2,470,000	0	0
									1,000,000
							4,201,000	5,670,000	
							4,220,000	120,000	
							17,883,000	650,000	8,800,000
							26,304,000	6,440,000	9,800,000
Total Amounts:									
CLARK	1121	KY-974	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-974 (MP 10.924) OVER DRY FORK; .05 MI E-CR 1124 @ALLNSVL; (STRUCTURALLY DEFICIENT, SR=23.1) 025B000090N	PL DN RW UT CN	BRX	100,000 90,000		
Project Cost:									
							190,000	0	380,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLARK	8302	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION EIGHT FROM MILEPOST 12.45 TO MILEPOST 14.32. (06CCN)(12CCR)	PL				
					DN				
					RW	SP	1,260,000		
					UT	SP	1,560,000		
					CN	SP		3,600,000	
					Project Cost:		2,820,000	3,600,000	0
CLARK	8307	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION SEVEN FROM MILEPOST 10.09 TO MILEPOST 10.88. (06CCN)(12CCR)	PL				
					DN	SP	440,000		
					RW				
					UT				
					CN		440,000	0	0
					Project Cost:				
CLARK	8308	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION SIX FROM MILEPOST 9.30 TO MILEPOST 9.69. (06CCN)(12CCR)	PL				
					DN	SP	220,000		
					RW				
					UT				
					CN		220,000	0	0
					Project Cost:				
CLARK	8309	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION FIVE FROM MILEPOST 7.02 TO MILEPOST 7.51. (06CCN)(12CCR)	PL	SP	220,000		
					DN				
					RW				
					UT				
					CN		220,000	0	0
					Project Cost:				
CLARK	8310	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION THREE FROM MILEPOST 3.06 TO MILEPOST 4.28. (06CCN)(12CCR)	PL				
					DN	SP	550,000		
					RW				
					UT				
					CN		550,000	0	0
					Project Cost:				

CHAPTER 139

935

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLARK	8311	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION TWO FROM MILEPOST 1.96 TO MILEPOST 2.93. (06CCN)(12CCR)	PL DN RW UT CN Project Cost:		400,000	0	936
CLARK	8312	KY-89	MAJOR WIDENING(O)	WIDEN KY-89 WINCHESTER-IRVINE ROAD: SECTION ONE FROM MILEPOST 0.96 TO MILEPOST 1.96. (06CCN)(12CCR)	PL DN RW UT CN Project Cost:		570,000	0	0
CLARK	8401	KY-1958	NEW ROUTE(O)	EXTEND THE WINCHESTER EAST BYPASS (KY 1958) FROM IRVINE ROAD (KY 89) TO KY 627 SOUTH OF WINCHESTER. (08CCN)(10CCR)	PL DN RW UT CN Project Cost:		570,000	0	0
CLARK	8410	US-60	SAFETY-HAZARD ELIM(P)	ERECT A FOUR-WAY TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF US-60 AND BREEZE HILL DRIVE. (08CCN)	PL DN RW UT CN Project Cost:		6,830,000	10,920,000	24,640,000
CLARK	8506.01	I-64	MAJOR WIDENING(O)	RECONSTRUCT I-64/MOUNTAIN PARKWAY INTERCHANGE TO ADD NEW RAMPS TO AND FROM THE EAST. (12CCR)	PL DN RW UT CN Project Cost:		50,000	0	1,700,000
							0	0	1,700,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLARK	8633	-0	SIGNAL SYS IMPROVE(P)	INSTALL MAST ARM POLES FOR TRAFFIC SIGNALS DOWNTOWN. (10CCN)	PL				
					DN				
					RW				
					UT				
					CN	SB2	160,000		
					Project Cost:		160,000	0	0
CLARK	8639	-0	NEW ROUTE(O)	EXTEND FULTON ROAD. (BY COUNTY)(10CCN)	PL				
					DN				
					RW				
					UT				
					CN	SB2	1,410,000		
					Project Cost:		1,410,000	0	0
Total for CLARK county									
CLAY	273.01	US-421	BYPASS(O)	WEST BYPASS OF MANCHESTER (GRADE, DRAIN & INCIDENTAL SURFACING). (RU-04DEOB) (10CCR)	PL		220,000		
					DN		2,180,000		
					RW		8,190,000		1,700,000
					UT		1,650,000	10,920,000	
					CN		1,620,000	3,600,000	25,020,000
					Total Amounts:		13,860,000	14,520,000	26,720,000
					PL				
					DN				
					RW	SP	6,180,000		
					UT	SP	2,930,000		
					CN	SP			54,160,000
					Project Cost:		9,110,000	0	54,160,000
CLAY	1069	CR-1113	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON CR-1113A OVER BIG CREEK (C63). (SR=4.0) (PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE). (026C00063N)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN	BRZ	1,360,000		
					Project Cost:		1,360,000	0	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLAY	1088	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 421 OVER ISLAND CREEK AT INTERSECTION OF US 421 & BOWLING BRANCH RD (CR 1346)(SR 27.8) 026B00001N	PL DN RW UT CN	BRO BRO BRO	200,000 125,000 325,000	2,100,000 2,100,000	938 0
CLAY	1091	CR-1004	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BEECH CREEK RD (CR 1004) OVER GOOSE CREEK AT INTERSECTION WITH CHANDLER BRANCH RD (CR 1003)(SR 30.8) C00001N	PL DN RW UT CN	BRZ BRZ	75,000 50,000	125,000	0
CLAY	5005	KY-86	ROCKFALL MITIGTN(P)	CORRECT ROCKFALL HAZARD @ MP 23.5 TO 24.1(10CCR)	PL DN RW UT CN	SP SP SP	130,000 40,000 170,000	3,980,000 3,980,000	0
CLAY	8001	KY-2432	RECONSTRUCTION(O)	RECONSTRUCT KY-2432 FROM SECOND STREET IN EAST MANCHESTER NORTH TO THE LEFT FORK OF COAL HOLLOW ROAD (MP 1.58) (00CCN)(06CCR)(08CCR)(10CCR)	PL DN RW UT CN	SPB SPB SB2	2,320,000 570,000 2,890,000	13,000,000 13,000,000	0
CLAY	8003	US-421	MINOR WIDENING(O)	WIDEN US-421/KY-80 TO THREE LANES FROM KY 80 SOUTH TO KY-149 (LOCKARTS CREEK ROAD). (00CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP	25,700,000	25,700,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLAY	8632	US-421	SAFETY(P)	CONSTRUCT A NEW ENTRANCE TO THE GREEN PARK FROM US-421 TO END NEAR CEMETERY. (10CCN)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN		3,150,000		
					Project Cost:		3,150,000	0	0
CLAY	8711	CR-1263	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CURRY BRANCH ROAD IN CLAY COUNTY (12CCN)	PL				
					DN				
					RW		80,000		
					UT				
					CN			410,000	
					Project Cost:		80,000	410,000	0
CLAY	8855	CR-1172	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER GOOSE CREEK, 0.1 MILE SOUTH OF US 421.	PL				
					DN			250,000	75,000
					RW				75,000
					UT				550,000
					CN			250,000	700,000
					Project Cost:		0	250,000	
CLAY	8856	KY-66	RECONSTRUCTION(O)	RECONSTRUCT EXISTING S-CURVE FROM MP 32.9 TO MP 33.5 TO IMPROVE GEOMETRICS.	PL				
					DN			200,000	
					RW			400,000	
					UT			75,000	
					CN				300,000
					Project Cost:		0	675,000	300,000
CLAY	8861	KY-638	SAFETY(P)	IMPROVE SAFETY AND SIGHT DISTANCE ALONG KY 638 (MP 6.7 TO MP 7.1) AND ITS INTERSECTION WITH KY 3476.	PL				
					DN				225,000
					RW				250,000
					UT				150,000
					CN				
					Project Cost:		0	0	625,000

CHAPTER 139

939

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CLAY	8864	CR-1286	SAFETY(P)	IMPROVE GEOMETRICS ALONG URBAN CREEK ROAD (CR 1286) AND, INCLUDING INTERSECTIONS AT HAL ROGERS PARKWAY AND KY 687.	PL DN RW UT CN	SPP SPP SPP		800,000	940 650,000 450,000
				Project Cost:			0	800,000	1,100,000
Total for CLAY county									
CLINTON	8601.26	US-127	RECONSTRUCTION(O)	RECONSTRUCTION OF US 127 FROM APPROX 1.14 MI N OF INTERSECTION OF KY 3063 & OLD US 127, EXTENDING N TO KY 1730, LOCATED APPROX 0.36 MI E OF THE INTERSECTION OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL DN RW UT CN			1,250,000 8,910,000 3,665,000 4,510,000 17,085,000	225,000 975,000 675,000 55,010,000 56,885,000
				Total Amounts:				47,050,000	
				Project Cost:			2,300,000	0	1,660,000
CLINTON	8601.3	US-127	RECONSTRUCTION(O)	RECONSTRUCTION OF US 127 FROM APPROX 0.18 MI E OF THE INTERSECTION OF AARON RIDGE RD AND OLD US 127, EXTENDING N TO APPROX 1.14 MI N OF THE INTERSECTION OF KY 3063 AND OLD US 127. (SEE 8-108 AND 8-115	PL DN RW UT CN	SP SP SP	1,600,000		1,680,000 580,000 2,260,000
				Total Amounts:			1,600,000	0	
				Project Cost:					
				PL			3,900,000		2,790,000
				DN					1,130,000
				RW					
				UT					
				CN					
				Total Amounts:			3,900,000	0	3,920,000
				Project Cost:					
Total for CLINTON county									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
CRITTENDEN	326.12	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2015.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	0	402,000	0
				Project Cost:				402,000	
CRITTENDEN	326.13	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2016.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	0	0	402,000
				Project Cost:				0	402,000
Total for CRITTENDEN county									
DAVISS	194	KY-144	RECONSTRUCTION(O)	RECONSTRUCT KY-144 IN THE VICINITY OF PLEASANT VALLEY ROAD. DESIGN PHASE MONEY WAS MOVED FROM 2-8631.00(10CCR) (12CCR)	PL				
					DN				
					RW				
					UT				
					CN		0	402,000	402,000
				Total Amounts:				402,000	402,000
DAVISS	229	KY-298	SAFETY(P)	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR)	PL				
					DN				
					RW	SPP		600,000	
					UT	SPP		1,000,000	
					CN		0	1,600,000	0
				Project Cost:					
							1,520,000	0	0
							1,520,000		

CHAPTER 139

941

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
DAVIESS	237	US-60	RECONSTRUCTION(O)	RECONSTRUCT ON US 60 BETWEEN OAKFORD RD LOOP (CR 1370) TO ADDRESS FLOODING PROBLEM IN THE VICINITY OF THE KIMBERLY-CLARK PLANT	PL DN RW UT CN	STP STP STP STP	250,000 500,000 500,000		942 2,000,000 2,000,000
				Project Cost:			250,000	1,000,000	
DAVIESS	287.52	US-60	RELOCATION(O)	TRANSPORTATION IMPROVEMENTS TO US 60 OWENSBORO, DAVIESS COUNTY. (2005HPP-KY158)(2005HPP-KY167)(SEE 2-287.20 FOR "STP" COMPONENT)	PL DN RW UT CN				
				Project Cost:			3,404,040	0	0
DAVIESS	1075	PR-1212	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON PR-1212 (MP 0.725) OVER TRIB-PANTHER CK, 4 MI E KY 279; (STRUCTURALLY DEFICIENT, SR=16.8) 030C00168N	PL DN RW UT CN		120,000 150,000		370,000 370,000
				Project Cost:			270,000	0	
DAVIESS	1093	CR-1014	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BURNETT FORK ON FIELDS RD (CR 1014) 0.75 MI W OF KY 142 030C0001N SR 39 (EBRP)	PL DN RW UT CN		215,000		75,000 75,000 350,000 500,000
				Project Cost:			0	215,000	
DAVIESS	8300	KY-54	MAJOR WIDENING(O)	WIDENING KY-54 FROM THE US-60 BYPASS TO WHITESVILLE FROM MILEPOST 4.51 TO MILEPOST 8.0. (06CCN)(10CCCR)(12CCR)	PL DN RW UT CN			7,660,000	
				Project Cost:			0	7,660,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
DAVISS	8709	KY-1456	MINOR WIDENING(O)	WIDEN KY 1456 - ADD SHOULDERS AND CORRECT GEOMETRIC DEFICIENCIES (12CCN)	PL DN RW UT CN	SP	0	500,000	500,000
				Project Cost:			0	500,000	0
DAVISS	8801	KY-1456	SAFETY(P)	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714	PL DN RW UT CN	SPP	0	700,000	1,500,000 1,500,000
				Project Cost:			0	700,000	3,000,000
DAVISS	8813		BRIDGE REPLACEMENT(P)	GRAVES LANE BRIDGE REPLACEMENT -- 0.2 MI E JCT KY 405 (MM 1.005-1.009) OVER ALLGOOD DITCH.	PL DN RW UT CN	SPP	0	200,000	75,000 75,000
				Project Cost:			0	200,000	75,000
DAVISS	8851	KY-81	MINOR WIDENING(O)	EXTEND THE CURRENT 4 LANES TO THE ROUNDABOUT AT KY-56/KY-81	PL DN RW UT CN	SPP	0	400,000	500,000
				Project Cost:			0	400,000	500,000
DAVISS	8854	KY-3143	MINOR WIDENING(O)	WIDEN KY 3143 TO 3 LANES WITH CURB AND GUTTER FROM KY 3335 TO KY 54	PL DN RW UT CN	SPP	0	0	500,000
				Project Cost:			0	0	500,000

CHAPTER 139

943

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

944

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for DAVIESS county									
EDMONSON	920	KY-2326	SAFETY-HAZARD ELIM(P)	INSTALL GUARDRAIL ON KY 2326 (OTTER GAP ROAD) BEGINNING 4100 FT EAST OF BLEDSOE ROAD (MP 2.040) EXTENDING EAST TO 1200 FT WEST OF KY 743 (MP 2.361). (2012BOP)	PL		250,000	2,015,000	500,000
					DN		120,000	8,760,000	2,150,000
					RW		150,000	1,500,000	1,575,000
					UT		4,924,040		2,720,000
					CN		5,444,040	12,275,000	6,945,000
	Total Amounts:								
EDMONSON	7030.5	KY-259	SPOT IMPROVEMENTS(O)	RECONSTRUCT KY-259 FROM 0.42 MILE NORTH OF THE KY-70 INTERSECTION TO NORTH OF THE KYROCK ELEMENTARY SCHOOL (PRIORITY SECTION). (2004BOPC)	PL				
					DN				
					RW	SP		3,480,000	
					UT	SP		1,690,000	
					CN				
	Project Cost:								
EDMONSON	8602	KY-743	RECONSTRUCTION(O)	RECONSTRUCT KY-743 FROM KY-2326 TO KY-101 TO IMPROVE HORIZONTAL AND VERTICAL ALIGNMENT AND PROVIDE A SUFFICIENT SHOULDER WIDTH. (10CCN)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	2,270,000		
	Project Cost:								
Total for EDMONSON county									

ACTS OF THE GENERAL ASSEMBLY

944

Total for EDMONSON county

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ELLIOTT	192.01	KY-32	RECONSTRUCTION(O)	RECONSTRUCT KY-32 FROM 0.408 MILES WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I) (06CCR) (08CCR) (10CCR)(12CCR)	PL				
					DN	STP	3,800,000		
					RW	STP		7,720,000	
					UT	STP		5,000,000	
					CN	STP			13,000,000
				Project Cost:			3,800,000	12,720,000	13,000,000
ELLIOTT	228	KY-7	RECONSTRUCTION(O)	RECONSTRUCT KY 7 FROM SOUTH CITY LIMITS OF SANDY HOOK TOWARD WRIGLEY. (12CCR)	PL				
					DN	STP	3,380,000		
					RW				
					UT				
					CN				
				Project Cost:			3,380,000	0	0
ELLIOTT	8802	KY-32	MAJOR WIDENING(O)	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING	PL				
					DN	STP		535,000	450,000
					RW	STP			300,000
					UT	STP			
					CN				750,000
				Project Cost:			0	535,000	
Total for ELLIOTT county									
ESTILL	363.1	KY-89	RECONSTRUCTION(O)	RECONSTRUCT KY-89 FROM 260' SOUTH OF RICE ST. IN IRVINE TO THE IRVINE BY-PASS. (10CCR)	PL				
					DN		7,180,000	535,000	450,000
					RW			7,720,000	
					UT			5,000,000	300,000
					CN				13,000,000
				Total Amounts:			7,180,000	13,255,000	13,750,000
ESTILL	363.1	KY-89	RECONSTRUCTION(O)	RECONSTRUCT KY-89 FROM 260' SOUTH OF RICE ST. IN IRVINE TO THE IRVINE BY-PASS. (10CCR)	PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	5,850,000	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

946						
County	Item No.	Route	Type of Work	Description	Phase	Fund
ESTILL	1109	KY-594	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER HENDERSON BRANCH ON KY 594 0.1 MI W OF ECK HOLLOW ROAD (CR 1259), (033B00031N)(SR=7.8)(EBRP)	PL	
					DN	BRX
					RW	BRX
					UT	BRX
					CN	BRX
					Project Cost:	0
Total for ESTILL county						
FAYETTE	113	KY-4	MAJOR WIDENING(O)	NEW CIRCLE ROAD REHAB AND WIDENING FROM VERSAILLES ROAD TO LEESTOWN ROAD. (12CCR) (LET W/ 7-279)	PL	
					DN	250,000
					RW	50,000
					UT	50,000
					CN	5,850,000
					Total Amounts:	0
FAYETTE	122.1	US-25	MAJOR WIDENING(O)	RECONSTRUCT/WIDEN US-25 FROM SPURR ROAD SOUTH OF I-75 TO 1400 FEET SOUTH OF IRONWORKS ROAD. (06CCN)(08CCR)(10CCR) (12CCR)	PL	
					DN	
					RW	SP
					UT	SP
					CN	SP
					Project Cost	15,690,000
FAYETTE	223.02	US-421	MAJOR WIDENING(O)	LEESTOWN ROAD; WIDEN TO 4 LANES FROM EXISTING 4-LANE NEAR NEW CIRCLE ROAD TO MASTERSON PARK. (ADDITIONAL "SLX" FUNDING FOR C PHASE)(SEE 7-223.00 FOR "STP" COMPONENT) (FUNDING SUBJECT TO	CN	SLX
					Project Cost	4,856,384
						0
						0
						0
						0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	224.1	CS-4174	MINOR WIDENING(O)	CLAYS MILL ROAD; WIDEN FROM HARRODSBURG ROAD TO NEW CIRCLE ROAD (SECTION 1) (LFUCG T.I.P.) (LOCAL MATCH) (ALL WORK BY LFUCG) (CONSTRUCTION SEQU. 2) (SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLX			1,400,000 280,000
				Project Cost:			0	0	1,680,000
FAYETTE	224.55	CS-4174	MINOR WIDENING(O)	CLAYS MILL ROAD (SECTION 2C); WIDEN FROM NEW CIRCLE ROAD TO KEITHSHIRE WAY. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLX		4,559,000 4,559,000	0
				Project Cost:			0	0	0
FAYETTE	225	KY-1927	MAJOR WIDENING(O)	LIBERTY ROAD/TODDS ROAD; WIDEN FROM 0.2 MI S OF ANDOVER FOREST DRIVE/FOREST HILL DRIVE TO I-75 (SECTION 2) (ALL WORK BY LFUCG)(SEE 7-590.00 FOR SECTION 1) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX	5,900,000 5,900,000	0	0
				Project Cost:			0	0	0
FAYETTE	225.01	KY-1927	PREFINANCD CONVRSN(O)	LIBERTY ROAD/TODDS ROAD; WIDEN FROM 0.2 MI S OF ANDOVER FOREST DRIVE/FOREST HILL DRIVE TO I-75 (SECTION 2).(ALL WORK BY LFUCG) (ADDITIONAL FUNDING FOR C PHASE) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX		4,000,000 4,000,000	0
				Project Cost:			0	0	0
FAYETTE	227.09	-0	MATCHED FED FUNDS(O)	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLX	845,000 845,000	0	0
				Project Cost:			0	0	0

CHAPTER 139

947

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	231	CS-3817	BIKE/PED FACIL(O)	ADD BIKE LANE ON ROSE STREET FROM ROSE LANE TO EUCLID. (LFUCG T.I.P.) (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLX	37,000 267,000 304,000		948
				Project Cost:		SLX		0	0
FAYETTE	252	KY-922	MAJOR WIDENING(O)	SIX-LANE NEWTOWN PIKE FROM KY-4 TO I-75.	PL DN RW UT CN	STP		500,000	
				Project Cost:		CN	0	500,000	0
FAYETTE	279	KY-4	I-CHANGE RECONST(O)	RECONSTRUCTION OF KY-4/IUS-60 (VERSAILLES ROAD) INTERCHANGE. (12CCN) (LET W/ 7-113)	PL DN RW UT CN				
				Project Cost:		CN	2,080,000 2,080,000	10,970,000 10,970,000	0
FAYETTE	357.12	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2015. (12CCCR)	PL DN RW UT CN	SPP		180,000 180,000	0
				Project Cost:		CN	0	180,000	0
FAYETTE	357.13	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2016. (12CCCR)	PL DN RW UT CN	SPP			180,000 180,000
				Project Cost:		CN	0	0	180,000 180,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	366	KY-4	PE & ENVIRONMENTAL(O)	WIDEN NEW CIRCLE ROAD IN LEXINGTON FROM GEORGETOWN ROAD TO BOARDWALK AVENUE INCLUDING INTERCHANGE RECONSTRUCTION AT NEWTOWN PIKE. (2002BOPC)(2004BOPP) (10CCR)(12CCR)	PL DN RW UT CN	NH NH	5,850,000 13,700,000	13,700,000	0
				Project Cost:			5,850,000	13,700,000	0
FAYETTE	384	-0	ENVIRO MITIGATION(P)	STREAM RESTORATION ALONG CANE RUN AT THE KENTUCKY HORSE PARK FOR GENERATION OF STREAM "CREDITS" DUE TO HIGHWAY PROJECT IMPACTS IN THE LOWER KENTUCKY RIVER WATERSHED. (2006BOPC)	PL DN RW UT CN	SP	2,000,000 2,000,000	0	0
				Project Cost:			2,000,000	0	0
FAYETTE	404	CS-4791	CONGESTION MITIGTN(O)	SOUTHLAND DRIVE BIKE/PEDESTRIAN IMPROVEMENTS: CONSTRUCT ONE MILE OF BIKE LANES ALONG SOUTHLAND DRIVE FROM ROSEMONT GARDEN TO NICHOLASVILLE ROAD. CONSTRUCT SIDEWALKS UNDER RAILROAD	PL DN RW UT CN	CM	500,000 500,000	0	0
				Project Cost:			500,000	0	0
FAYETTE	405	CS-1376	CONGESTION MITIGTN(O)	CONSTRUCT 4,000 FEET OF A 5 FOOT WIDE SIDEWALK ON THE SOUTH SIDE OF LOUDON AVENUE FROM NEWTOWN PIKE TO RUSSELL CAVE ROAD (2010BOPC)(LET BY CITY)	PL DN RW UT CN	CM	210,000 210,000	0	0
				Project Cost:			210,000	0	0
FAYETTE	413	KY-922	RECONSTRUCTION(O)	CONSTRUCT AN ADDITIONAL LANE ON KY 922 (NEWTOWN PIKE) FROM PINTAIL DR (MAIN ENTRANCE TO THE MARIOTT GRIFFIN GATE) TO THE BEGINNING OF THE SOUTHBOUND I-75 ENTRANCE RAMP (12CCR)	PL DN RW UT CN	NH NH NH NH	200,000		1,500,000 500,000 800,000 2,800,000
				Project Cost:			200,000	0	0

CHAPTER 139

949

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	415	KY-2335	SAFETY(P)	IMPROVE ROADWAY TYPICAL SECTION AND PAVEMENT ON KY 2335 (WARE RD) FROM KY 57 (BRIAR HILL RD) TO NORTHERN ENTRANCE TO LEXINGTON BLUEGRASS ARMY DEPOT. (NOTE: DISTRICT IS ANTICIPATING EXPANSION OF	PL DN RW UT CN	SPP SPP SPP SPP CN	1,500,000		950 4,000,000 1,000,000 5,000,000
				Project Cost:			1,500,000	0	
FAYETTE	426	CS-4524	RECONSTRUCTION(O)	CONSTRUCT TURN LANES AT THE INTERSECTION OF MAN O' WAR BLVD (CS-4524) AND PINK PIGEON PKWY (CS-2540).	PL DN RW UT CN	SLX SLX SLX SLX SLX		60,000 456,000 516,000	0
				Project Cost:			0		0
FAYETTE	427	CS-4524	RECONSTRUCTION(O)	CONSTRUCT TURN LANES AT THE INTERSECTION OF MAN O' WAR BLVD (CS 4524) AND ALUMNI DRIVE (CS 3016).	PL DN RW UT CN	SLX SLX SLX SLX SLX		112,000 18,000 725,000 855,000	0
				Project Cost:			0		0
FAYETTE	428	CS-4524	RECONSTRUCTION(O)	CONSTRUCT TURN LANES AT THE INTERSECTION OF MAN O' WAR BLVD (CS-4524) AND RICHMOND ROAD (US-25).	PL DN RW UT CN	SLX SLX SLX SLX SLX		60,000 40,000 550,000 650,000	0
				Project Cost:			0		0
FAYETTE	429	CS-3016	SAFETY(P)	UPGRADE ALUMNI DRIVE BETWEEN NICHOLASVILLE ROAD AND TATES CREEK ROAD.	PL DN RW UT CN	SPP SPP SPP SPP SPP		5,000,000 5,000,000	0
				Project Cost:			0		0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	593.14	-0	NEW ROUTE(O)	NEWTOWN PIKE EXTENSION - PRIORITY 2: REDEVELOPMENT OF SOUTHEAST PARK NEIGHBORHOOD (MITIGATION AREA), (PHASE I SITE GRADING AND UTILITIES FOR THE NATHANIEL MISSION) (2005HPP-KY114)	PL DN RW UT CN	STP	120,000 120,000	0	0
				Project Cost:					
FAYETTE	593.2	-0	NEW ROUTE(O)	NEWTOWN PIKE EXTENSION - PRIORITY 3: FROM VERSAILLES ROAD TO BROADWAY. (PHASE II) (08CCR)(10CCR)	PL DN RW UT CN	SPP	5,439,800 5,439,800	0	0
				Project Cost:					
FAYETTE	593.3	-0	NEW ROUTE(O)	NEWTOWN PIKE EXTENSION - PRIORITY 4: FROM EXISTING NEWTOWN PIKE & PATTERSON TO SOUTH LIMESTONE. (PHASE III - SCOTT STREET CONNECTOR)	PL DN RW UT CN	SP SP CN	8,657,000 3,467,500 12,124,500	0	0
				Project Cost:					
FAYETTE	1129	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 421 OVER FORK OF TOWN BRANCH AT INTERSECTION OF US 421 AND BRACKTOWN RD (CS 4008)(SR 27.8) 034B00018N	PL DN RW UT CN	BRO BRO BRO	125,000 125,000 250,000	0	800,000 800,000
				Project Cost:					
FAYETTE	1132	CS-3605	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON MALABU DRIVE (CS 3605) OVER BRANCH HICKMAN CREEK AT JCT WITH TATES CREEK ROAD (KY 1974)(SR 40) 034C00038N	PL DN RW UT CN	BRZ BRZ BRZ	300,000 100,000 100,000	0	200,000
				Project Cost:					

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	3701	IC-8104	CONGESTION MITIGTN(O)	UNIVERSITY DRIVE BIKE LANE EXTENSION: ENGINEERING AND CONSTRUCTION OF A BIKE LANE ON UNIVERSITY DRIVE FROM COOPER DRIVE TO ALUMNI DRIVE AT THE UNIVERSITY OF KENTUCKY. (2010BOPC)	PL DN RW UT CN	CM	68,740 68,740	0	952 0
				Project Cost:					
FAYETTE	3702	-0	CONGESTION MITIGTN(O)	TOWN BRANCH TRAIL CROSSING-INSTALLATION OF TRAIL FROM NEW CIRCLE ROAD TO MCCONNELL SPRINGS PARK CROSSING OLD FRANKFORT PIKE (2010BOPC).	PL DN RW UT CN	CM	416,700 416,700	0	0
				Project Cost:					
FAYETTE	3706	-0	CONGESTION MITIGTN(O)	GAINESWAY TRAIL. CONSTRUCTION OF BIKE-PED TRAIL CONNECTING TATES CREEK SCHOOL COMPLEX, GAINESWAY PARK, AND MILLCREEK ELEMENTARY.(2012BOP)	PL DN RW UT CN	CM	410,000 410,000	0	0
				Project Cost:					
FAYETTE	8340	US-60	SCOPING STUDY(O)	SCOPING STUDY TO RECONSTRUCT/WIDEN US-60/WINCHESTER ROAD TO FOUR LANES. (06CCN)(12CCR)	PL DN RW UT CN	SPP	280,000	0	0
				Project Cost:					
FAYETTE	8341	US-60	SCOPING STUDY(O)	SCOPING STUDY TO RECONSTRUCT/WIDEN US-60/WINCHESTER ROAD FROM MAN-O-WAR BOULEVARD TO THE CLARK COUNTY LINE. (06CCN)(12CCR)	PL DN RW UT CN	SP	280,000	0	0
				Project Cost:					

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FAYETTE	8342	KY-4	SCOPING STUDY(O)	SCOPING STUDY TO RECONSTRUCT/WIDEN KY-4/NEW CIRCLE ROAD FROM NEWTOWN PIKE TO WINCHESTER ROAD. (06CCN)(12CCR)	PL SP DN RW UT CN		340,000		
				Project Cost:			340,000	0	0
FAYETTE	8507	CS-2548	NEW ROUTE(O)	COMPLETE CONSTRUCTION ON POLO CLUB BOULEVARD AT DEERHAVEN LANE AND TODDS ROAD. (08CCN)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW SLX UT CN		282,000		
				Project Cost:			1,550,000	0	0
							1,812,000		
FAYETTE	8801	KY-4	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ALONG OUTER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD.	PL DN RW UT CN				
				Project Cost:			0	5,000,000	0
								5,000,000	
FAYETTE	8812	KY-57	TRANSP ENHANCEMENT(P)	SIDEWALK INSTALLATION ON BRYAN STATION ROAD FROM PREAKNESS DRIVE TO HERMITAGE DRIVE	PL DN RW UT CN				
				Project Cost:			250,000	0	0
							250,000		
FAYETTE	8854	KY-4	CONGESTION MITIGTN(O)	REMOVE PART OF MEDIAN NEAR MP 11.1 AND REINSTALL PART OF SAME, ALLOWING ONLY ONE ACCESS POINT TO PROPERTY, WITH SOME REPAVING AND STRIPING	PL DN RW UT CN				
				Project Cost:			0	63,000	0
								63,000	

CHAPTER 139

953

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for FAYETTE county									
FLEMING	177	-0	NEW ROUTE(O)	EXTEND MT. TABOR ROAD TO OLD US-68 TO CREATE AN IMPOUNDMENT OF ELK CREEK. THESE FUNDS TO BE MATCHED 50/50 BY FEDERAL DOLLARS TO COMPLETELY FUND THE CONSTRUCTION OF THE DAM. (00CCR)	PL DN RW UT CN		900,000 2,000,000 21,251,000 20,482,300 17,393,824	232,000 558,000	954 7,000,000 1,880,000 21,060,000 29,940,000
Total Amounts:							62,027,124	65,423,000	
Project Cost:							0	840,000	4,330,000 4,330,000
FLEMING	1084	KY-32	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 32 OVER MUD LICK CREEK 0.2 MILES W OF CRAINTOWN RD (OR 1302)(SR 48.9) 035B00038N	PL DN RW UT CN			150,000 250,000	400,000 400,000
Project Cost:							0	400,000	400,000 400,000
FLEMING	1089	KY-560	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER JOHNSON CREEK ON KY 560 0.3 MI S OF FLEMING/MASON CO LINE. (035B00085N)(SR=36.4)(EBRP)	PL DN RW UT CN			400,000	100,000 100,000 1,000,000 1,200,000
Project Cost:							0	400,000	
FLEMING	3021	KY-158	BRIDGE REHAB(P)	RESTORATION OF RINGO'S MILL COVERED BRIDGE LOCATED ON KY 158 AT RAWLINGS ROAD APPROX 7.274 MILES EAST OF HILLSBORO (FY2010 NHC8 PROJECT) (2010 BOPC).	PL DN RW UT CN				
Project Cost:							508,000 508,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FLEMING	8300	KY-11	ECONOMIC DEVEL(O)	SURFACE INDUSTRIAL PARK ROAD ON KY-11. (06CCN)(10CCR)	PL DN RW UT CN	SP	520,000 520,000	0	0
Project Cost:									
FLEMING	8304	KY-32	RECONSTRUCTION(O)	ADD TURN LANES ON KY-32 AT WARD ELEMENTARY SCHOOL. (06CCN)(08CCR)	PL DN RW UT CN	SB2	1,930,000 1,930,000	0	0
Project Cost:									
FLEMING	8305	KY-57	RECONSTRUCTION(O)	RECONSTRUCT/IMPROVE KY-57 FROM THE FLEMING COUNTY COURTHOUSE TO SLEEPY RUN CREEK. (06CCN)(10CCR)	PL DN RW UT CN	SP	300,000	0	0
Project Cost:									
FLEMING	8702	KY-32	RECONSTRUCTION(O)	RECONSTRUCT KY 32 FROM THE KY 165 INTERSECTION AT JABETOWN (MP 5.9) TO ELIZAVILLE (MP 6.5). (12CCN)	PL DN RW UT CN	SPP	4,160,000 4,160,000	0	0
Project Cost:									
FLEMING	8817	KY-57	DESIGN ENGINEERING(O)	CORRECT GEOMETRIC AND WIDTH DEFICIENCIES BEGINNING AT SLEEPY RUN BRIDGE EXTENDING TO 0.5 MILES SOUTH OF LEWIS COUNTY LINE TO IMPROVE OPERATIONAL EFFICIENCY, SIGHT DISTANCE RESTRICTIONS AND OVERALL FLOW	PL DN RW UT CN	SP			2,000,000
Project Cost:							0	0	2,000,000

CHAPTER 139

955

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for FLEMING county									
FLOYD	1.02	KY-114	PE & ENVIRONMENTAL(O)	PRELIMINARY ENGINEERING AND ENVIRONMENTAL - MOUNTAIN PARKWAY EXTENSION: SALYERSVILLE TO PRESTONSBURG, US-460 TO KY 404	PL				956
					DN		300,000	1,240,000	2,000,000
					RW			150,000	100,000
					UT			250,000	100,000
					CN		7,118,000		5,730,000
					Total Amounts:		7,418,000	1,640,000	7,930,000
					PL				
					DN	NH		2,000,000	
					RW				
					UT				
					CN				
					Project Cost:		0	2,000,000	0
FLOYD	1.3	KY-114	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG; WIDEN KY 114 TO 4 LANES FROM ADAMS CEMETERY ROAD (W JCT CR 1380) TO STEVE FITZPATRICK ROAD (W JCT CR 1388). (SEE 12-1.01 FOR PE & ENV)	PL				
					DN	NH	3,200,000		
					RW				
					UT				
					CN				
					Project Cost:		3,200,000	0	0
					PL				
					DN	NH	1,800,000		
					RW				
					UT				
					CN				
					Project Cost:		1,800,000	0	0
FLOYD	191	US-23	SAFETY(P)	MITIGATE SAFETY HAZARDS DUE TO SPEED, POOR ACCESS CONTROL BETWEEN KY 80 AND INTERSECTION WITH KY 3384.(12CCR)	PL				
					DN				
					RW	STP	400,000		
					UT	STP	500,000		
					CN	NH		1,800,000	
					Project Cost:		900,000	1,800,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FLOYD	195	KY-979	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL (12CCR)	PL DN RW UT CN	SPP SPP			1,500,000 1,320,000
				Project Cost:			0	0	2,820,000
FLOYD	301.15	KY-680	NEW ROUTE(O)	MINNIE - HAROLD CONNECTOR; FROM BOY HOLLOW OF SIMPSONS BRANCH TO LITTLE MUD CREEK (SECTION 1-B)(2012BOP)	PL DN RW UT CN				
				Project Cost:		SB2	19,110,000	0	0
FLOYD	301.2	KY-680	NEW ROUTE(O)	MINNIE-HAROLD CONNECTOR;FROM LITTLE MUD CREEK RD TO MOUTH OF TACKETT CREEK(ALT 3B SEC.2(08CCN)(10CCR)(12CCR) KYTC SHALL CONSIDER DESIGN-BUILD OPPORTUNITY.	PL DN RW UT CN	SPP SPP	550,000	31,120,000	0
				Project Cost:			550,000	31,120,000	0
FLOYD	1075	KY-194	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-194 OVER BRUSHY CREEK (B65) AT THE FLOYD/PIKE COUNTY LINE. (SR=46.5); (036B00065N)	PL DN RW UT CN	BRZ	840,000	0	0
				Project Cost:			840,000	0	0
FLOYD	1084	KY-466	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-466 OVER LEFT FORK BEAVER CREEK (B30); (SR=37.5); (036B00030N)	PL DN RW UT CN	BRX	1,090,000	0	0
				Project Cost:			1,090,000	0	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FLOYD	1085	KY-777	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-777 OVER RIGHT FORK BEAVER CREEK (B76). (SR=3.0): (036B00076N)	PL DN RW UT CN	BRX	600,000 600,000	0	958
				Project Cost:					
FLOYD	1111	KY-1100	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1100 OVER LITTLE PAINT CREEK NEAR FLOYD/JOHNSON COUNTY LINE (SR 47.1) 036B00002N	PL DN RW UT CN	BRO		75,000 135,000	
				Project Cost:			0	210,000	0
FLOYD	8100	KY-122	SAFETY(P)	CURVE REVISION TO INCLUDE IMPROVED SIGHT DISTANCE AND A LEFT TURN LANE ON KY-122 AT THE KY-680 INTERSECTION IN MCDOWELL. (02CCCN)(12CCR)	PL DN RW UT CN	SPP	3,950,000 3,950,000	0	0
				Project Cost:					
FLOYD	8703	KY-80	CONGESTION MITIGTN(O)	IMPROVE ACCESS TO KY 80 AT GARRETT EASTBOUND AND ELIMINATE NECESSITY FOR CROSSING WESTBOUND LANES TO MERGE INTO EASTBOUND LANES. MP 1.527 TO MP 1.827 (12CCN)	PL DN RW UT CN	SPP		500,000 330,000 3,000,000	
				Project Cost:			830,000	3,000,000	0
FLOYD	8806	KY-1428	ECONOMIC DEVEL(O)	BRIDGE OFF OF KY-1428 ACROSS LEVISA FORK TO SERVE BIG SANDY WASTEWATER TREATMENT PLANT.	PL DN RW UT CN	SPP		3,225,000	
				Project Cost:			0	3,225,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016				
Total for FLOYD county													
FRANKLIN	97.5	US-60	MAJOR WIDENING(O)	WIDEN US 60 FROM END OF TRUCK CLIMBING LANE JUST WEST OF SOUTH BENSON CREEK BRIDGE (B97) TO VICKY WAY.(04CCN)(10CCR)	PL		5,000,000	2,000,000					
					DN		900,000	75,000	1,500,000				
					RW		1,380,000	135,000	1,320,000				
					UT		25,590,000	39,145,000					
					CN		32,870,000	41,355,000	2,820,000				
					Total Amounts:								
					PL								
					DN								
					RW	SPP		4,880,000					
					UT	SPP			2,440,000				
					CN								
					Project Cost:						0	4,880,000	2,440,000
FRANKLIN	374	US-421	RECONSTRUCTION(O)	FRANKFORT-NEWCASTLE; RECONSTRUCT US-421 FROM TOP OF BALD KNOB HILL AT END OF RECONSTRUCTED SECTION TO HARVIELAND ROAD.(10CCR)	PL								
					DN	SP	680,000						
					RW	SP		2,440,000					
					UT	SP		1,350,000					
					CN								
					Project Cost:						680,000	3,790,000	0
					PL								
					DN								
					RW								
					UT								
					CN								
					FRANKLIN	600	US-60	RECONSTRUCTION(O)	ENHANCEMENT OF US 60 (EAST MAIN STREET) FROM MARTIN LUTHER KING BLVD TO SCHENKEL LANE IN FRANKFORT.(INCLUDES PEDESTRIAN BRIDGE BETWEEN HATHAWAY HALL AND WHITNEY YOUNG HALL) (08CCR)	PL			
DN													
RW													
UT													
CN	SPP		5,680,000										
Project Cost:											0	5,680,000	0
PL													
DN													
RW													
UT													
CN													
FRANKLIN	1057	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-421 (MP 13.09) OVER FLAT CREEK; 2.0 MI NORTH OF JCT KY 12; (STRUCTURALLY DEFICIENT, SR=46.8) 037B00023N						PL			
					DN								
					RW	BRO	60,000						
					UT	BRO	30,000						
					CN	BRO							
					Project Cost:						90,000	0	520,000
					PL								
					DN								
					RW								
					UT								
					CN								

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FRANKLIN	1058	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-421 (MP 14.059) OVER HUDSON CREEK; 2.8 MI NORTH OF JCT KY 12; (STRUCTURALLY DEFICIENT, SR=48.9) 037B00024N	PL				960
					DN				
					RW	BRO	100,000		
					UT	BRO	60,000		
					CN	BRO			
				Project Cost:			160,000	0	200,000
FRANKLIN	1059	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-421 (MP 15.091) OVER LITTLE FLAT CREEK; 3.8 MI NORTH OF JCT KY 12; (STRUCTURALLY DEFICIENT, SR=48.7) 037B00025N	PL				490,000
					DN				
					RW	BRO	50,000		
					UT	BRO	30,000		
					CN	BRO			
				Project Cost:			80,000	0	490,000
FRANKLIN	1065	US-460	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 460 OVER SOUTH ELKHORN CREEK AT INTERSECTION OF US 460 AND N SCRUGGS LN(CR 1010)(SR 41.3) 037B00006N (PART-WIDTH CONSTRUCTION ON EXISTING LOCATION)	PL				250,000
					DN	BRO		250,000	
					RW				
					UT				
					CN				
				Project Cost:			0	250,000	0
FRANKLIN	2035.7	I-64	PAVEMENT REHAB-INT(P)	PAVEMENT REHAB AND BRIDGE WIDENING ON I-64 FROM MP 47.70 TO MP 53.75. (2004BOPC) (DESIGN FUNDED UNDER 5-2035.40)	PL				0
					DN				
					RW	IM	120,000		
					UT	IM	110,000		
					CN				
				Project Cost:			230,000	0	0
FRANKLIN	8302	KY-2817	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION OF KY-2817 (CARDWELL LANE) AND C. MICHAEL DAVENPORT DRIVE. (06CCN)(10CCR)	PL				0
					DN				
					RW				
					UT				
					CN	SPP	910,000	0	
				Project Cost:			910,000	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FRANKLIN	8711		CONGESTION MITIGTN(O)	IMPROVE TRAFFIC FLOW THROUGH DOWNTOWN FRANKFORT.	PL				
					DN				
					RW				
					UT				
					CN	SPP	0	0	43,000
					Project Cost:				43,000
FRANKLIN	8714	US-60	BIKE/PED FACIL(O)	PEDESTRIAN BRIDGE BETWEEN HATHAWAY HALL AND WHITNEY YOUNG HALL (12CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP	2,000,000	0	0
					Project Cost:		2,000,000	0	0
Total for FRANKLIN county									
FULTON	25	JC-9003	RECONSTRUCTION(O)	RECONSTRUCT AND IMPROVE I-69 AT THE KENTUCKY/TENNESSEE STATE LINE TO US-51 INTERCHANGE AT FULTON. (I-69 CORRIDOR IMPROVEMENT)(2012BOP)	PL		680,000	250,000	
					DN		330,000	7,320,000	
					RW		230,000	1,350,000	2,440,000
					UT		2,910,000	5,680,000	1,253,000
					CN		4,150,000	14,600,000	3,693,000
				Total Amounts:					
FULTON					PL	KYD	500,000		
					DN				
					RW				
					UT				
					CN		500,000	0	0
					Project Cost:				
FULTON	26	JC-9003	RECONSTRUCTION(O)	RECONSTRUCT ELEMENTS OF THE EXISTING PURCHASE PARKWAY BETWEEN MP 1 AND MP 20 INCLUDING THE RECONSTRUCTION OF THE KY339 INTERCHANGE IN WINGO, KY. (I-69 CORRIDOR IMPROVEMENT) (2012BOP)	PL				
					DN	KYD	250,000		
					RW				
					UT				
					CN		250,000	0	0
					Project Cost:				

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
FULTON	320.12	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2015.(12CCR)	PL DN RW UT CN	SPP	0	126,000	962
				Project Cost:			0	126,000	0
FULTON	320.13	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2016.(12CCR)	PL DN RW UT CN	SPP	0	0	126,000
				Project Cost:			0	0	126,000
FULTON	1144	KY-1909	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1909 OVER LITTLE BAYOU DE CHIEN CREEK S OF INTERSECTION WITH KY 2149 (SR 28.7) 038B00074N	PL DN RW UT CN	BRO	0	150,000	400,000
				Project Cost:			0	300,000	400,000
FULTON	1148	CR-1011	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON HOLLAND LN (CR 1011) OVER BRANCH OF HARRIS FORK CREEK 0.26 MILE E OF KENTUCKY AVE (KY 307)(SR 31.9)038C00001N(12CCR)	PL DN RW UT CN	BRZ	0	150,000	0
				Project Cost:			250,000	300,000	0
FULTON	8853	KY-1099	SAFETY(P)	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125.	PL DN RW UT CN	SPP	0	350,000	500,000
				Project Cost:			0	350,000	500,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016	
Total for FULTON county										
GALLATIN	202	US-42	LANDSLIDE REPAIR(P)	RECONSTRUCT US-42 ALONG THE OHIO RIVER TO CORRECT LANDSLIDE PROBLEMS BETWEEN MARKLAND DAM AND CRAIGS CREEK. (U-04DEOB)(10CCR)	PL		500,000			
					DN		250,000	350,000		
					RW		150,000	150,000	500,000	
					UT		100,000	150,000		
					CN			426,000	526,000	
	Total Amounts:						1,000,000	1,076,000	1,026,000	
GALLATIN	1089	CR-1001	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER LITTLE SUGAR CREEK ON LITTLE SUGAR CREEK ROAD (CR 1001) 1.1 MI S OF US 42 (039C00002N)(SR=46 7)(EBRP)	PL					
					DN			100,000		
					RW				100,000	
					UT				100,000	
					CN				200,000	
	Project Cost:						0	100,000	400,000	
GALLATIN	2044	I-71	BRIDGE REHAB(P)	OVERLAY BRIDGE DECK AND REPLACE EXPANSION JOINTS ON THE KY 465 BRIDGE OVER I-71 NORTHEAST OF SPARTA AT (MP 59.433). (039B00015N) (2012BOP)	PL					
					DN					
					RW					
					UT					
					CN		250,000			
	Project Cost:						250,000	0	0	
Total for GALLATIN county										
					PL					
					DN			100,000		
					RW				100,000	
					UT				13,940,000	
					CN		250,000		13,940,000	
Total Amounts:						250,000	100,000	14,140,000		

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GARRARD	285	US-27	DESIGN ENGINEERING(O)	DEVELOP DESIGN FOR A TRAFFIC CIRCLE ON US-27 IN LANCASTER (12CCR)	PL DN RW SP UT SP CN SP		160,000	550,000	964
					Project Cost:		160,000	550,000	0
GARRARD	1120	KY-1972	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1972 (MP 0.663) OVER BR OF TURKEY CREEK, .50 MI EAST OF JCT KY 39; (STRUCTURALLY DEFICIENT, SR=19.4) 040B00023N	PL DN RW BRX UT BRX CN BRX		75,000 60,000		350,000
					Project Cost:		135,000	0	350,000
GARRARD	1122	KY-563	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-563 (MP 3.89) OVER SUGAR CREEK; E-@ JCT KY 39; (STRUCTURALLY DEFICIENT, SR=21.7) 040B00034N	PL DN RW BRX UT BRX CN BRX		80,000 70,000		430,000
					Project Cost:		150,000	0	430,000
Total for GARRARD county									
					Total Amounts:		445,000	550,000	780,000
GRANT	112.1	I-75	NEW INTERCHANGE(O)	CONSTRUCT AN INTERCHANGE ON I-75 AT SHERMAN. (06CCN)(08CCN)(10CCN)	PL DN RW SP UT SP CN SP		1,690,000	650,000 450,000	11,000,000
					Project Cost:		1,690,000	1,100,000	11,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GRANT	411	KY-36	SAFETY(P)	ROADWAY IMPROVEMENTS TO KY-36 FROM I-75 AT WILLIAMSTOWN TO APPROXIMATELY 1 MILE WEST OF HECKIN CLARKS ROAD (12CCR)	PL DN RW UT CN	STP STP CN	0	400,000 750,000 1,150,000	0
				Project Cost:			0	1,150,000	0
GRANT	910	KY-22	SAFETY-HAZARD ELIM(P)	INSTALL SIGNS, GUARDRAIL, FRICTION TREATMENT, SHOULDERS AND REMOVE TREES AND BRUSH ON KY-22 AT CLARKS CREEK BRIDGE AND BATON ROUGE ROAD INTERSECTION (2010BOP)	PL DN RW UT CN	SAF	44,000 44,000	0	0
				Project Cost:			44,000	0	0
GRANT	8714	CR-1138	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON SOUTH END OF BLANCHET ROAD 0.3 MILES NORTHEAST OF US 25. (12CCCN)	PL DN RW UT CN	BRZ	110,000 210,000	320,000	0
				Project Cost:			0	320,000	0
GRANT	8715	CR-1138	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON NORTH END OF BLANCHET ROAD 0.2 MILES SOUTHEAST OF THE JUNCTION WITH US 25. (12CCCN)	PL DN RW UT CN	BRZ	340,000 100,000	440,000	0
				Project Cost:			0	440,000	0
GRANT	8716	CR-1142	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON NORTH END OF DELANEY ROAD 0.1 MILE NORTH OF THE JUNCTION WITH US 25. (12CCCN)	PL DN RW UT CN	BRO	180,000 100,000	1,000,000 1,000,000	0
				Project Cost:			280,000	1,000,000	0

CHAPTER 139

965

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for GRANT county									
966									
GRAVES	1056	KY-97	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-97 OVER LEACH CREEK (B52) 0.13 MILE NORTH OF FRANKS ROAD. (SR=18.8); (042B00052N) (AR/W)	PL				
					DN		1,690,000		
					RW		180,000	1,500,000	
					UT		100,000	1,510,000	
					CN		44,000	1,000,000	11,000,000
					Total Amounts:				
							2,014,000	4,010,000	11,000,000
					PL				
					DN				
					RW	BRX	160,000		
GRAVES	1134	KY-1748	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1748 (MP 3.855) OVER BRANCH OBION CREEK; .3 MI E OF JCT CR 5289; (STRUCTURALLY DEFICIENT, SR=20.2) 042B00236N (AR/W)	UT	BRX	160,000		
					CN	BRX		650,000	
					Project Cost:				
							320,000	650,000	0
					PL				
					DN				
					RW				
					UT	BRX	250,000		600,000
					CN	BRX		0	600,000
					Project Cost:				
							250,000	0	600,000
GRAVES	1137	OR-1194	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1194 (MP 0.67) OVER CALDWELL CREEK; .6 MI S OF JCT CR 5221; (STRUCTURALLY DEFICIENT, SR=23.5) 042C00252N (AR/W)	PL				
					DN				
					RW	BRZ	75,000		
					UT	BRZ	50,000		
					CN	BRZ			500,000
					Project Cost:				
							125,000	0	500,000
					PL				
					DN				
					RW	BRO	150,000		
GRAVES	1146	KY-945	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 945 OVER BRANCH OF BRUSH CREEK S OF INTERSECTION WITH BURCHARD RD (CR 1416)(SR 16.8)042B00206N	UT	BRO	200,000		
					CN	BRO		420,000	
					Project Cost:				
							350,000	420,000	0
					PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:				

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GRAVES	1147	CR-1384	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON RULE SHACK ROAD OVER IC RAILROAD 0.4 MILE E OF KY 339(SR29 3)042C00146N	PL				
					DN				
					RW	BRZ		200,000	
					UT	BRZ		225,000	
					CN				
				Project Cost:			0	425,000	0
GRAVES	1155	CR-1381	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER IC RR ON LEWIS ROAD (CR 1381) 0.6 MI SE OF KY 339 042C00253N SR 32.4 (EBRP)	PL				
					DN	BRZ		250,000	
					RW	BRZ			75,000
					UT	BRZ			500,000
					CN	BRZ			800,000
				Project Cost:			0	250,000	1,375,000
Total for GRAVES county									
GRAYSON	122	KY-737	RECONSTRUCTION(O)	LEITCHFIELD-HARNED ROAD; BRIDGE DECK REPLACEMENT AT KY 737 AT ROUGH RIVER.	PL				
					DN				
					RW		385,000	250,000	75,000
					UT		660,000	225,000	500,000
					CN			1,070,000	1,900,000
				Total Amounts:			1,045,000	1,745,000	2,475,000
GRAYSON	308.01	-0	NEW ROUTE(O)	DESIGN FOR LEITCHFIELD BYPASS PRIORITY SECTION. (06CCN)(10CCR)	PL				
					DN	SP	2,710,000		
					RW	SP			14,590,000
					UT	SP			1,170,000
					CN				
				Project Cost:			2,710,000	0	15,760,000

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GRAYSON	1071	CR-1872	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1872 (MP 1.792) OVER SPRING FORK; .7 MI SW OF JCT KY 54; (STRUCTURALLY DEFICIENT, SR=16.8) 043C00024N	PL DN RW UT CN	BRZ	0	0	220,000 220,000
					Project Cost:				
GRAYSON	8502	US-62	MINOR WIDENING(O)	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)	PL DN RW UT CN	STP	1,840,000		730,000
					Project Cost:		0	1,840,000	730,000
Total for GRAYSON county									
GREEN	128.11	KY-61	RECONSTRUCTION(O)	COLUMBIA TO GREENSBURG PRIORITY SECTION 1B; KY-61 FROM KY-487 AT GRESHAM, NW TO 5000' SE OF US-68 IN GREENSBURG, INCLUDING BRIDGE. (2005HPP-KY125)(2005HPP-KY161). (2006BOPC)(10CCR)(12CCR)	PL DN RW UT CN		2,710,000	1,840,000	14,590,000 1,910,000 220,000 16,720,000
					Total Amounts:		2,710,000	1,840,000	
					Project Cost:		5,980,000	0	36,720,000
GREEN	128.12	KY-61	RECONSTRUCTION(O)	COLUMBIA TO GREENSBURG PRIORITY SECTION 1B; KY-61 FROM KY-487 AT GRESHAM, NW TO 5000' SE OF US-68 IN GREENSBURG. (2005HPP-KY125)(2005HPP-KY161).	PL DN RW UT CN	HPP	2,082,599	0	0
					Project Cost:		2,082,599	0	0

ACTS OF THE GENERAL ASSEMBLY

968

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GREEN	8506	US-68	DESIGN ENGINEERING(O)	SPOT IMPROVEMENTS AT LOCUST GROVE AND US 68 BETWEEN GREENSBURG AND EDMONTON. THIS PROJECT REPLACES 8-8500 WHICH WAS IDENTIFIED INCORRECTLY IN THE 2008 HIGHWAY PLAN BY THE CONGRESSIONAL COMMITTEE.	PL DN RW UT CN	SP	1,500,000 1,500,000	0	0
				Project Cost:					
GREEN	8603	US-68	SAFETY-HAZARD ELIM(P)	CORRECT GEOMETRIC DEFICIENCIES AND IMPROVE SAFETY CONCERN AT THE US-68/KY-61 INTERSECTION. (10CCN)	PL DN RW UT CN	SB2	2,970,000 2,970,000	0	0
				Project Cost:					
GREEN	8710	US-68	SCOPING STUDY(O)	SCOPING STUDY AND DESIGN FOR US-68 FROM METCALFE COUNTY TO THE US-61/US-68 INTERSECTION.(12CCN)	PL DN RW UT CN	STP	2,000,000		
				Project Cost:			2,000,000	0	0
GREEN	8711	-0	NEW ROUTE(O)	CONSTRUCT NEW CONNECTOR FROM VAUGHN CURVE ON US-68 BYPASS EAST OF GREENSBURG CROSSING KY-61 AND KY-417 AND CONNECTING WITH KY-3535 NORTH OF GREENSBURG.(12CCN)	PL DN RW UT CN	SPP			2,600,000
				Project Cost:			0	0	2,600,000
GREEN	8712	KY-61	MAJOR WIDENING(O)	CONSTRUCT A TRUCK CLIMBING LANE, SHOULDERS, AND TURN LANE AT KY-323. (12CCN) (PROJECT MOVED FROM DISTRICT 8 UNDER ITEM NO 8-8712)	PL DN RW UT CN	SPP			2,100,000
				Project Cost:			0	0	2,100,000

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GREEN	8715	US-68	PAVEMENT REHAB-PR(P)	SPOT IMPROVEMENTS FROM LOCUST GROVE RD ON US-68 TO KY-61. (12CCN)	PL DN RW UT CN	SP		2,000,000	970
				Project Cost:			0	2,000,000	0
GREEN	8853	KY-88	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM R. MILBY ROAD TO HUDSON ROAD. (MP 7.981-MP10.217)	PL DN RW UT CN	SPB			700,000
				Project Cost:			0	0	700,000
Total for GREEN county									
					PL				
					DN		2,000,000	2,000,000	3,300,000
					RW		4,940,000		2,100,000
					UT		1,040,000		
					CN		6,552,599		36,720,000
				Total Amounts:			14,532,599	2,000,000	42,120,000
GREENUP	109	KY-8	BRIDGE PAINTING(P)	CLEAN AND PAINT THE CARL D. PERKINS BRIDGE CARRYING KY-8S OVER THE OHIO RIVER BETWEEN SOUTH SHORE, KENTUCKY AND PORTSMOUTH, OHIO (KY-OHIO SHARE 50/50 OF PROJECT COST) (B64): (045B00064N)(10CCR)	PL DN RW UT CN			10,000,000	
				Project Cost:			0	10,000,000	0
GREENUP	132	KY-2	PE & ENVIRONMENTAL(O)	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)	PL DN RW UT CN	SPP			6,070,000
				Project Cost:			0	0	6,070,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
GREENUP	1073	KY-244	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-244 (MP 0.103) OVER CSX RAILROAD; .05 MI N.E. OF JCT US 23; (STRUCTURALLY DEFICIENT, SR=47.9) 045B00039N	PL DN RW UT CN	BRX BRX BRX	1,930,000	1,090,000	1,000,000
				Project Cost:			1,930,000	1,090,000	1,000,000
GREENUP	1078	CS-1023	BRIDGE REPLACEMENT(P)	"DEMOLISH" BRIDGE ON CS-1023 (MP 0.121) OVER TOWN BRANCH; 100' S. JCT KY 2541; (STRUCTURALLY DEFICIENT, SR=16.5) 045C00051N	PL DN RW UT CN	BRZ BRZ BRZ	50,000 25,000 75,000		1,000,000
				Project Cost:			75,000	0	1,000,000
Total for GREENUP county									
				Total Amounts:			2,005,000	11,090,000	8,070,000
HANCOCK	197	KY-69	RECONSTRUCTION(O)	IMPROVE CONNECTION BETWEEN US-60 AND CANNELTON BRIDGE APPROACH AT HAWESVILLE. (08CCR) (08CCR) (10CCR) (12CCR)	PL DN RW UT CN	SPP SB2	760,000	5,850,000	
				Project Cost:			760,000	5,850,000	0
HANCOCK	1082	KY-2124	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2124 OVER SOUTH FORK OF PANTHER CREEK SW OF INTERSECTION WITH HICKORY RIDGE RD (CR 1127)(SR 33.5)046B00031N	PL DN RW UT CN	BRO BRO BRO	75,000 75,000 150,000	300,000	0
				Project Cost:			150,000	300,000	0

CHAPTER 139

971

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HANCOCK	8708	KY-69	SCOPING STUDY(O)	SCOPING STUDY ON KY-69 IN HANCOCK COUNTY.(12CCN)	PL	SPP	200,000		972
					DN				
					RW				
					UT				
					CN				
					Project Cost:		200,000	0	0
Total for HANCOCK county									
					PL		200,000		
					DN				
					RW		75,000		
					UT		835,000		
					CN				
					Total Amounts:		1,110,000	6,150,000	0
HARDIN	18	I-65	MAJOR WIDENING(O)	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.6MI N OF OLD SONORA RD TO 0.7MI N OF KY 222; INCLUDES NOLIN RIVER BRIDGE. (12CCR)	PL				
					DN				
					RW				530,000
					UT				
					CN				
					Project Cost:		0	0	530,000
HARDIN	153.01	KY-251	PHASE I DESIGN(O)	SAFETY AND SPOT IMPROVEMENTS TO KY 251 AND KY 434 AS RECOMMENDED BY THE 2012 PLANNING STUDY.	PL		955,000		
					DN				
					RW			1,345,000	
					UT			1,395,000	
					CN				8,755,000
					Project Cost:		955,000	2,740,000	8,755,000
HARDIN	198	KY-3005	PE & ENVIRONMENTAL(O)	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65(12CCR)	PL				
					DN				
					RW				2,760,000
					UT				1,690,000
					CN				
					Project Cost:		0	0	4,450,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HARDIN	199	US-31	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER P&L AND CSX RAILROADS (MP 36.4 TO 36.8 IN WEST POINT) (047B00007N).	PL				
					DN				
					RW	STP		120,000	
					UT	STP		110,000	
					CN				
				Project Cost:			0	230,000	0
HARDIN	286.1	I-65	WEIGH STA REHAB(P)	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION. (10CCR)	PL				
					DN	IM		550,000	
					RW				
					UT				
					CN				
				Project Cost:			0	550,000	0
HARDIN	1077	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 62 OVER UNNAMED STREAM 0.65 MILE SW OF KY 1375 (S LONG GROVE RD)(SR 48.5) 047B00052N	PL				
					DN				
					RW	BRO		80,000	
					UT	BRO		110,000	
					CN				
				Project Cost:			0	190,000	0
HARDIN	7020	KY-1600	SAFETY(P)	RELOCATE INTERSECTION OF WOODLAND DRIVE AT US-31W. (CITY OF E-TOWN RESPONSIBLE FOR ALL PHASES) (98CCN) (06CCR)(REMAINING FUNDS FOR AGREEMENT) (12CCR)(LET BY CITY)	PL				
					DN				
					RW				
					UT				
					CN	BR2	2,710,000		
				Project Cost:			2,710,000	0	0
HARDIN	8801	KY-1357	SAFETY(P)	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG KY 1357 (ST. JOHNS RD) FROM KY US 31W BYPASS TO KY 3005 (RING ROAD) IN ELIZABETH TOWN.	PL				
					DN	SPP		1,100,000	
					RW				
					UT				
					CN				
				Project Cost:			0	1,100,000	0

CHAPTER 139

973

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

974

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016	
Total for HARDIN county										
HARLAN	149	KY-1926	SAFETY(P)	KINGDOM COME STATE PARK ACCESS ROAD. (08CCR)(10CCR)(12CCR)	PL					
					DN		955,000	1,650,000		
					RW			1,545,000	3,290,000	
					UT			1,615,000	1,690,000	
					CN		2,710,000		8,755,000	
					Total Amounts:		3,665,000	4,810,000	13,735,000	
						PL				
						DN				
						RW				
						UT				
						CN		3,640,000		
Project Cost:							3,640,000	0	0	
HARLAN	269.1	US-421	MAJOR WIDENING(O)	HARLAN-VIRGINIA STATE LINE; RESCOPE US-421 FROM BARN BRANCH TO VIRGINIA STATE LINE. (08CCR)(10CCR)	PL					
					DN		570,000			
					RW					
					UT					
					CN			43,800,000		
					Project Cost:		570,000	43,800,000	0	
						PL				
						DN		60,000		
						RW				
						UT				
						CN				
Project Cost:							60,000	0	0	
HARLAN	1061	KY-413	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CUMBERLAND RIVER (B89) 0.1MI N JCT. KY-840. (SR=27.3); (048B00089N)	PL					
					DN					
					RW					
					UT					
					CN		1,040,000			
					Project Cost:		1,040,000	0	0	
	ACTS OF THE GENERAL ASSEMBLY									
	Project Cost:									
								570,000	43,800,000	0
	Project Cost:									
								60,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HARLAN	1064	CR-1125	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON CR-1125 OVER CLOVER FORK OF CUMBERLAND RIVER (C30). (SR=2.0)(PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE): (048C00030N)	PL				
					DN				
					RW	BRZ	230,000		
					UT	BRZ	120,000		
					CN	BRZ		810,000	
				Project Cost:			350,000	810,000	0
HARLAN	1087	KY-72	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 72 OVER CATRON CREEK AT INTERSECTION OF KY 72 AND SMITH LANE (CR 1226L)(SR 30) 048B00030N	PL				
					DN				
					RW				
					UT	BRO	50,000		
					CN	BRO		1,300,000	
				Project Cost:			50,000	1,300,000	0
HARLAN	8511.1	US-119	SPOT IMPROVEMENTS(O)	WIDEN US 119 TO PROVIDE A RIGHT TURN LANE AT THE US 119/KY 840 INTERSECTION.(12CCR) (TO BE CONSTRUCTED WITH STATE FORCES)	PL				
					DN				
					RW				
					UT	SPP	20,000		
					CN				
				Project Cost:			20,000	0	0
HARLAN	8703	US-119	MINOR WIDENING(O)	PROVIDE A PASSING BAY ON US 119 FROM MP 1.2 TO MP 2.2 IN HARLAN COUNTY.(12CCN)	PL				
					DN	NH		400,000	
					RW	NH			500,000
					UT	NH			500,000
					CN				
				Project Cost:			0	400,000	1,000,000
HARLAN	8704	KY-38	SAFETY(P)	IMPROVE SAFETY ON DEAD MAN'S CURVE NEAR MP 10.1. (12CCN)	PL				
					DN				
					RW	SPP	200,000		
					UT	SPP	150,000		
					CN	SPP		1,200,000	
				Project Cost:			350,000	1,200,000	0

CHAPTER 139

975

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for HARLAN county									
HARRISON	908	KY-32	SAFETY(P)	IMPROVE SAFETY ON KY-32 AT THE ENTRANCE TO HARRISON MEMORIAL HOSPITAL IN CYNTHIANA.(12CCR)	PL				976
					DN		630,000	400,000	
					RW		430,000		500,000
					UT		340,000		500,000
					CN		4,680,000	47,110,000	
					Total Amounts:		6,080,000	47,510,000	1,000,000
					PL				
					DN				
					RW	SPP	1,200,000		
					UT	SPP	1,000,000		
HARRISON	8500	KY-36	BRIDGE REHAB(P)	RECONSTRUCT BRIDGE OVER MILL CREEK ON KY-36 FOUR MILES WEST OF CYNTHIANA.(08CCN); (049B00032N)(12CCR)	CN	SPP			4,000,000
					Project Cost:		2,200,000	0	4,000,000
					PL				
					DN				
					RW				
					UT				
					CN	SPP	4,100,000		
					Project Cost:		4,100,000	0	0
					PL				
					DN				
HARRISON	8707	US-62	RECONSTRUCTION(O)	RECONSTRUCT U2 62 FROM MP 11.9 TO MP 12.3.(12CCN)	RW	SPP	250,000		
					UT	SPP	100,000		
					CN	SPP		3,500,000	
					Project Cost:		350,000	3,500,000	0
					PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:				
HARRISON	8708	US-27	RECONSTRUCTION(O)	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4.(12CCN)	PL				
					DN				
					RW	SPP	500,000		
					UT	SPP	350,000		
					CN				
					Project Cost:		850,000	0	0
					PL				
					DN				
					RW				
					UT				

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HARRISON	8710	CR-1062	BRIDGE REPLACEMENT(P)	REPLACE UNION ROBINSON ROAD BRIDGE. (12CCN)	PL				
					DN				
					RW	SPP	150,000		
					UT	SPP	50,000		
					CN	SPP		3,380,000	
				Project Cost:			200,000	3,380,000	0
Total for HARRISON county									
					PL				
					DN				
					RW		2,100,000		
					UT		1,500,000		
					CN		4,100,000	6,880,000	4,000,000
				Total Amounts:			7,700,000	6,880,000	4,000,000
HART	15	I-65	MAJOR WIDENING(O)	TENN. STATE LINE-ELIZABETHTOWN; WIDEN TO 6 LANES FROM 0.7 MI N OF THE US 31W BRIDGE (B27) TO 0.7 MI N OF THE KY 728 BRIDGE (B08). (PE & ENV UNDER 4-10.05)(04CCN)(08CCR) (10CCR)(12CCR)(AR/W)	PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	57,000,000	0
HART	16	I-65	MAJOR WIDENING(O)	TENN. STATE LINE-ELIZABETHTOWN; WIDEN TO 6 LANES FROM 0.7 MI N OF THE KY 728 BRIDGE (B08) TO 0.7 MI N OF KY 224 (B16). (PE & ENV UNDER 4-10.05)(04CCN)(12CCR)(AR/W)(U PHASE ADVANCED FROM 99-337.08)	PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	0	48,000,000
HART	8501	KY-88	RECONSTRUCTION(O)	RECONSTRUCT AND MAKE SAFETY IMPROVEMENTS BY REALIGNING AND ADDING/WIDENING SHOULDERS ON KY-88 FROM LOGSTON VALLEY ROAD TO COUNTY BARN ROAD. (08CCN)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	3,000,000	0	0
				Project Cost:			3,000,000	0	0

CHAPTER 139

977

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for HART county									
					PL				978
					DN				
					RW				
					UT				
					CN				
Total Amounts:							3,000,000	57,000,000	48,000,000
							3,000,000	57,000,000	48,000,000
HENDERSON	79.02	US-60	RECONSTRUCTION(O)	PADUCAH-HENDERSON; RECONSTRUCT US-60 FROM THE CORYDON BYPASS (CORYDON-GENEVA ROAD) TO THE HENDERSON BYPASS (KY-425), (04CCR)	PL				
					DN		1,560,000		
					RW			5,760,000	
					UT			4,880,000	
					CN				
Project Cost:							1,560,000	10,640,000	0
HENDERSON	79.1	US-60	NEW ROUTE(O)	PADUCAH-HENDERSON; CONSTRUCT US-60 BYPASS OF CORYDON, (04CCR) (12CCR)	PL				
					DN		2,600,000		
					RW			3,840,000	
					UT			1,960,000	
					CN				
Project Cost:							2,600,000	5,800,000	0
HENDERSON	79.3	US-60	MAJOR WIDENING(O)	WIDEN AND IMPROVE US 60 FROM WEST OF HENDERSON COMMUNITY COLLEGE (MP 7.7) EXTENDING EAST TO KY 425 (MP 8.7). (BOP2012)	PL				
					DN				
					RW			1,000,000	
					UT			1,000,000	
					CN				
Project Cost:							0	2,000,000	5,500,000
HENDERSON	700.11	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2016. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN				
					SHN				100,000
Project Cost:							0	0	100,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HENDERSON	711	US-41	SAFETY(P)	US 41/KY 812 INTERSECTION UPGRADE: ADD RIGHT TURN AND LEFT TURN LANES INCLUDING SIGNAL PHASING. KYTC PROJECT WITH KYTC PROVIDING 20% MATCH.(TOLL CREDITS) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SHN	50,000 100,000 150,000	550,000 550,000	0
Project Cost:									
HENDERSON	712	CS-1142	RECONSTRUCTION(O)	N GREEN RIVER RD UPGRADE-(OSAGE DR TO WOODSPOINT DR). PROJECT WILL INCLUDE UPGRADING EXISTING PAVEMENT TO 28 FT. WIDE PAVEMENT W/ CURB & GUTTER & SIDEWALK. LPA PROJECT. (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SHN	675,000 675,000	0	0
Project Cost:									
HENDERSON	713	CS-1453	BRIDGE REPLACEMENT(P)	WATHEN BRIDGE REPLACEMENT: REPLACE EXISTING BRIDGE WITH 8FT PRECAST CONCRETE BOX CULVERT. PAVEMENT AND GUARDRAIL. LPA PROJECT. CITY TO PROVIDE MATCH.(FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SHN	25,000 10,000 15,000 200,000 200,000	0	0
Project Cost:									
HENDERSON	714	KY-2183	MATCHED FED FUNDS(O)	KY 2183 / KY 1539 INTERSECTION AND UPGRADE: PROJECT WILL RECONSTRUCT THE INTERSECTION AND MAKE IMPROVEMENTS TO THE SOUTHBOUND APPROACH. (2012BOP)	PL DN RW UT CN	SHN	400,000 400,000 600,000 1,400,000	0	0
Project Cost:									
HENDERSON	715	US-41	MATCHED FED FUNDS(O)	US 41/ WOLF HILLS ROAD INTERSECTION UPGRADE: PROJECT WILL ADD DEDICATED RIGHT TURN AND LEFT TURN LANES INCLUDING SIGNAL PHASING TO BE MODIFIED OR ADDED TO EACH LEG OF THE INTERSECTION. (2012BOP)	PL DN RW UT CN	SHN	50,000 100,000 150,000	0	500,000 500,000
Project Cost:									

CHAPTER 139

979

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

980

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HENDERSON	968	KY-351	SAFETY-HAZARD ELIM(P)	KY-351 NEAR ZION, HORIZONTAL & VERTICAL REALIGNMENT, SHOULDER WIDENING, AND INSTALL GUARDRAIL (B/C=2.5) (D-DISTRICT, C-CONTRACTOR) (2002BOP)	PL DN RW UT CN	SHN	1,500,000 1,500,000	0	0
Project Cost:									
HENDERSON	1080	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 60 OVER GREEN RIVER AT INTERSECTION WITH KY 1078 (SR 39)051B00015N.(12CCR)	PL DN RW UT CN	BRO	250,000 250,000 500,000	0	10,000,000 10,000,000
Project Cost:									
HENDERSON	1092	CR-1162	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BRANCH OF CANOE CREEK ON BUSBY STATION ROAD 0.4 E OF ROBARS-BUSBY STATION ROAD (CR 1154) (051C00041N)(SR=21.8) (EBRP)	PL DN RW UT CN	BRZ	215,000 50,000 100,000 350,000 500,000	0	0
Project Cost:									
HENDERSON	8304	EB-9004	I-CHANGE RECONST(O)	RECONSTRUCT/COMPLETE THE HALF INTERCHANGE AT EXIT 68 (KY 416) ON THE BREATHITT PARKWAY. (I-69 CORRIDOR IMPROVEMENT)(06CCN)(08CCR)(12CCR)(ARW)	PL DN RW UT CN	NH	4,680,000 4,680,000	0	0
Project Cost:									
Total for HENDERSON county									
Total Amounts:					19,405,000				
					16,600,000				

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HENRY	472	KY-574	SAFETY(P)	SPOT IMPROVEMENTS ALONG KY 574 BETWEEN MP 0.1 AND MP 0.5 EAST OF US 421/KY 55 (BOPC2010).(12CCR)	PL DN RW UT CN	SPP	1,220,000 1,220,000	0	0
Project Cost:							1,220,000	0	0
HENRY	1066	KY-55	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 55 OVER DAUGHERTY CREEK 0.17 MILE N OF JONES RD (CR 1331)(SR 46.8) 052B00003N	PL DN RW UT CN	BRO	90,000 60,000	230,000	230,000
Project Cost:							0	150,000	230,000
HENRY	8300	KY-146	RECONSTRUCTION(O)	MAJOR RECONSTRUCTION OF KY-146 BETWEEN NEW CASTLE AT US-421 AND PENDLETON AT KY-153. SEGMENT 1: PENDLETON ROAD (KY 153) TO LOST CREEK (1/2 MILE EAST OF SAFETY KLEEN ENTRANCE). MILE POINT 2.1 TO	PL DN RW SB2 UT SB2 CN	SPP	1,000,000 1,100,000	0	10,000,000 10,000,000
Project Cost:							2,100,000	0	10,000,000
HENRY	8300.1	KY-146	RECONSTRUCTION(O)	MAJOR RECONSTRUCTION OF KY-146 BETWEEN NEW CASTLE AT US-421 AND PENDLETON AT KY-153. SEGMENT 2: LOST CREEK (1/2 MILE EAST OF SAFETY KLEEN ENTRANCE) TO MAIN STREET (US 421/KY 55). MILE POINT 6.8 TO MILE	PL DN RW SB2 UT SB2 CN	SPP	1,900,000 2,400,000	0	0
Project Cost:							4,300,000	0	0
HENRY	8820	KY-55	MINOR WIDENING(O)	REHABILITATION-OVERLAY AND WIDENING EXISTING KY-55 FROM KY-22 TO CURVE AT MP 2.210 NORTH OF EMINENCE. INCLUDES REPLACING EXISTING CURB AND GUTTER AND SIDEWALKS, AND RELOCATION OF IMPACT	PL DN RW UT CN	SPP	180,000 320,000	1,200,000 1,200,000	2,400,000
Project Cost:							0	500,000	2,400,000

CHAPTER 139

981

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HENRY	8821	KY-241	BIKE/PED FACIL(O)	IMPROVE DRAINAGE AND INSTALL SIDEWALK ALONG KY 241 IN PLEASUREVILLE.	PL	SPP	150,000		982
					DN	SPP			
					RW	SPP		100,000	
					UT	SPP		75,000	
					CN	SPP		475,000	
				Project Cost:			150,000	650,000	0
HENRY	8822	KY-389	SCOPING STUDY(O)	SCOPING/PLANNING STUDY FOR KY-389 IN HENRY COUNTY FROM KY-202 (DRENNON ROAD) NORTH TO HENRY COUNTY/CARROLL COUNTY LINE.	PL	SPP	500,000		
					DN				
					RW				
					UT				
					CN				
				Project Cost:			500,000	0	0
Total for HENRY county									
					PL		500,000		
					DN		150,000	180,000	
					RW		2,900,000	510,000	
					UT		3,500,000	135,000	1,200,000
					CN		1,220,000	475,000	11,430,000
				Total Amounts:			8,270,000	1,300,000	12,630,000
HICKMAN	1062	KY-1826	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-1826 OVER TOWN CREEK (B79) IN CLINTON. (SR=24.4); (053B00079N)	PL				
					DN				
					RW	BRX	270,000		
					UT	BRX		630,000	
					CN				
				Project Cost:			270,000	630,000	0
Total for HICKMAN county									
					PL				
					DN				
					RW		270,000	630,000	
					UT				
					CN				
				Total Amounts:			270,000	630,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HOPKINS	137.02	US-41	MAJOR WIDENING(O)	US 41A PHASE II DESIGN AND RIGHT-OF-WAY. (2005HPP-KY135)(SEE 2-137.01 FOR "STP" COMPONENT)	PL DN RW UT CN	HPP	0	2,879,680	0
				Project Cost:				2,879,680	0
HOPKINS	137.1	US-41	MAJOR WIDENING(O)	WIDEN US-41A FROM INDUSTRIAL DRIVE TO YORKWOOD PLACE. (SECTION 1) (2012BOP)	PL DN RW UT CN	SP	0	0	11,000,000 11,000,000
				Project Cost:				0	11,000,000
HOPKINS	161	KY-1034	SCOPING STUDY(O)	STUDY POSSIBILITIES FOR IMPROVING RAILROAD CROSSING ON KY-1034 AT US-41A, MP 11.336 (10CCR)	PL DN RW UT CN	SP	200,000	0	0
				Project Cost:			200,000	0	0
HOPKINS	176	KY-85	RECONSTRUCTION(O)	RECONSTRUCT KY-85 FROM KY-70 EAST TO AIRPORT ROAD AT ANTON. (08CCR)(10CCR)	PL DN RW UT CN	SP	890,000 870,000 1,760,000	0	7,650,000 7,650,000
				Project Cost:			1,760,000	0	7,650,000
HOPKINS	225	I-69	RECONSTRUCTION(O)	IMPROVE RAMP CONFIGURATION AT THE EXISTING I-69/WESTERN KENTUCKY PARKWAY/PENNYRILE PARKWAY INTERCHANGE (I-69 CORRIDOR IMPROVEMENT)(12CCR)	PL DN RW UT CN	IM	500,000 17,500,000 18,000,000	0	0
				Project Cost:			18,000,000	0	0

CHAPTER 139

983

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HOPKINS	232	EB-9004	RECONSTRUCTION(O)	RECONSTRUCT ELEMENTS OF EXISTING EDWARD T BREATHITT PKWY (PENNYRILE PARKWAY) BETWEEN MP 37.0 AND MP 73.4 TO UPGRADE GEOMETRICS TO INTERSTATE STANDARDS (I-69 CORRIDOR IMPROVEMENT)	PL DN RW UT CN	NH	16,000,000 16,000,000	0	0
				Project Cost:					
HOPKINS	804.1		NEW ROUTE(O)	CENTER STREET/ISLAND FORD CONNECTOR ROAD IN MADISONVILLE FROM CENTER STREET NORTH TO CSX RAILROAD.	PL DN RW UT CN	SPP	0	3,000,000 3,000,000	0
				Project Cost:					
HOPKINS	1072	KY-260	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-260 (MP 2.14) OVER OTTER CREEK; .20 MI EAST OF PENNYRILE PARKWAY; (FUNCTIONALLY OBSOLETE, SR=49 9) 054B00022N	PL DN RW UT CN	BRX	160,000 300,000	0	680,000 680,000
				Project Cost:			460,000	0	
HOPKINS	1079	KY-262	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 262 OVER GREASEY CREEK 0.67 MILE E OF BEAN CEMETERY RD (OR 1396)(SR 25 1)054B00107N	PL DN RW UT CN	BRO	175,000 225,000	500,000	0
				Project Cost:			400,000	500,000	
HOPKINS	1081	KY-293	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 293 AT THE CALDWELL/HOPKINS COUNTY LINE(SR 37.7)054B00115N	PL DN RW UT CN	BRO	500,000 100,000	1,450,000	0
				Project Cost:			600,000	1,450,000	

984

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
HOPKINS	1084	KY-1069	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1069 OVER OTTER CREEK AT INTERSECTION OF J D BUCHANAN RD (CR 1093)(SR 43.9)054B00157N	PL DN RW UT CN	BRO BRO BRO	0	150,000 170,000 320,000	450,000 450,000
				Project Cost:					
HOPKINS	8305	US-41	MAJOR WIDENING(O)	WIDEN NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)	PL DN RW UT CN	SP SP SP	980,000	920,000 1,180,000	
				Project Cost:			980,000	2,100,000	0
HOPKINS	8501	US-62	MINOR WIDENING(O)	US-62, THREE LANES FROM BOARD OF EDUCATION TO CITY PARK IN DAWSON SPRINGS. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP SPP SPP		500,000 500,000 1,500,000	0
				Project Cost:			1,000,000	1,500,000	0
HOPKINS	8507	KY-3052	SAFETY-HAZARD ELIM(P)	CONSTRUCT A LEFT TURN LANE BY PROVIDING A THREE LANE CURVE ON KY-3052. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP	2,760,000	0	0
				Project Cost:			2,760,000	0	0
Total for HOPKINS county					PL DN RW UT CN		1,680,000 2,225,000 1,995,000 36,260,000 42,160,000	1,070,000 1,350,000 9,329,680 11,749,680	19,780,000 19,780,000
				Total Amounts:					

CHAPTER 139

985

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JACKSON	1090	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 421 OVER PIGEON ROOST CREEK AT INTERSECTION WITH WATER STREET E(CS 1006)(SR 43.9) 059B00157N	PL DN RW UT CN	BRO		100,000 50,000	986
				Project Cost:			0	150,000	0
Total for JACKSON county									
					PL DN RW UT CN			100,000 50,000	
				Total Amounts:			0	150,000	0
JEFFERSON	15.2	I-264	BRIDGE PAINTING(P)	PHASE 2: CLEAN AND PAINT STEEL BRIDGES AND STEEL BEARINGS ON THE WATTERSON EXPRESSWAY. (PHASE 2) (2008BOPC)(12CCR)	PL DN RW UT CN				
				Project Cost:			0	3,370,000	0
JEFFERSON	15.3	I-264	BRIDGE PAINTING(P)	PHASE 3: CLEAN AND PAINT STEEL BRIDGES AND STEEL BEARINGS ON THE WATTERSON EXPRESSWAY. (2008BOPC)(12CCR)	PL DN RW UT CN	IM			
				Project Cost:			0	4,360,000	0
JEFFERSON	28.7	KY-1447	TRANSP ENHANCEMENT(P)	LANDSCAPING FOR THE WESTPORT ROAD CORRIDOR FROM HUBBARDS LANE TO HURSTBOURNE PARKWAY. (2004BOPC)	PL DN RW UT CN	SP			
				Project Cost:			1,130,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	48.3	I-71	RECONSTRUCTION(O)	RECONSTRUCTION OF THE I-71/I-265 (SNYDER FREEWAY) INTERCHANGE (INTERIM IMPROVEMENTS). (2004BOPC)(08CCR)(10CCR)	PL				
					DN				
					RW	NH	4,440,000		
					UT	NH	1,370,000		
					CN	IM			13,500,000
					Project Cost:		5,810,000	0	13,500,000
JEFFERSON	48.9	I-71	ITS(P)	TRIMARC IMPROVEMENTS ON I-71 FROM NEAR KENNEDY (MP 0.00) TO THE GENE SNYDER FREEWAY (MP 9.80). (2004BOPC)	PL				
					DN				
					RW				
					UT				
					CN	SP	6,730,000		
					Project Cost:		6,730,000	0	0
JEFFERSON	63	I-64	BRIDGE INSPECTION(P)	I-64 BRIDGE (SHERMAN MINTON) OVER OHIO RIVER @ LOUISVILLE (B279); JOINT PROJECT WITH INDIANA TO PERFORM IN-DEPTH INSPECTION. (056B00279N)	PL				
					DN				
					RW				
					UT				
					CN	IM	160,000		
					Project Cost:		160,000	0	0
JEFFERSON	91.02	CS-1001	MAJOR WIDENING(O)	WIDEN FROM 2 TO 4 LANES FROM BEARGRASS CREEK TO ZORN AVENUE. (LOU T.I.P.) (KYTC MATCH) (SEE 5-91.07 FOR ADDITIONAL 'KYD' FUNDING FOR R PHASE.) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL				
					DN				
					RW				
					UT				
					CN	SLO	11,500,000		
					Project Cost:		11,500,000	0	0
JEFFERSON	110	US-31	BRIDGE PAINTING(P)	CLEAN AND PAINT THE GEORGE ROGERS CLARK MEMORIAL BRIDGE CARRYING US-31 OVER THE OHIO RIVER BETWEEN LOUISVILLE, KENTUCKY AND JEFFERSONTOWN, INDIANA (THIS STRUCTURE IS 100% OWNED AND	PL				
					DN				
					RW				
					UT				
					CN	SP	18,000,000		
					Project Cost:		18,000,000	0	0

CHAPTER 139

987

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	122	KY-1065	SAFETY(P)	MAJOR REVISION OF THE INTERSECTION LOCATED AT THE OUTER LOOP, FEGENBUSH LANE, AND BEULAH CHURCH ROAD. TURN LANE TO BE COMPLETED BY TRANSPORTATION CABINET PER AGREEMENT. (04CCN)(08CCR)	PL DN RW UT CN	SPP	4,950,000 4,950,000	0	988 0
JEFFERSON	136	I-265	BRIDGE PAINTING(P)	CLEAN AND PAINT ALL STEEL BRIDGES AND STEEL BEARINGS ON THE GENE SNYDER FREEWAY(10CCR)	PL DN RW UT CN	SP	3,790,000 3,790,000	0	0
JEFFERSON	159	I-64	RECONSTRUCTION(O)	WIDEN I-64 WESTBOUND RAMP TO I-264 WESTBOUND FROM ONE TO TWO LANES FOR ENTIRE LENGTH AND OTHER NEEDED IMPROVEMENTS TO ADDRESS WEAVE ISSUES AT MERGE ON I-264. (2006BOPP)(12CCR)	PL DN RW UT CN	SP	7,400,000 7,400,000	2,170,000 2,170,000	0 0
JEFFERSON	183.01	-0	SIGNAL SYS IMPROVE(P)	SIGNAL SYSTEM IMPROVEMENTS IN JEFFERSON COUNTY.	PL DN RW UT CN	SP	910,000 910,000	0	0
JEFFERSON	205	I-65	SAFETY(P)	RECONSTRUCT SECOND CURVE ONLY ON I-65 SOUTHBOUND RAMP AT KY-1065 (OUTER LOOP),(SEE 5-205.01 FOR BREAKOUT IMPROVEMENTS)	PL DN RW UT CN	IM	1,820,000 1,820,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	247.1	KY-1450	MAJOR WIDENING(O)	WIDEN BLUE LICK ROAD FROM SNYDER FREEWAY NORTH TO KY-61 (LOU T.I.P.) (SECTION 2) (RU-04DEOB)(08CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	10,130,000	0	0
				Project Cost:			10,130,000		
JEFFERSON	254	KY-1747	SAFETY(P)	EXTEND DUAL LEFT TURN LANES ON KY-1747 (HURSTBOURNE LN) AT BUNSEN PKWY.	PL				
					DN				
					RW				
					UT				
					CN	SPP	210,000	0	0
				Project Cost:			210,000		
JEFFERSON	263	I-265	SAFETY(P)	IMPROVE I-265/KY-61 (PRESTON HWY) INTERCHANGE AS RECOMMENDED BY KIPDA'S INTERCHANGE STUDY.	PL				
					DN				
					RW				
					UT				
					CN	IM	3,700,000	0	0
				Project Cost:			3,700,000		
JEFFERSON	284	KY-841	SAFETY(P)	IMPROVE KY-841/STONESTREET ROAD INTERCHANGE AS RECOMMENDED BY KIPDA'S INTERCHANGE STUDY.	PL				
					DN				
					RW				
					UT				
					CN	STP	390,000	0	0
				Project Cost:			390,000		
JEFFERSON	323.01	KY-1931	MAJOR WIDENING(O)	WIDEN GREENWOOD ROAD FROM GREENBELT HWY TO DIXIE HWY (US-31W) (3-LANE IMPROVEMENT) FROM MP 0.54 TO MP 3.148. (98CCR)(R-04DEOB)(04CCR)(BOP2006P) (10CCR)(12CCR)	PL				
					DN				
					RW	SPP	3,550,000		
					UT	SPP	8,770,000		
					CN	SPP			8,630,000
				Project Cost:			12,320,000	0	8,630,000

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	353	KY-1006	MINOR WIDENING(O)	ENGLISH STATION ROAD IN LOUISVILLE; WIDEN TO 3 LANES FROM AVOCA ROAD TO AIKEN ROAD. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	3,690,000 3,690,000	0	990
Project Cost:							0	0	0
JEFFERSON	371.11	KY-22	SAFETY(P)	INTERSECTION SAFETY IMPROVEMENTS ON KY-22 AT TEN BROECK WAY INCLUDING PROVIDING LEFT TURN LANES. (2004BOPC) (DESIGN SHOWN UNDER 371.01).	PL DN RW UT CN	SP	610,000 620,000	1,290,000 1,290,000	0
Project Cost:							0	0	0
JEFFERSON	371.12	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT SPRINGCREST DRIVE. (06CCN) (2004BOPC)	PL DN RW UT CN	STP	400,000 600,000 1,190,000	0	0
Project Cost:							0	0	0
JEFFERSON	371.13	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT GOOSE CREEK ROAD. (06CCN) (2004BOPC)	PL DN RW UT CN	STP	560,000 970,000	1,320,000 1,320,000	0
Project Cost:							0	0	0
JEFFERSON	371.14	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT BARBOUR LANE. (06CCN) (2004BOPC)	PL DN RW UT CN	SP	310,000	570,000 570,000	0
Project Cost:							0	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	371.15	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT AVENUE OF THE WOODS AND CHATSWORTH (06CCN) (2004BOPC)	PL				
					DN				
					RW	SP	1,290,000		
					UT	SP	1,790,000		
					CN	SP		3,540,000	
				Project Cost:			3,080,000	3,540,000	0
JEFFERSON	371.16	KY-22	SAFETY(P)	INTERSECTION IMPROVEMENT ON OLD KY-22 AT HERR LANE AND THE ENTRANCE TO BALLARD HIGH SCHOOL. (06CCR)(2004BOPC)(12CCR)	PL				
					DN				
					RW	SP	1,370,000		
					UT				
					CN	SP		1,830,000	
				Project Cost:			1,370,000	1,830,000	0
JEFFERSON	378.1	I-65	RECONSTRUCTION(O)	EXTEND/RECONSTRUCT I-65 SB RAMP TO BROOK STREET (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT				
					CN	SLO	4,330,000		
				Project Cost:			4,330,000	0	0
JEFFERSON	404.01	-0	NEW ROUTE(O)	EXTEND COOPER CHAPEL ROAD FROM BEULAH CHURCH ROAD TO BARDSTOWN ROAD (LOU T.I.P.) (ALL WORK BY LOUISVILLE METRO (LOCALMATCH)(2004BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL				
					DN	SLO	1,000,000		
					RW	SLO	3,750,000		
					UT				
					CN				
				Project Cost:			4,750,000	0	0
JEFFERSON	413	US-150	SAFETY(P)	ALIGN INTERSECTION OF BROADWAY AND 18TH STREET BY MOVING THE SOUTH LEG OF 18TH STREET TO THE EAST (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW				
					UT	SLO	90,000		
					CN	SLO	780,000		
				Project Cost:			870,000	0	0

CHAPTER 139

991

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	437.01	KY-907	MAJOR WIDENING(O)	WIDEN SOUTHSIDE DRIVE (KY-907) TO 5 LANES FROM NEW CUT ROAD TO NATIONAL TURNPIKE. (2004BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO SLO SLO SLO	1,000,000 1,000,000 1,000,000 4,000,000	 2,000,000	 4,000,000
Project Cost:							1,000,000	2,000,000	4,000,000
JEFFERSON	439.03	-0	BIKE/PED FACIL(O)	REHABILITATION AND CONSTRUCTION OF VARIOUS SIDEWALK PROJECTS IN LOUISVILLE METRO. (2006BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	 100,000 100,000	 100,000	 0
Project Cost:							0	100,000	0
JEFFERSON	439.04	-0	BIKE/PED FACIL(O)	REHABILITATION AND CONSTRUCTION OF VARIOUS SIDEWALK PROJECTS IN LOUISVILLE METRO. (2006BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	 100,000	 100,000	 100,000
Project Cost:							0	0	100,000
JEFFERSON	440.01	-0	BIKE/PED FACIL(O)	INSTALLATION OF SIDEWALKS TO FIX GAPS IN PEDESTRIAN NETWORK ON VARIOUS STATE MAINTAINED ROADS IN THE LOUISVILLE URBANIZED AREA. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	 40,000 40,000	 0	 0
Project Cost:							40,000	0	0
JEFFERSON	440.02	-0	BIKE/PED FACIL(O)	INSTALLATION OF SIDEWALKS TO FIX GAPS IN PEDESTRIAN NETWORK ON VARIOUS STATE MAINTAINED ROADS IN THE LOUISVILLE URBANIZED AREA. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	 40,000 40,000	 0	 0
Project Cost:							40,000	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	442	-0	BIKE/PED FACIL(O)	SENECA PARK LOOP EXTENSIONS (EAST AND WEST). (LOCAL MATCH)(ALL WORK BY LOUISVILLE METRO)(2004BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	320,000 320,000	0	0
Project Cost:									
JEFFERSON	442.02	-0	BIKE/PED FACIL(O)	SENECA PARK LOOP EXTENSIONS (EAST AND WEST). (LOCAL MATCH)(ALL WORK BY LOUISVILLE METRO)(2004BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	320,000 320,000	0	0
Project Cost:									
JEFFERSON	443.1	KY-2053	RECONSTRUCTION(O)	MT. WASHINGTON ROAD (KY-2053) SECTION 1; FROM PRESTON TO MAPLE WAY. (KYTC MATCH)(2004BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	320,000	490,000 120,000 610,000	0
Project Cost:									
JEFFERSON	443.2	KY-2053	RECONSTRUCTION(O)	MT. WASHINGTON ROAD (KY-2053) SECTION 2; FROM MAPLE WAY TO CEDAR CREEK RD. (KYTC MATCH)(2004BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	290,000	0	0
Project Cost:									
JEFFERSON	446	KY-155	SAFETY(P)	RECONSTRUCT INTERSECTION OF KY-155 AND KY-148. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	2,400,000 2,400,000	0	0
Project Cost:									

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	469	US-60	CONGESTION MITIGTN(O)	NORTHEAST LOUISVILLE LOOP MULTI-USE PATH: CONSTRUCT A PAVED MULTI-USE TRAIL, DRAINAGE IMPROVEMENTS AND PROVIDE SIGNAGE. WORK WILL OCCUR ON SHELBYVILLE RD. BETWEEN OLD SHELBYVILLE RD AND N.	PL DN RW UT CN	CM	678,500 678,500	0	994
				Project Cost:					
JEFFERSON	470	-0	RECONSTRUCTION(O)	CONVERSION OF ONE-WAY STREETS IN DOWNTOWN LOUISVILLE TO TWO-WAY TRAFFIC (MAIN, JEFFERSON, LIBERTY, MUHAMMAD ALI, CHESTNUT, 3RD STREETS). PHASE 1	PL DN RW UT CN	SLO	2,381,500 2,381,500	0	0
				Project Cost:					
JEFFERSON	470.1	CS-1049	RECONSTRUCTION(O)	CONVERSION OF ONE-WAY STREETS IN DOWNTOWN LOUISVILLE TO TWO-WAY TRAFFIC (8TH, 7TH, SHELBY, CAMPBELL STREETS). PHASE 2	PL DN RW UT CN	SLO	748,000 748,000	0	0
				Project Cost:					
JEFFERSON	474	I-265	SAFETY(P)	REDUCE CONGESTION AND IMPROVE SAFETY AT THE KY 3084 (OLD HENRY ROAD) INTERCHANGE. (12CCR)	PL DN RW UT CN	NH	0	0	300,000 700,000 1,000,000
				Project Cost:					
JEFFERSON	478	US-31	SAFETY(P)	IMPROVE DIXIE HIGHWAY BETWEEN CRUMS LANE (KY 2049) AND ROCKFORD LANE (KY 2051)(12CCR)	PL DN RW UT CN	SPP	4,330,000 4,330,000	0	0
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	478.2	US-31	SAFETY(P)	IMPROVE DIXIE HIGHWAY BETWEEN ROCKFORD LANE (KY 2051) AND GREENWOOD ROAD (KY 1931)	PL DN RW UT CN SPP Project Cost:		0	0	7,200,000 7,200,000
JEFFERSON	479	CR-1005	RECONSTRUCTION(O)	WIDEN HUBBARDS LANE FROM US 60 (SHELBYVILLE ROAD) TO KY 1447 (WESTPORT ROAD) AND ADD BIKE LANES FROM KRESGE WAY TO KY 1447 (WESTPORT ROAD) IN LOUISVILLE. (BOPC2010)	PL DN RW UT CN SLO Project Cost:		500,000		2,000,000 2,000,000
JEFFERSON	482	CR-1001	RECONSTRUCTION(O)	RECONSTRUCT GRADE LANE (CR-1001G) IN LOUISVILLE BETWEEN I-65 SB RAMP AND GRADE LANE CONNECTOR (MP 0.2 TO MP 0.6) (AS PER MOA KY NATIONAL GUARD WILL REIMBURSE KYTC FOR PROJECT COSTS)	PL DN RW UT CN DAR DAR Project Cost:		0	0	0
JEFFERSON	483	I-71	MAJOR WIDENING(O)	WIDEN PRIORITY SECTION OF I-71 BETWEEN I-265 AND CRESTWOOD.	PL DN RW UT CN Project Cost:		2,500,000		1,000,000 500,000
JEFFERSON	484	-0	BIKE/PED FACIL(O)	CONSTRUCT A 2800' LONG, 10' WIDE MULTIUSE PATH THROUGH A.B. SAWYER PARK AND CONNECTING TO SURROUNDING NEIGHBORHOODS INCLUDES AN UNDERPASS, BRIDGE, AND SITE AMENITIES.	PL DN RW UT CN Project Cost:		170,000	700,000	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	485	US-60	PAVEMENT REHAB-PR(P)	RE-CURB US 60A (EASTERN PARKWAY) FROM KY 1631 (CRITTENDEN DRIVE) TO US 31E (BARDSTOWN ROAD).	PL DN RW UT CN	SLO SLO		200,000	996 400,000
					Project Cost:		0	200,000	400,000
JEFFERSON	486	-0	BIKE/PED FACIL(O)	GOOD SAMARITAN BICYCLE/PEDESTRIAN TRAIL CONNECTOR:CONSTRUCT A MULTI-USE BICYCLE & PEDESTRIAN TRAIL ALONG OLD TAYLORSVILLE ROAD & JEFFERSON ST IN DOWNTOWN JEFFERSON TOWN CONNECTING	PL DN RW UT CN	SLO	162,000 162,000	0	0
					Project Cost:		162,000	0	0
JEFFERSON	489	-0	BIKE/PED FACIL(O)	DESIGN & CONSTRUCT SHARED USE PATH & LOUISVILLE LOOP TRAILHEAD FACILITIES THRU JEFFERSON MEMORIAL FOREST FROM NORTH END OF SAND QUARRY TUNNEL AT GENE SNYDER FWY TO WEST TERMINUS OF EXISTING	PL DN RW UT CN	SLO	333,600	0	0
					Project Cost:		333,600	0	0
JEFFERSON	490	-0	BIKE/PED FACIL(O)	DESIGN & CONSTRUCT SHARED USE PATH & LOUISVILLE LOOP TRAILHEAD FACILITIES THRU JEFFERSON MEMORIAL FOREST FROM BLEVINS GAP ROAD TO NORTH END OF SAND QUARRY TUNNEL AT GENE SNYDER FWY(THE TUNNEL	PL DN RW UT CN	SLO	210,500	0	0
					Project Cost:		210,500	0	0
JEFFERSON	491	-0	BIKE/PED FACIL(O)	DESIGN AND CONSTRUCT SHARED USE PATH AND LOUISVILLE LOOP TRAILHEAD FACILITIES THROUGH JEFFERSON MEMORIAL FOREST FROM PENDLETON RD AT MEDORA RD TO THE BEGINNING OF JEFFERSON MEMORIAL FOREST	PL DN RW UT CN	SLO	144,240	0	0
					Project Cost:		144,240	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	492	CS-3596	RECONSTRUCTION(O)	MIDDLETOWN STREETSCAPE PHASE VI. ROADWAY AND STREETSCAPE IMPROVEMENTS ON OLD SHELBYVILLE RD FROM EVERGREEN RD TO US 60 (SHELBYVILLE RD).	PL DN RW UT CN	SLO	254,000 254,000	0	0
Project Cost:									
JEFFERSON	495	KY-1020	BIKE/PED FACIL(O)	OLMSTED PARKWAYS MULTI-USE PATH SYSTEM-SOUTHERN PKWY: CONSTRUCTION OF A 2.5 MILE SHARED USE PATH SYSTEM ALONG SOUTHERN PARKWAY BETWEEN SOUTH 3RD AND NEW CUT ROAD.	PL DN RW UT CN	SLO	0 1,000,000 1,000,000	0	0
Project Cost:									
JEFFERSON	496	KY-2054	BIKE/PED FACIL(O)	CONSTRUCTION OF A 0.5 MILE SHARED USE PATH SYSTEM ALONG ALGONQUIN PARKWAY BETWEEN WILSON AVENUE AND CYPRESS STREET.	PL DN RW UT CN	SLO	1,000,000 1,000,000	0	0
Project Cost:									
JEFFERSON	497	KY-2054	BIKE/PED FACIL(O)	CONSTRUCTION OF A 0.45 MILE SHARED USE PATH SYSTEM ALONG ALGONQUIN PARKWAY BETWEEN CYPRESS STREET AND DIXIE HWY.	PL DN RW UT CN	SLO	1,000,000 1,000,000	0	0
Project Cost:									
JEFFERSON	498	KY-2054	BIKE/PED FACIL(O)	CONSTRUCTION OF A 1.2 MILE SHARED USE PATH SYSTEM ALONG ALGONQUIN PARKWAY BETWEEN DIXIE HIGHWAY AND SHARP AVE.	PL DN RW UT CN	SLO	1,000,000 1,000,000	0	0
Project Cost:									

CHAPTER 139

997

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	499	CR-1001	BIKE/PED FACIL(O)	RIVER ROAD BICYCLE AND PEDESTRIAN IMPROVEMENTS FROM DOWNTOWN LOUISVILLE TO THE CITY OF PROSPECT (US 42), 8.5 MILES. (SEE 5-3036.00)	PL DN RW UT CN	SLO	200,000	2,043,030	998
				Project Cost:			200,000	2,043,030	0
JEFFERSON	513	-0	MATCHED FED FUNDS(O)	CONSTRUCT SHARED USE PATH FROM NEIGHBORHOOD SIDEWALK TO REAR OF SCHOOL PROPERTY, AND PROVIDE OUTDOOR CLASSROOM AMENITIES ALONG SHARED USE PATH. PROJECT WILL INCLUDE WETLAND	PL DN RW UT CN	SLO	12,500	70,000	0
				Project Cost:			82,500	0	0
JEFFERSON	515	-0	BIKE/PED FACIL(O)	OHIO RIVER LEVEE TRAIL EXTENSION PROJECT- CONSTRUCT A SHARED USE PATH OF APPROXIMATELY 13,000 LINEAR FT BETWEEN RIVERSIDE HISTORIC SITE AND MILL CREEK GENERATING STATION (2012BOP).	PL DN RW UT CN	SLO	701,444	701,444	0
				Project Cost:			701,444	0	0
JEFFERSON	516.02	-0	SAFETY(P)	VARIOUS SAFETY PROJECTS IN THE LOUISVILLE URBANIZED AREA.	PL DN RW UT CN	SLO			1,000,000
				Project Cost:			0	0	1,000,000
JEFFERSON	518	CR-1004	MINOR WIDENING(O)	WIDEN WATTERSON TRAIL FROM 2 TO 3 LANES FROM RUCKRIEGEL PARKWAY (CS-2056H) TO MAPLE ROAD (CS-1132H) AND FROM OLD TAYLORSVILLE ROAD (CS-1119H) TO RUCKRIEGEL PARKWAY (KY 1819). PROJECT TO	PL DN RW UT CN	SLO	117,480	194,169	509,788
				Project Cost:			117,480	194,169	509,788

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	594	I-264	RECONSTRUCTION(O)	RECONSTRUCT/WIDEN WATTERSON EXPRESSWAY FROM WESTPORT ROAD (KY 1447) TO I-71.(12CCR)	PL DN RW UT CN	IM	3,000,000		2,000,000 1,200,000
				Project Cost:			3,000,000	0	3,200,000
JEFFERSON	710.08	-0	ENVIRO MITIGATION(P)	LOUISVILLE BRIDGES; ENVIRONMENTAL & HISTORIC MITIGATION AND ENHANCEMENTS.	PL DN RW UT CN	NH	1,100,000 1,100,000	0	0
				Project Cost:					
JEFFERSON	715.2	-0	I-CHANGE RECONST(O)	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL IM FUNDING FOR FY 2015 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN	IM	0	15,861,850 15,861,850	0
				Project Cost:					
JEFFERSON	715.21	-0	I-CHANGE RECONST(O)	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL NH FUNDING FOR FY 2015 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN	NH	0	23,792,775 23,792,775	0
				Project Cost:					
JEFFERSON	715.3	-0	I-CHANGE RECONST(O)	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL IM FUNDING FOR FY 2016 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN	IM	0	0	15,861,850 15,861,850
				Project Cost:					

CHAPTER 139

999

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	715.31	-0	I-CHANGE RECONST(O)	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL NH FUNDING FOR FY 2016 PLEDGED TO SUPPORT THE FINANCING OF THE LSIO RB (CANNOT BE MOVED)	PL DN RW UT CN	NH	0	0	23,792,775 23,792,775
				Project Cost:					
JEFFERSON	804	I-264	I-CHANGE RECONST(O)	RECONSTRUCT I-264 (WATERSON EXPRESSWAY) US-42 INTERCHANGE AS A SPUI. (12CCR)	PL DN RW UT CN	NH	0	0	1,990,000 1,990,000
				Project Cost:					
JEFFERSON	965.12	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2014 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	15,100,000 15,100,000	0	0
				Project Cost:					
JEFFERSON	965.13	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2015 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	7,900,000 7,900,000	0	0
				Project Cost:					
JEFFERSON	965.14	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2016 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	0	0	3,800,000 3,800,000
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	972	US-42	SAFETY-HAZARD ELIM(P)	US 42 SAFETY IMPROVEMENTS FROM HARRODS CREEK BRIDGE TO RIVER ROAD. (10CCR)	PL				
					DN				
					RW	SP	780,000		
					UT	SP	870,000		
					CN	SP			1,630,000
				Project Cost:			1,650,000	0	1,630,000
JEFFERSON	1012.12	-0	CONGESTION MITIGTN(O)	LOUISVILLE INCIDENT MANAGEMENT PROGRAM (TRIMARC) CONSTRUCTION. (KYTC SHARE)	PL				
					DN				
					RW				
					UT				
					CN	CM	1,410,000		
				Project Cost:			1,410,000	0	0
JEFFERSON	1052	US-42	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES OVER BEARGRASS CREEK ON EAST MAIN STREET 0.25 MILE EAST OF US 31E (BAXTER AVE.) (B347) (SR=25.3). (056B00347N)	PL				
					DN				
					RW				
					UT	BRO	50,000		
					CN	BRO	450,000		
				Project Cost:			500,000	0	0
JEFFERSON	1061	CR-1019	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1019 (MP 0.179) OVER BEE LICK CREEK, .4 MI NE-MANSLICK RD-KY 2055; (STRUCTURALLY DEFICIENT, SR=4) 056C00104N	PL				
					DN				
					RW	BRZ	40,000		
					UT	BRZ	50,000		
					CN	BRZ			250,000
				Project Cost:			90,000	0	250,000
JEFFERSON	1062	-0	BRIDGE REHAB(P)	OLMSTED PARKS HISTORIC BRIDGES: REHABILITATE 11 BRIDGES THROUGH OLMSTED PARK: (056C00032N, 056C00031N, 056C00026N, 056C00027N, 056C00028N, 056C00030N, 056C00029N, 056C00034N, 056C00033N,	PL				
					DN	BRZ	200,000		
					RW				
					UT				
					CN	BRZ	600,000		
				Project Cost:			800,000	0	0

CHAPTER 139

1001

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	1064	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON EASTERN PARKWAY (US 60A) OVER SOUTH FORK BEARGRASS CREEK 0.2 MILE NE OF POPLAR LEVEL RD (KY 864)(SR 43.6) 056B00139N	PL DN RW UT CN	BRO BRO		100,000 500,000	1002
				Project Cost:			0	600,000	0
JEFFERSON	1067	US-150	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON E BROADWAY (US 150) OVER SOUTH FORK BEARGRASS CREEK AT INTERSECTION WITH BRENT STREET (CS 1312G) (SR 38) 056B00348N	PL DN RW UT CN	BRO BRO BRO	250,000	120,000 220,000	
				Project Cost:			250,000	340,000	0
JEFFERSON	1068	CR-1004	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON FAIRMOUNT RD (CR 1004N) OVER CEDAR CREEK 0.2 MILE W OF FARMERS WAY (PR 1021N)(SR 16.8) 056C00054N	PL DN RW UT CN	BRZ BRZ BRZ		100,000 50,000 500,000	
				Project Cost:			150,000	500,000	0
JEFFERSON	1070	CS-1017	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G)(SR 48.8) 056C00083N	PL DN RW UT CN	BRZ		200,000	
				Project Cost:			0	200,000	0
JEFFERSON	1073	I-264	BRIDGE REPLACEMENT(P)	REPLACE I-264 EB BRIDGE OVER NORTHWESTERN PARKWAY (KY-3064) (SR=48.0)	PL DN RW UT CN	BRO	500,000		
				Project Cost:			500,000	0	2,000,000 2,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	2000.77	I-264	TRANSP ENHANCEMENT(P)	SHAWNEE EXPRESSWAY LANDSCAPING; I-264 FENCING PROJECT. (2002BOPC)(10CCR)	PL DN RW UT CN IM		110,000 110,000	0	0
Project Cost:									
JEFFERSON	3031	CS-1073	TRANSP ENHANCEMENT(P)	WATTERSON TRAIL PHASE I- IMPROVE STREETSCAPE, RECONSTRUCT SIDEWALKS AND ENHANCE LANDSCAPING FROM MAPLE ROAD TO OLD TAYLORSVILLE ROAD IN JEFFERSONTOWN. (BOPC2012)	PL DN RW UT CN SLO		416,000 416,000	0	0
Project Cost:									
JEFFERSON	3036	CR-1001	CONGESTION MITIGTN(O)	LOUISVILLE LOOP-OHIO RIVER VALLEY NORTHEAST PROJECT. BICYCLE/PEDESTRIAN FACILITIES ALONG A PATH THAT WOULD START AT THE EAST END BRIDGE AND END AT THE CITY OF PROSPECT. (2012BOPC)(SEE 5-499.OO)	PL DN RW UT CN CM		228,000 228,000	1,407,000 1,407,000	0
Project Cost:									
JEFFERSON	3037	CS-1016	BIKE/PED FACIL(O)	REHABILITATION OF SIDEWALKS ALONG HILL STREET BETWEEN 6TH STREET AND 7TH STREET. (2012 BOP)	PL DN RW UT CN SLO		66,000 66,000	240,000 240,000	0
Project Cost:									
JEFFERSON	3703	CS-1002	CONGESTION MITIGTN(O)	CONSTRUCTION OF A NEW BICYCLE PARKING & INTERMODAL TRANSIT STATION AT THE NW CORNER OF W. JEFFERSON STREET AND S. 4TH STREET (2010BOPC).	PL DN RW UT CN CM		1,353,920 1,353,920	0	0
Project Cost:									

CHAPTER 139

1003

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	3704	-0	CONGESTION MITIGTN(O)	LOU METRO BICYCLE FACILITY IMPROVEMENTS - STRIPING, SIGNAGE & SIGNALIZATION 2010 (2010BOPC)	PL DN RW UT CN	CM	154,000 154,000	0	0
Project Cost:									
JEFFERSON	3706	-0	CONGESTION MITIGTN(O)	PILOT SYSTEM FOR THE INSTALLATION OF FOUR BIKE KIOSKS TO BE LOCATED AT: LIBERTY & 8TH; W JEFFERSON & 6TH; W MUHAMMAD ALI BLVD & S 5TH; & E GRAY & S PRESTON ST (2010BOPC)	PL DN RW UT CN	CM	184,000 184,000	0	0
Project Cost:									
JEFFERSON	3707	-0	CONGESTION MITIGTN(O)	TARC 3 @15 HIGH CAPACITY CORRIDORS-INCREASE BUS SERVICE ON THE 4TH STREET BUS ROUTE IN LOUISVILLE. (BOPC2012)	PL DN RW UT CN	CM	999,960 999,960	0	0
Project Cost:									
JEFFERSON	8001	CR-1007	MINOR WIDENING(O)	WIDEN BUECHEL BANK ROAD TO 3 LANES FROM GE APPLIANCE PARK TO BUECHEL BY-PASS (00CCN) (FUNDING MOVED FROM S-8105 IN 2010 ENACTED HIGHWAY PLAN FOR R, U, AND C PHASES.)(12CCR)	PL DN RW UT CN	SPP	1,770,000 750,000 2,520,000	4,330,000 4,330,000	0
Project Cost:									
JEFFERSON	8203	KY-1819	RECONSTRUCTION(O)	RECONSTRUCT BILLTOWN ROAD. (04CCN) (06CCN)(08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP	2,400,000 2,400,000	0	0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8402	KY-2053	NEW ROUTE(O)	DESIGN & CONSTRUCT (PH 3) A NEW NORTH/SOUTH PARK RD, INCLUDING SHARED USE PATH, ON EAST SIDE OF LAKE TRAVERSING QUAIL CHASE GOLF COURSE TO CONNECT TO SOUTHERN PORTION OF MCNEELEY LAKE, MT.	PL DN RW UT CN	SPP SPP	170,000 3,950,000 4,120,000	0	0
				Project Cost:					
JEFFERSON	8403	KY-841	ENVIRO MITIGATION(P)	INSTALL SOUND BARRIER ON BOTH SIDES OF KY-841 AT WATSONVILLE ROAD. (08CCN)(12CCR)	PL DN RW UT CN	SPB	2,170,000 2,170,000	0	0
				Project Cost:					
JEFFERSON	8405	I-264	NEW INTERCHANGE(O)	INTERCHANGE AT MANSLICK ROAD (KY-1931) AND I-264. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP SP SP	3,100,000	0	4,000,000 1,800,000 5,800,000
				Project Cost:					
JEFFERSON	8412	-0	SAFETY-RR PROTECTN(P)	CONSTRUCT A RAILROAD SAFETY CROSSING, IMPROVE LIGHTING, ERECT SIGNALS, AND ROADWAY CROSSINGS BETWEEN CARDINAL AND HILL STREETS. (08CCN)(12CCR)	PL DN RW UT CN	SAF	200,000 200,000	0	0
				Project Cost:					
JEFFERSON	8501	KY-2055	RECONSTRUCTION(O)	CONSTRUCT ROUNDABOUT AT WEST MANSLICK ROAD AND MT. HOLLY ROAD AT THE INTERSECTIONS OF FAIRDALE AND MITCHELL ROAD AS WELL AS PAVEMENT REHABILITATION (08CCN). (10CCR)	PL DN RW UT CN	STP STP STP	1,720,000 2,680,000 4,400,000	1,150,000 1,150,000	0
				Project Cost:					

CHAPTER 139

1005

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8502	KY-1020	MAJOR WIDENING(O)	WIDEN KY-1020, NATIONAL TURNPIKE, FROM FAIRDALE ROAD TO SOUTH PARK ROAD, MP .615 TO MP 2.669. (08CCN)	PL DN RW UT CN	SP	1,350,000		1006
				Project Cost:			1,350,000	0	0
JEFFERSON	8503	KY-2055	MAJOR WIDENING(O)	WIDEN KY-2055 (MT. HOLLY ROAD) FROM NATIONAL TURNPIKE TO FAIRDALE ROAD. (08CCN)	PL DN RW UT CN	SP	1,050,000		
				Project Cost:			1,050,000	0	0
JEFFERSON	8507	US-31	TRANSP ENHANCEMENT(P)	MAKE BEAUTIFICATION AND IMPROVEMENTS ON DIXIE HIGHWAY AT THE WATTERSON EXPRESSWAY EXCHANGE. (08CCN)(12CCR)	PL DN RW UT CN	SPP	102,000 102,000	0	0
				Project Cost:			102,000	0	0
JEFFERSON	8601	KY-1447	ENVIRO MITIGATION(P)	EXTEND THE EXISTING SOUND BARRIER WALL ON THE WEST SIDE OF THE WESTPORT ROAD INTERCHANGE. THE WALL SHALL EXTEND APPROXIMATELY 2900' AND BE 16' HIGH. (10CCN)(10CCR)	PL DN RW UT CN	SP	1,392,000 1,392,000	0	0
				Project Cost:			1,392,000	0	0
JEFFERSON	8611	KY-2053	RECONSTRUCTION(O)	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PRESTON HIGHWAY TO PENN RUN CREEK BRIDGE. (10CCN)(12CCR)	PL DN RW UT CN	STP SP SP SP	600,000 3,040,000 6,910,000	0	10,250,000 10,250,000
				Project Cost:			10,550,000	0	10,250,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8612	KY-2053	RECONSTRUCTION(O)	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PENN RUN CREEK BRIDGE TO CEDAR CREEK ROAD. (10CCN)(12CCR)	PL DN RW UT CN	SP SP SP SP SP	800,000 2,020,000 1,650,000 7,910,000	 2,020,000 1,650,000 3,670,000	 7,910,000
Project Cost:									
JEFFERSON	8633	I-264	ENVIRO MITIGATION(P)	REPLACE OLD WOODEN BARRIER ON SOUTHSIDE OF WATTERSON EXPRESSWAY BETWEEN TAYLOR BOULEVARD AND SOUTHERN PARKWAY. (10CCN)(TO BE LET W/ 5-8634)	PL DN RW UT CN	SB2	1,000,000 1,000,000	 0	 0
Project Cost:									
JEFFERSON	8634	-0	TRANSP ENHANCEMENT(P)	REBUILD THE ENTRANCE TO THE PEDESTRIAN OVERPASS ON TAYLOR BOULEVARD OVER THE WATTERSON EXPRESSWAY. (10CCN)(TO BE LET W/ 5-8633)	PL DN RW UT CN	SB2	300,000 300,000	 0	 0
Project Cost:									
JEFFERSON	8702	KY-2251	BIKE/PED FACIL(O)	UPGRADE A 1-MILE SECTION OF SIDEWALKS, CURBING AND BEAUTIFICATION TO BARDSTOWN ROAD IN BUECHEL. (12CCN)	PL DN RW UT CN	SPP	 50,000 300,000	 350,000	 0
Project Cost:									
JEFFERSON	8703	US-31	BIKE/PED FACIL(O)	RESURFACE, STREETScape, PEDESTRIAN BUMP-OUTS AND OTHER TRAFFIC IMPROVEMENTS ON EAST MARKET STREET FROM BAXTER TO BROOK STREET, BETWEEN NUCLEUS UL URBAN RESEARCH PARK AND	PL DN RW UT CN	SPP	 8,500,000	 8,500,000	 0
Project Cost:									

CHAPTER 139

1007

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8706	I-64	ENVIRO MITIGATION(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL APPROX. 100 FEET EAST OF HOGARTH DRIVE HEADING WEST TO APPROX. 100 FEET PAST LINN STATION ROAD.(12CCN)	PL DN RW UT CN	SPP	1,280,000 1,280,000	0	1008
Project Cost:							1,280,000	0	0
JEFFERSON	8707	-0	NEW ROUTE(O)	CONSTRUCT A NEW EXTENSION ROAD FROM SOUTH FOURTH STREET TO WARNOCK AS PER AGREEMENT WITH THE UNIVERSITY OF LOUISVILLE FOUNDATION AND KYTC.(12CCN)	PL DN RW UT CN	SPP	20,000,000 20,000,000	0	0
Project Cost:							20,000,000	0	0
JEFFERSON	8716	I-264	TRANSP ENHANCEMENT(P)	SOUND BARRIER ON I-264 FROM RAMP TO US 42 SOUTH TO EXISTING BARRIERS.(12CCN)	PL DN RW UT CN	SP	1,200,000 1,200,000	0	0
Project Cost:							1,200,000	0	0
JEFFERSON	8717	I-64	TRANSP ENHANCEMENT(P)	SOUND BARRIER ON I-64 FROM WATTERSON RAMP TO EXISTING SOUND BARRIER.(12CCN)	PL DN RW UT CN	SP	1,200,000 1,200,000	0	0
Project Cost:							1,200,000	0	0
JEFFERSON	8801		MINOR WIDENING(O)	WIDEN RANGELAND ROAD TO 3 LANES FOR 1.23 MILES	PL DN RW UT CN	SPP	740,000	860,000	990,000
Project Cost:							740,000	860,000	990,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8803	KY-1142	SAFETY(P)	SAFETY IMPROVEMENTS TO PALATKA ROAD (KY-1142) MP 0.0 TO MP 1.73	PL DN RW UT CN	SPP	0	75,000	0
Project Cost:									
JEFFERSON	8804		SAFETY(P)	DESIGN AND CONSTRUCT A MULTIMODAL DIRECTIONAL NON-VEHICULAR AND VEHICULAR SAFETY PROJECT AT THE UNIVERSITY OF LOUISVILLE BELKNAP CAMPUS. FIRST YEAR TO INCLUDE CONSTRUCTION FUNDS FOR	PL DN RW UT CN	SPP	1,350,000 5,000,000 6,350,000	0	0
Project Cost:									
JEFFERSON	8805		PREFINANCD CONVRSN(O)	DESIGN AND CONSTRUCT A MULTI-MODAL DIRECTIONAL NON-VEHICULAR AND VEHICULAR SAFETY PROJECT AT THE UNIVERSITY OF LOUISVILLE BELKNAP CAMPUS. FIRST YEAR TO INCLUDE CONSTRUCTION FUNDS FOR	PL DN RW UT CN	SPP	0	11,650,000 11,650,000	0
Project Cost:									
JEFFERSON	8806	I-265	TRANSP ENHANCEMENT(P)	CONSTRUCT A SOUND WALL ON THE NORTH SIDE OF I-265 BETWEEN SMYRNA PARKWAY AND PENNSYLVANIA RUN ROAD	PL DN RW UT CN	SPP	2,304,000 2,304,000	0	0
Project Cost:									
JEFFERSON	8807	I-264	TRANSP ENHANCEMENT(P)	NEW CONSTRUCTION - SOUNDWALL ALONG SOUTHWEST SIDE OF WATTERSON EXPRESSWAY FROM CRUMS LANE TO APPROXIMATELY 0.5 MILE WEST OF THE DIXIE HWY INTERCHANGE	PL DN RW UT CN	SPP	0	0	250,000
Project Cost:									

CHAPTER 139

1009

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JEFFERSON	8808		TRANSP ENHANCEMENT(P)	NEW CONSTRUCTION - CONSTRUCT SOUND WALL ALONG THE EAST SIDE OF GREENBELT HIGHWAY FROM APPROXIMATELY 0.5 MI SOUTH OF THE INTERSECTION WITH LOWER HUNTERS TRACE TO APPROXIMATELY 250 FEET SOUTH OF	PL DN RW UT CN	SPP	0	0	240,000 960,000 1,200,000
				Project Cost:					
JEFFERSON	8810	KY-1931	MINOR WIDENING(O)	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD AND TURN LANES.	PL DN RW UT CN	STP	500,000		2,700,000
				Project Cost:			0	500,000	2,700,000
JEFFERSON	8854	I-265	TRANSP ENHANCEMENT(P)	ERECT SOUND WALL ON SOUTH SIDE OF GENE SNYDER FREEWAY FROM MP 18.0 TO MP 18.5.	PL DN RW UT CN	SP		0	2,000,000 2,000,000
				Project Cost:			0	0	
JEFFERSON	8855	I-265	TRANSP ENHANCEMENT(P)	ERECT SOUND WALL ON NORTH SIDE OF GENE SNYDER FREEWAY FROM MP 15.3 TO MP 16.1.	PL DN RW UT CN	SP		0	3,000,000 3,000,000
				Project Cost:			0	0	
JEFFERSON	8858	I-71	TRANSP ENHANCEMENT(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTH SIDE OF I-71 FROM MP 5.4 TO MP 6.3 FOR APPROX. 4700 FEET.	PL DN RW UT CN	SP		2,961,000	0
				Project Cost:			0	2,961,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for JEFFERSON county									
JESSAMINE	87.2	-0	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION 1A FROM 50 FEET SOUTH OF KY 39 TO 125 FEET NORTH OF KY 169.	PL		18,232,320	200,000	890,000
					DN		31,130,000	700,000	11,990,000
					RW		27,305,000	4,590,000	5,190,000
					UT		142,161,324	6,354,169	108,394,413
					CN		112,390,655		
				Total Amounts:			218,828,644	124,234,824	126,464,413
					PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	15,000,000	0
JESSAMINE	87.5	-0	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION II; FROM KY-39, EXTENDING SOUTHEASTERLY TO US-27 SOUTH OF NICHOLASVILLE. (SEE 7-8305.00 FOR D PHASE.)(2000BOP)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN			13,240,000	0
				Project Cost:			0	13,240,000	
JESSAMINE	376	CS-1486	NEW ROUTE(O)	EXTEND EAST BRANNON ROAD FROM END OF EXISTING ROAD FROM EAST OF LAUDERDALE DRIVE (CS 1501) TO TATES CREEK ROAD (KY 1974) (2-LANE IMPROVEMENT)(12CCR)	PL				
					DN				
					RW			3,000,000	
					UT			4,980,000	
					CN				14,400,000
				Project Cost:			0	7,980,000	14,400,000
JESSAMINE	396	KY-1268	MATCHED FED FUNDS(O)	WILMORE DOWNTOWN DRAINAGE AND STREET IMPROVEMENTS. (2008BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL				
					DN				
					RW		50,000		
					UT		125,000		
					CN		290,000		
				Project Cost:			465,000	0	0

CHAPTER 139

1011

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JESSAMINE	397	KY-29	SAFETY(P)	TURN LANES AT W. JESSAMINE HIGH SCHOOL AND E. JESSAMINE MIDDLE SCHOOL. (2008BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLX	20,000 20,000	0	0
Project Cost:									
JESSAMINE	414	KY-1980	SAFETY(P)	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR)	PL DN RW UT CN	STP			7,500,000 5,000,000
Project Cost:									
JESSAMINE	419	KY-169	RECONSTRUCTION(O)	RECONSTRUCT KY 169 JUST EAST OF KEENE TO ELIMINATE DROP OFFS	PL DN RW UT CN	SPP		400,000	
Project Cost:									
JESSAMINE	430	US-27	SAFETY(P)	ACCESS MANAGEMENT ON NICHOLASVILLE ROAD BETWEEN NICHOLASVILLE AND MAN-O-WAR BLVD.	PL DN RW UT CN	SP		600,000	
Project Cost:									
JESSAMINE	915	US-68	SAFETY(P)	RECONSTRUCT INTERSECTION OF KY 29 NORTH OF WILMORE.	PL DN RW UT CN	STP	1,500,000	600,000	3,000,000
Project Cost:									
						STP	1,500,000	600,000	3,000,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
JESSAMINE	8851	US-169	BRIDGE REPLACEMENT(P)	REPLACE RAILROAD BRIDGE ON US 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE.	PL DN RW UT CN	SP			500,000
Project Cost:							0	0	500,000
Total for JESSAMINE county									
					PL		1,550,000	1,000,000	500,000
					DN			3,000,000	7,500,000
					RW		125,000	5,580,000	5,000,000
					UT		310,000	28,240,000	17,400,000
					CN		1,985,000	37,820,000	30,400,000
Total Amounts:									
JOHNSON	194	KY-40	SAFETY(P)	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD. (12CCR)	PL DN RW UT CN	SPP		500,000	
Project Cost:							0	500,000	0
JOHNSON	1114	KY-40	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 40 OVER BRANCH OF LITTLE PAINT CREEK 0.38 MILE NE OF JOHNSON/MAGOFFIN COUNTY LINE (SR 12.5) 058B00012N	PL DN RW UT CN	BRO	400,000 225,000	950,000	0
Project Cost:							625,000	950,000	0
JOHNSON	5008	KY-321	ROCKFALL MITIGTN(P)	CORRECT ROCKFALL HAZARD @ MP 1.80 TO 3.05. (04CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP	790,000 780,000	12,600,000	0
Project Cost:							1,570,000	12,600,000	0

CHAPTER 139

1013

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for JOHNSON county									
KENTON	17.04	I-75	BRIDGE REPLACEMENT(P)	TRANSPORTATION IMPROVEMENTS TO BRENT SPENCE BRIDGE. (2005HPP-KY154 AND KY 143); (059B00046N) (THESE FUNDS WILL BE USED BY KYTC FOR CONTINUED PROJECT DEVELOPMENT)	PL				1014
					DN			500,000	
					RW		1,190,000		
					UT		1,005,000		
					CN			13,550,000	
					Total Amounts:		2,195,000	14,050,000	0
KENTON	17.09	I-75	RELOCATION(O)	BRENT SPENCE BRIDGE RELOCATION PROJECT (ADDITIONAL PROJECT FUNDS)(10CCR)	PL				
					DN				
					RW	SB2	6,520,000		
					UT				
					CN				
					Project Cost:		22,260,437	0	0
KENTON	162.01	KY-536	RECONSTRUCTION(O)	RECONSTRUCT KY-536 TO A 4 LANE URBAN SECTION FROM THE BOONE COUNTY LINE TO KY-17 (MP 0.0 TO MP 4.5). (00CCR)(04CCN) (06CCR)(2006BOPC)(PHASE I DESIGN SHOWN UNDER 6-162.00)(12CCR)	PL				
					DN				
					RW	STP			22,050,000
					UT				
					CN				
					Project Cost:		0	0	22,050,000
KENTON	416	CS-5555	MATCHED FED FUNDS(O)	EXTEND THE SECOND EASTBOUND LANE OF THOMAS MORE PKWY FROM TURKEYFOOT RD TO CENTERVIEW BLVD. (2012BOP)	PL				
					DN				
					RW	SNK		117,400	
					UT	SNK		40,000	
					CN	SNK			528,000
					Project Cost:		0	157,400	528,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KENTON	418	CS-2215	MATCHED FED FUNDS(O)	PAVEMENT AND SIDEWALK RESTORATION ALONG 6TH STREET FROM SCOTT STREET TO RUSSELL STREET (1,400 FEET). ALSO SIDEWALK IMPROVEMENTS ON SCOTT STREET FROM 4TH STREET TO 6TH STREET (900 FEET).	PL DN RW UT CN	SNK	102,440 1,280,508 1,382,948	0	0
Project Cost:									
KENTON	419	CR-1316	MATCHED FED FUNDS(O)	PHASE I MULTI-USE PATH ALONG BROMLEY CRESCENT SPRINGS RD FROM ANDERSON ROAD TO AMSTERDAM ROAD. (2012BOP)	PL DN RW UT CN	SNK	400,000 800,000	0	1,200,000
Project Cost:									
KENTON	420	CS-2093	MATCHED FED FUNDS(O)	RESURFACING OF RUSSELL STREET FROM 6TH STREET TO 18TH STREET (5,600 FEET). (2012BOP)	PL DN RW UT CN	SNK	142,890 142,890	0	0
Project Cost:									
KENTON	421	KY-8	MATCHED FED FUNDS(O)	PEDESTRIAN/BICYCLE TRAIL THROUGH THE CITIES OF LUDLOW, COVINGTON, NEWPORT & BELLEVUE ALONG THE OHIO RIVER. (2012BOP)	PL DN RW UT CN	SNK	481,600 481,600	0	0
Project Cost:									
KENTON	424	CS-4061	MATCHED FED FUNDS(O)	INSTALLATION OF NEW TRAFFIC SIGNAL AT THOMAS MORE PKWY AND SOUTH LOOP ROAD, INCLUDING PEDESTRIAN SIGNALS. (2012BOP)	PL DN RW UT CN	SNK	11,240 11,240	0	102,400 102,400
Project Cost:									

CHAPTER 139

1015

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KENTON	426	CS-4128	MATCHED FED FUNDS(O)	RESURFACING AND STABILIZATION OF DUDLEY ROAD, BUS SHELTER FROM DIXIE HIGHWAY TO WINDING TRAILS DRIVE.	PL DN RW UT CN	SNK	1,207,100 1,207,100	0	0
Project Cost:									
KENTON	701	-0	MATCHED FED FUNDS(O)	EDGEWOOD LED SIGNALS. INTERSECTIONS ALONG DUDLEY ROAD AND THOMAS MORE PARKWAY. LPA PROJECT (2012BOP)	PL DN RW UT CN	SNK	1,207,100 1,207,100	0	0
Project Cost:									
KENTON	922	KY-8	SAFETY-HAZARD ELIM(P)	INSTALL GUARDRAIL ON KY 8 BEGINNING 1.22 MILES EAST OF KY 371 (MP 1.240) EXTENDING EAST TO 1.53 MILES EAST OF KY 371 (MP 1.550). (2012BOP)	PL DN RW UT CN	SNK	50,960 50,960	0	0
Project Cost:									
KENTON	1070	CS-2097	BRIDGE REPLACEMENT(P)	WEST 15TH STREET; REPLACE BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON (C29). (SR=3.9); (059C00029N)(12CCR)	PL DN RW UT CN	SAF	42,105 42,105	0	0
Project Cost:									
KENTON	1075	KY-1120	BRIDGE REPLACEMENT(P)	EVALUATE BRIDGE ON KY-1120 (MP 0.621) OVER CSX RAILROAD; 11TH ST E OF RUSSELL ST.; (STRUCTURALLY DEFICIENT, SR=3) 059B000083N	PL DN RW UT CN	BRO	560,000 550,000 1,110,000	1,470,000 1,470,000	0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KENTON	1080	KY-2045	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON PRUETT RD (KY 2045) OVER DECOURSEY CREEK AT JCT WITH MARSHALL RD (CS 1007)(SR 18.2) 059B00030N	PL DN RW UT CN	BRO BRO BRO	50,000 50,000 100,000	500,000 500,000	0
				Project Cost:					
KENTON	3703	KY-8	CONGESTION MITIGTN(O)	INSTALL AN ADDITIONAL LANE WITHIN ROW ON KY-8 (4TH ST) INTERSECTING WITH PHILADELPHIA ST IN COVINGTON. WORK WILL OCCUR ON 4TH ST WEST OF PHILADELPHIA ST TO CRESCENT ST. (2010BOPC)	PL DN RW UT CN	CM	1,260,000 1,260,000	0	0
				Project Cost:					
KENTON	3704	US-25	CONGESTION MITIGTN(O)	ELIMINATION OF A TRAFFIC SIGNAL BY REALIGNING AN INTERSECTION ON US-25 (MAIN ST AT PIKE ST) ALLOWING FREE FLOW TRAFFIC IN COVINGTON (2010BOPC).	PL DN RW UT CN	CM	760,000 760,000	0	0
				Project Cost:					
KENTON	8307.1	KY-1501	RECONSTRUCTION(O)	RECONSTRUCT HANDS PIKE (KY 1501) FROM KY 17 TO CRYSTAL LAKE DRIVE.(12CCR)	PL DN RW UT CN	SPP SPP	2,760,000 2,490,000 5,250,000	0	0
				Project Cost:					
KENTON	8402	CS-2103	RESURFACING(P)	GRIND AND RESURFACE MADISON AVENUE FROM 12TH STREET TO 16TH STREET IN COVINGTON. (08CCN)	PL DN RW UT CN	SPP	0 175,000	175,000	0
				Project Cost:					

CHAPTER 139

1017

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KENTON	8410	OS-6504	RESURFACING(P)	RESURFACE MAIN STREET AND HIGHWAY ROAD IN BROMLEY. (08CCN)(12CCR)	PL DN RW UT CN	SPP	500,000 500,000	0	0
Project Cost:									
KENTON	8813		RECONSTRUCTION(O)	RECONSTRUCTION OF PIKE AND MAIN STREETS IN CITY OF COVINGTON.	PL DN RW UT CN	SP	0	1,700,000 1,700,000	0
Project Cost:									
KENTON	8814	KY-16	RECONSTRUCTION(O)	RECONSTRUCT KY 16 BETWEEN 38TH STREET AND HOWARD LITZLER DRIVE.	PL DN RW UT CN	SP	0	0	750,000 750,000
Project Cost:									
KENTON	8815		TRANSP ENHANCEMENT(P)	SIDEWALK AND CURB CONSTRUCTION ON DIXIE HIGHWAY FROM NORTH ARLINGTON NORTH TO COVINGTON SIDEWALK SYSTEM	PL DN RW UT CN	SP	0	0	250,000 250,000
Project Cost:									
KENTON	9005	KY-1486	SAFETY-HAZARD ELIM(P)	IMPROVE INTERSECTION OF KY 1486 (MP 2.590) AND KY 2047, APPLICATION OF HIGH FRICTION SURFACE, SIGHT DISTANCE, DRAINAGE STRUCTURE IMPROVEMENT, DITCHING, SIGNING AND PAVEMENT MARKINGS. (2012BOP)	PL DN RW UT CN	SAF	45,000 15,000 200,000	0	0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for KENTON county									
KNOTT	283.4	CS-1012	SAFETY(P)	IMPROVEMENTS TO KY-550 IN HINDMAN; CONSTRUCT NEW BRIDGE OVER TROUBLESOME CREEK AT THE NEW ARTS AND CRAFTS COLLEGE @ KY 160.	PL				
					DN		113,680		
					RW		10,145,000	117,400	22,450,000
					UT		3,315,000	40,000	800,000
					CN		27,704,000	5,826,600	1,630,400
					Total Amounts:		41,277,680	5,984,000	24,880,400
					PL				
					DN				
					RW	SP	530,000		
					UT				
KNOTT	1116	CR-1008	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON ROCKLICK BRANCH (CR 1008) OVER RIGHT FORK BEAVER CREEK AT JCT WITH SOUTH HIGHWAY 7 (KY 7)(SR 43.9) 060C00006N	CN	SP	530,000	1,630,000	0
					Project Cost:		530,000	1,630,000	0
					PL				
					DN				
					RW	BRZ		75,000	
					UT	BRZ		325,000	
					CN				
					Project Cost:		0	400,000	0
					PL				
					DN				
KNOTT	4092	CR-1002	BRIDGE REPLACEMENT(P)	HEMP PATCH BRANCH ROAD BRIDGE AND APPROACHES OVER CANEY CREEK (C-1) (OFF NHS) (FD04) (2000BOP)(08CCR); (060C00001N) (12CCR)	PL				
					DN				
					RW	SPP	30,000		
					UT	SPP	30,000		
					CN	SPP		530,000	
					Project Cost:		60,000	530,000	0
					PL				
					DN				
					RW				
					UT				
KNOTT	8200	KY-1231	RESURFACING(P)	NEW CONSTRUCTION OF ONE MILE STRETCH OF KY-1231 BEGINNING AT BRIDGE AFTER LEAVING KY-550, (04CCN)(08CCR)(10CCR) (12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SB2	4,660,000	0	0
					Project Cost:		4,660,000	0	0
					PL				
					DN				
					RW				
					UT				

CHAPTER 139

1019

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KNOTT	8301	KY-1393	RECONSTRUCTION(O)	SPOT IMPROVEMENTS ON KY-1393 FROM KY-582 TO KY-899. (06CCN) (10CCR)	PL DN RW UT CN	SP	6,000,000 6,000,000	0	0
					Project Cost:				
KNOTT	8802	KY-899	BIKE/PED FACIL(O)	PEDESTRIAN BRIDGE OVER KY 899 FROM THE ENTRANCE OF ALICE LLOYD COLLEGE TO THE PARKING LOTS.	PL DN RW UT CN	SPP	650,000 650,000	0	0
					Project Cost:				
KNOTT	8803		SAFETY(P)	INTERSECTION LIGHTS AT KY-160 AND KY-899.	PL DN RW UT CN	SPP	0	0	75,000 75,000
					Project Cost:				
Total for KNOTT county									
					PL				
					DN				
					RW		560,000	75,000	
					UT		30,000	325,000	
					CN		10,660,000	2,810,000	75,000
				Total Amounts:			11,250,000	3,210,000	75,000
KNOX	150	KY-11	BRIDGE REPLACEMENT(P)	WIDENING OF KY-11 RAILROAD BRIDGE AT US-25E. (08CCR); (061B00068N)(12CCR)	PL DN RW UT CN	SPP	2,110,000 2,110,000	0	0
					Project Cost:				

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KNOX	188	US-25	MAJOR WIDENING(O)	MAJOR WIDENING - ADDRESS SAFETY AND CAPACITY ON US 25E FROM CORBIN BYPASS TO KNOX/LAUREL COUNTY LINE. IMPROVE SAFETY ALONG CORRIDOR BY PROVIDING IMPROVED ACCESS MANAGEMENT (12CCR)	PL DN RW UT CN			3,480,000 1,920,000	
				Project Cost:			0	5,400,000	0
KNOX	1077	KY-2418	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-2418 OVER LITTLE RICHLAND CREEK(B01) 0.6 MILE SE OF US-25E. (SR=25.6); (061B00001N)(AR/W)	PL DN RW UT CN		70,000 690,000 760,000		0
				Project Cost:				0	0
KNOX	1082	KY-3437	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-3437 (MP 1.639) OVER EAST FORK BIG INDIAN CREEK; 100 MILE WEST OF KY 1232 AT GRAY; (STRUCTURALLY DEFICIENT, SR=19.3) 061B000086N(12CCR)	PL DN RW UT CN		700,000 700,000	0	0
				Project Cost:				0	0
KNOX	3004	KY-1487	SAFETY(P)	CONSTRUCT TURN LANES, SIDEWALKS, CURVE IMPROVEMENTS AND STORM DRAINAGE SYSTEM IMPROVEMENTS ALONG KY 1487(MANCHESTER STREET) AT THE UNION COLLEGE CAMPUS IN BARBOURVILLE(12CCR)	PL DN RW UT CN		790,000 340,000 1,130,000	1,480,000 1,480,000	0
				Project Cost:					0
KNOX	8705	KY-223	BRIDGE REPLACEMENT(P)	REPLACE STINKING CREEK ROAD BROWNS BRANCH BRIDGE (12CCN)	PL DN RW UT CN		300,000 90,000 390,000	850,000 850,000	0
				Project Cost:					0

CHAPTER 139

1021

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KNOX	8712	KY-459	SAFETY(P)	RAISE KY-459 ABOVE FLOOD PLAIN FROM MP 4 TO MP 5, INCLUDING RAISING THE BULL RUN CREEK BRIDGE. (12CCN)	PL DN RW UT CN	SPP	1,500,000 1,500,000	0	0
Project Cost:									
KNOX	8713	KY-459	SAFETY(P)	RAISE KY-459 ABOVE FLOOD PLAIN FROM MP 3 TO MP 4. (12CCN)	PL DN RW UT CN	SPP	700,000 700,000	0	0
Project Cost:									
KNOX	8714	CR-1168	SAFETY-RR PROTECTN(P)	INSTALL RAILROAD CROSSING GATES AT THE SCHOOL STREET CROSSING IN ARTEMUS. (12CCN)	PL DN RW UT CN	SAF	175,000	0	0
Project Cost:									
KNOX	8810	KY-1629	SPOT IMPROVEMENTS(O)	IMPROVEMENTS TO KY-1629 (MP 1.0 TO 4.2)	PL DN RW UT CN	SPP	0	0	524,000 524,000
Project Cost:									
KNOX	8812	US-25	CONGESTION MITIGTN(O)	CONSTRUCT RIGHT TURNING LANE AT CANADA BROS AUTO SOUTH BOUND; LEFT TURNING LANE AT COUNTYWIDE AUTO SOUTH BOUND; AND RIGHT TURNING LANE AT SAM PARKER ROAD NORTH BOUND.	PL DN RW UT CN	SPP	0	0	103,000 103,000
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

1022

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KNOX	8813	KY-11	SIGNAL SYS IMPROVE(P)	FLASHING BEACON AT KY 11-KY 1304 INTERSECTION	PL				
					DN				
					RW				
					UT				
					CN		80,000		
					SPP		80,000		
					Project Cost:		0	80,000	0
KNOX	8857	KY-3439	SAFETY(P)	IMPROVE SAFETY NEAR INTERSECTION OF US 25E AND KY 3439 BY PROVIDING SIDEWALKS TO AN AREA FREQUENTED BY PEDESTRIANS (MP 0.0-MP 0.9)	PL			250,000	
					DN				500,000
					SAF				500,000
					RW				
					SAF				
					UT				
					CN				
					Project Cost:		0	250,000	1,000,000
KNOX	8865.1		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS TO ROADS IN KNOX COUNTY FOR FY 2015.	PL				
					DN				
					RW				
					UT				
					CN		140,000		
					SPP		140,000		
					Project Cost:		0	140,000	0
KNOX	8865.2		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS TO ROADS IN KNOX COUNTY FOR FY 2016.	PL				
					DN				
					RW				
					UT				
					CN				140,000
					SPP				140,000
					Project Cost:		0	0	140,000
KNOX	8866.1		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS TO ROADS IN CITY OF CORBIN FOR FY 2015.	PL				
					DN				
					RW				
					UT				
					CN		100,000		
					SPP		100,000		
					Project Cost:		0	100,000	0

CHAPTER 139

1023

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
KNOX	8866.2		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS TO ROADS IN CITY OF CORBIN FOR FY 2016.	PL				1024
					DN				
					RW				
					UT				
					CN				
					SPP				
					Project Cost:		0	0	100,000
									100,000
Total for KNOX county									
					PL				
					DN		175,000	250,000	
					RW		1,090,000	3,480,000	500,000
					UT		500,000	1,920,000	500,000
					CN		5,700,000	2,650,000	867,000
					Total Amounts:		7,465,000	8,300,000	1,867,000
LARUE	8505	KY-222	SCOPING STUDY(O)	SCOPING STUDY FOR REHABILITATION AND IMPROVEMENTS PLANNING FOR KY 222. (08CCN)	PL	SPP	200,000		
					DN				
					RW				
					UT				
					CN				
					Project Cost:		200,000	0	0
					PL		200,000		
					DN				
					RW				
					UT				
					CN				
					Total Amounts:		200,000	0	0
Total for LARUE county									
					PL				
					DN				
					RW				
					UT				
					CN				
					Total Amounts:		200,000	0	0
LAUREL	147	US-25	MAJOR WIDENING(O)	US-25 CONGESTION RELIEF, WIDEN US-25 TO 5 LANES FROM KY-1006 TO KY-2069, CONSTRUCT A CONNECTOR FROM US-25 TO KY-229, IMPROVE KY-229 UP TO KY-192 AND CONSTRUCT A BACK ENTRANCE TO THE	PL				
					DN				
					RW	SPP	12,180,000		
					UT	SPP	1,880,000		
					CN				
					Project Cost:		14,060,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LAUREL	147.1	US-25	NEW ROUTE(O)	CONSTRUCT A BACK ENTRANCE TO SOUTH LAUREL HIGH SCHOOL WITH CONNECTIONS TO KY 192 AND KY 363. (06CCR)(2006BOPC). (10CCR)	PL				
					DN				
					RW	SPP	1,510,000		
					UT	SPP	150,000		
					CN				
				Project Cost:			1,660,000	0	0
LAUREL	185	US-25	MAJOR WIDENING(O)	MAJOR WIDENING - ADDRESS SAFETY, CAPACITY, AND ACCESS MANAGEMENT ON US 25E FROM KNOX/LAUREL COUNTY LINE TO KY 770 (12CCR)	PL				
					DN				
					RW	NH	3,000,000		
					UT	NH		2,480,000	
					CN				
				Project Cost:			3,000,000	2,480,000	0
LAUREL	187	KY-192	MAJOR WIDENING(O)	MAJOR WIDENING FROM KY 1006 TO US 25 IN LONDON. THE PROPOSED WIDENING WILL INCREASE CAPACITY, IMPROVE FREIGHT MOVEMENT, SAFETY AND PROVIDE ACCESS MANAGEMENT. (12CCR)	PL				
					DN				
					RW	SPP	2,100,000		
					UT	SPP		2,000,000	
					CN	SPP			15,000,000
				Project Cost:			2,100,000	2,000,000	15,000,000
LAUREL	904.01	KY-363	SAFETY-HAZARD ELIM(P)	CONSTRUCT A ROUNDABOUT ON KY-363 AT KY-1006. (06CCR)	PL				
					DN				
					RW				
					UT				
					CN	SAF	1,460,000		
				Project Cost:			1,460,000	0	0
LAUREL	1080	KY-578	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-578 (MP 5.154) OVER RACCOON CREEK, .10 MI W OF W-JCT KY 638; (STRUCTURALLY DEFICIENT, SR=24.9) 063B00069N	PL				
					DN				
					RW	BRX	175,000		
					UT	BRX		200,000	
					CN	BRX			1,140,000
				Project Cost:			175,000	200,000	1,140,000

CHAPTER 139

1025

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LAUREL	1086	I-75	BRIDGE REPLACEMENT(P)	REPLACE NORTHBOUND BRIDGE ON I-75 OVER LAUREL RIVER 1.8 MILES N OF US 25E EXIT (SR 43.2) 063B00043R	PL DN RW UT CN	BRO		600,000	1026
					Project Cost:		0	600,000	175,000
LAUREL	1094	CR-1862	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON DOG BRANCH MAIL RD (CR 1862) OVER SINKING CREEK 0.56 MILE NW OF SINKING CREEK RD (FD 781)(SR 13.8) 063C00025N	PL DN RW UT CN	BRZ	250,000	50,000 50,000	
					Project Cost:		250,000	100,000	0
LAUREL	1096	KY-312	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CRAIG CREEK ON KY 312 1.8 MILE SE OF KY 192. (063B00053N) (SR=49.4)	PL DN RW UT CN	BRX			325,000
					Project Cost:		0	0	325,000
LAUREL	8305	US-25	BRIDGE REHAB(P)	INCREASE CAPACITY OF THE ROBINSON CREEK BRIDGE ON US-25 AT MILEPOST 3.28. (06CCN): (063B00024N)(10CCR)	PL DN RW UT CN	SP	1,650,000 170,000	5,430,000	
					Project Cost:		1,820,000	5,430,000	0
LAUREL	8514	KY-80	NEW ROUTE(O)	CONSTRUCTION OF A FRONTAGE ROAD ALONG I-75 BETWEEN EXITS 38 AND 41 AT LONDON (FUNDS TO SUPPLEMENT PROJECT NUMBER 11-139) (PRIORITY SECTION: FROM KY 80 TO KY 3432) (SEE 8-8514.10 AND 8-8514.20 FOR	PL DN RW UT CN	SB2	4,500,000 975,000	5,400,000	
					Project Cost:		5,475,000	5,400,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LAUREL	8514.2	KY-80	NEW ROUTE(O)	CONSTRUCTION OF I-75 FRONTAGE ROAD FROM KY 3432 TO 5TH STREET (SEE 8-8514.10 AND 8-8514.00 FOR ADDITIONAL SECTIONS) (08CCN)	PL				
					DN				
					RW	SB2	3,130,000		
					UT				
					CN				
				Project Cost:			3,130,000	0	0
LAUREL	8706		PREFINANCD CONVRN(S)(O)	REPLACE WOODEN TRESSSEL BRIDGE AT FARISTON. (ADDITIONAL FUNDING FOR C PHASE.)	PL				
					DN				
					RW				
					UT				
					CN	SPP	100,000		
				Project Cost:			100,000	0	0
LAUREL	8811	CR-1221	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE LOCATED ON LILY ROAD (CR 1221) (MP 1.045) (AREA ADJACENT TO FARISTON INDUSTRIAL PARK WITH NEW ROADWAY ALIGNMENT)	PL				
					DN				
					RW				
					UT				
					CN	SPP	1,343,900		
				Project Cost:			0	1,343,900	0
LAUREL	8851	KY-80	RECONSTRUCTION(O)	PROVIDE FRONTAGE ROADS ON BOTH SIDES OF KY 80 JUST WEST OF I-75 EXIT 41 (MP 9.9 TO MP 10.9) MAY INCLUDE RELOCATING EXISTING SIGNAL TO PROVIDE FOR ADEQUATE TURN LANE STORAGE AND IMPROVE CAPACITY.	PL				
					DN	SPP		250,000	
					RW	SPP		1,500,000	
					UT	SPP		250,000	
					CN				
				Project Cost:			0	2,000,000	0
LAUREL	8852	KY-354	SAFETY(P)	PROVIDE LEFT AND RIGHT TURN LANES FOR KY 354 WHILE LOWERING THE EXISTING VERTICAL GRADE TO IMPROVE ALIGNMENT WITH KY 30.	PL				
					DN	SPP		200,000	
					RW	SPP		150,000	
					UT	SPP		100,000	
					CN	SPP		350,000	
				Project Cost:			0	800,000	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for LAUREL county									
LAWRENCE	3	KY-3215	NEW ROUTE(O)	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE. (12CCR)	PL		250,000	1,050,000	325,000
					DN				
					RW		28,245,000	1,700,000	
					UT		3,175,000	5,080,000	175,000
					CN		1,560,000	12,523,900	16,140,000
				Total Amounts:			33,230,000	20,353,900	16,640,000
					PL				
					DN				
					RW	SPP		250,000	
					UT	SPP			500,000
					CN				
				Project Cost:			0	250,000	500,000
LAWRENCE	193	KY-2565	RECONSTRUCTION(O)	IMPROVE SIGHT DISTANCE ON KY 2565 AND ELIMINATE DEAD MAN'S CURVE. (12CCR)	PL				
					DN				
					RW	SPP	160,000		
					UT	SPP	420,000		
					CN	SPP		1,285,000	
				Project Cost:			580,000	1,285,000	0
LAWRENCE	196	KY-2565	RECONSTRUCTION(O)	RECONSTRUCT THE KY 2565/KY 2563/CR 1519 INTERSECTION NEAR LOUISA. (12CCR)	PL				
					DN				
					RW	SPP	380,000		
					UT	SPP	570,000		
					CN	SPP		1,880,000	
				Project Cost:			950,000	1,880,000	0
LAWRENCE	1106	PR-1116	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON PR-1116 (MP 0.015) OVER ROCKCASTLE CREEK; .034 MI W JCT KY 3; (STRUCTURALLY DEFICIENT, SR=18.4) 064C00073N (AR/W)	PL				
					DN				
					RW				
					UT	BRZ	90,000		550,000
					CN	BRZ			550,000
				Project Cost:			90,000	0	

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LAWRENCE	1118	CR-1202	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON MATTIE RD (CR 1202) OVER RIGHT FORK OF LITTLE BLAIN 0.38 MILE W OF ASH BRANCH RD (CR 1161)(GR 47) 064C00011N	PL DN RW UT CN	BRZ BRZ BRZ	0	300,000	75,000 75,000 150,000
Project Cost:							0	300,000	
LAWRENCE	8117	KY-581	SAFETY(P)	SIGHT DISTANCE IMPROVEMENTS ON KY-581 FROM KY-645, EXTENDING SOUTH 2000' TOWARDS PAINTSVILLE. (02CCNFD04)	PL DN RW UT CN	SP SP SP	110,000 60,000 170,000	470,000 470,000	0
Project Cost:							170,000	470,000	0
LAWRENCE	8701	KY-581	BRIDGE REPLACEMENT(P)	REPLACE THE GEORGES CREEK BRIDGE. (12CCN)	PL DN RW UT CN	SPP SPP	40,000 800,000 840,000	0	0
Project Cost:							840,000	0	0
Total for LAWRENCE county									
CHAPTER 139									
Total for LAWRENCE county									
LEE									
LEE	1091	CR-1224	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1224 (MP 0.102) OVER ELK LICK BR-ELK CK. 1 MI-W JCT CR 5212; (FUNCTIONALLY OBSOLETE, SR=21.9) 065C00023N	PL DN RW UT CN	BRZ BRZ	20,000 20,000	0	220,000 220,000
Project Cost:							20,000	0	
Total Amounts:							2,630,000	4,165,000	1,200,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LEE	1106	CS-1005	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON SILVER CREEK RD (CS 1005) OVER SILVER CREEK 0.06 MILE N OF WADE RD (CS 1011)(SR 20.5) 065C00025N	PL DN RW UT CN	BRZ	50,000 50,000 100,000	520,000 520,000	1030 0
LEE	8852	KY-52	SAFETY(P)	CONSTRUCT SIDEWALKS, CURB AND GUTTER ON KY 52 FROM DOWNTOWN BEATTYVILLE TOWARD IRVINE	PL DN RW UT CN	SAF	0 1,500,000 1,500,000	0	0
Total for LEE county									
LESLIE	12	US-421	NEW ROUTE(O)	CONSTRUCT HYDEN BYPASS FROM LESLIE COUNTY HIGH SCHOOL TO HYDEN SPUR (KY-118) (00CCR) (04CCN)(10CCR)	PL DN RW UT CN		50,000 70,000 120,000	2,020,000 2,020,000	220,000 220,000
Total Amounts:									
LESLIE	1067	CR-1214	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON CR-1214 OVER BEECH FORK (C24). (SR=6.0) (PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE); (066C00024N)	PL DN RW UT CN	BRZ	230,000 120,000 350,000	470,000 470,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LESLIE	1078	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON US-421 OVER STINNET CREEK (B08) 0.028 MILE SOUTH OF KY-406 NEAR STINNETT. (SR=26.0) (10CCR)	PL DN RW UT CN	BRO			890,000
				Project Cost:			0	0	890,000
LESLIE	1089	KY-80	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 80 OVER CUTSHIN CREEK AT INTERSECTION WITH BUSY HOLLOW DR (CR 1063)(SR 30) 066B00002N	PL DN RW UT CN	BRO	250,000 175,000	1,681,000	
				Project Cost:			425,000	1,681,000	0
LESLIE	1098	CR-1138	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER GREASY CREEK ON ELK ROAD (CR 1138) AT JCT WITH KY 2009 (066C00019N)(SR=2) (EBRP)	PL DN RW UT CN	BRZ	250,000		30,000 50,000 600,000 680,000
				Project Cost:			0	250,000	
LESLIE	8516	KY-1482	NEW ROUTE(O)	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR)(2011BOPP)	PL DN RW UT CN	SB2		920,000 420,000	2,000,000 2,000,000
				Project Cost:			0	1,340,000	
LESLIE	8708	KY-118	MINOR WIDENING(O)	WIDEN KY 118 TO PROVIDE LEFT AND RIGHT TURN LANES ONTO DENTON ROAD (12CCN)	PL DN RW UT CN	SPP			15,000 150,000 165,000
				Project Cost:			0	0	

CHAPTER 139

1031

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1032

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for LESLIE county									
LETCHER	199	US-119	SCOPING STUDY(O)	PERFORM DESIGN STUDY TO DETERMINE LOGICAL APPROACH TO IMPROVING US 119 BETWEEN WHITESBURG AND US 23.	PL				
					DN			250,000	
					RW		4,110,000	920,000	935,000
					UT		895,000	420,000	200,000
					CN			2,151,000	2,600,000
	Total Amounts:						5,005,000	3,741,000	3,735,000
					PL				
					DN	SPP		1,000,000	
					RW				
					UT				
					CN				
Project Cost:						0	1,000,000	0	
LETCHER	311.39	US-119	RELOCATION(O)	HARLAN-WHITESBURG; PINE MOUNTAIN; PARTRIDGE TO OVEN FORK (SURFACING FOR SECTIONS 2 AND 3); US-119 RELOCATION FROM 1000 FEET WEST JCT. KY-3404 TO 0.1 MILE WEST OF BROWN BRANCH. (F16) (2004BOPC)	PL				
					DN				
					RW				
					UT				
					CN	NH		11,250,000	
	Project Cost:						0	11,250,000	0
					PL				
					DN				
					RW				
					UT				
					CN	APD	35,700,000		
Project Cost:						35,700,000	0	0	
LETCHER	311.8	US-119	RECONSTRUCTION(O)	RECONSTRUCTION OF US-119 FROM 0.15 MILE WEST OF KY-806 TO KY-932. 2012BOP	PL				
					DN	APD			1,500,000
					RW				
					UT				
					CN				
Project Cost:						0	0	1,500,000	

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LETCHER	1091	CR-1245	BRIDGE REPLACEMENT(P)	PACIES BRANCH ROAD; REPLACE BRIDGE AND APPROACHES OVER KINGS CREEK (C27) 0.05 MILE NW OF KY-160. (SR=2.0); (067C00027N)	PL DN RW UT CN	BRZ	550,000 550,000	0	0
				Project Cost:					
LETCHER	1094	KY-343	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-343 OVER WRIGHT FORK (B79) 50 FEET NE OF HAYMOND HILL ROAD. (SR=3.0); (067B00079N)	PL DN RW UT CN	BRX	670,000 670,000	0	0
				Project Cost:					
LETCHER	1096	CR-1391	BRIDGE REPLACEMENT(P)	ISOM RACE TRACK ROAD; REPLACE BRIDGE OVER ROCKHOUSE CREEK (C35) 0.05 MILE SE OF KY-7. (SR=5.0); (067C00035N)	PL DN RW UT CN	BRZ	900,000 900,000	0	0
				Project Cost:					
LETCHER	1097	KY-343	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-343 OVER WRIGHT FORK (B15) 30 FEET EAST OF MASTERS DRIVE. (SR=7.0); (067B00015N)	PL DN RW UT CN	BRX	680,000 680,000	0	0
				Project Cost:					
LETCHER	1107	CS-2026	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CS-2026 OVER (MP 0.032) ELKHORN CREEK; AT EAST JENKINS; (STRUCTURALLY DEFICIENT, SR=13) 067C00058N	PL DN RW UT CN	BRZ	100,000 120,000 220,000	0	300,000 300,000
				Project Cost:					

CHAPTER 139

1033

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LETCHER	1108	CR-1841	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1841 (MP 0.015) OVER NORTH FORK KY RIVER; 1 MI N JCT KY 1862; (STRUCTURALLY DEFICIENT, SR=15.7)	PL				1034
				067C00063N (AR/W)	RW				
					UT		75,000		
					CN				430,000
				Project Cost:			75,000	0	430,000
LETCHER	1113	KY-2034	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2034C OVER N FORK KY RIVER 0.02 E OF US 119(SR 42.7)	PL				
				067B00121N	DN				
					RW			420,000	
					UT			125,000	
					CN				
				Project Cost:			0	545,000	0
LETCHER	1117	CR-1359	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON STEEL BRIDGE RD (CR 1359Q4) OVER NORTH FORK OF KENTUCKY RIVER AT JCT WITH HIGHWAY 7 (KY 7)(SR 24)	PL				
				C00080N	DN				
					RW		250,000		
					UT		50,000		
					CN				
				Project Cost:			300,000	875,000	0
LETCHER	8702	KY-805	CONGESTION MITIGTN(O)	IMPROVE THE EXISTING ROADWAY TO MEET CURRENT STANDARDS AND IMPROVE CONGESTION INTO AND OUT OF JENKINS BETWEEN MP 8.741 AND MP 9.247.(12CCN)	PL				
					DN				
					RW		1,580,000		
					UT		520,000		
					CN				
				Project Cost:			2,100,000	6,060,000	0
LETCHER	8804		SAFETY(P)	CONGESTION/SAFETY IMPROVEMENT AT THE JUNCTION OF MAIN STREET AND EAST MAIN IN DOWNTOWN WHITESBURG.	PL				
					DN			140,000	
					RW			150,000	
					UT			200,000	
					CN			300,000	
				Project Cost:			0	790,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LETCHER	8808	CR-1222	RESURFACING(P)	RESURFACE SOUTH EAST ROAD (CR-1222). PROJECT IS CONTINGENT UPON RECEIVING WRITTEN CONFIRMATION FROM LETCHER COUNTY FISCAL COURT THAT ROAD WILL BE ACCEPTED INTO COUNTY ROAD SYSTEM UPON	PL DN RW UT CN	SPP	0	1,000,000 1,000,000	0
Project Cost:									
Total for LETCHER county							0	1,000,000	0
CHAPTER 139									
LEWIS	231	KY-59	SCOPING STUDY(O)	PERFORM DESIGN STUDY TO DETERMINE LOGICAL SEQUENCE OF PRACTICAL IMPROVEMENTS TO UPGRADE KY 59/KY 344/KY 377 CONNECTION BETWEEN VANCEBURG AND MOREHEAD.	PL DN RW UT CN	SPP	1,930,000 765,000 38,500,000 41,195,000	1,140,000 570,000 325,000 19,485,000 21,520,000	1,500,000 730,000 2,230,000
Total Amounts:							0	1,000,000	0
Project Cost:									
LEWIS	232	KY-10	SAFETY(P)	RECONSTRUCT THE INTERSECTION OF KY 10 AND KY 1306.	PL DN RW UT CN	SPP	0	500,000 500,000	0
Total Amounts:							0	500,000	0
Project Cost:									
LEWIS	1082	KY-8	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 8 OVER KINNICONNICK CREEK 0.094 MILE W OF DUDLEY AVE (CR-1031A) (SR 26.5) 068B00003N	PL DN RW UT CN	BRO	0	150,000 150,000 300,000	3,000,000 3,000,000
Total Amounts:							0	300,000	3,000,000
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LEWIS	1085	CR-1338	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BROWNS RUN RD (CR 1338) OVER CABIN CREEK 0.03 MILE SW OF CABIN CREEK RD (CR 1333)(SR 2) 068C00036N	PL DN RW UT CN	PL DN BRZ BRZ BRZ	60,000 10,000 70,000	400,000 400,000	1036 0
				Project Cost:					
LEWIS	8507	KY-57	BRIDGE REPLACEMENT(P)	CONSTRUCT A NEW BRIDGE CROSSING THE NORTH FORK OF THE LICKING RIVER AT THE LEWIS-FLEMING COUNTY LINE. (08CCN): (068B00027N)	PL DN RW UT CN	PL DN SPP SPP SPP	1,000,000 1,000,000	5,200,000 5,200,000	0
				Project Cost:					
LEWIS	8806		NEW ROUTE(O)	LEWIS-GREENUP CONNECTOR ROAD CONNECTING KY-8 TO KY-10 AT SCAFFOLD LICK ROAD	PL DN RW UT CN	PL DN STP STP STP	500,000 1,500,000		0
				Project Cost:			2,000,000	0	0
LEWIS	8807	KY-57	RECONSTRUCTION(O)	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE	PL DN RW UT CN	PL DN STP STP STP		2,100,000	
				Project Cost:			0	2,100,000	0
LEWIS	8808	KY-9	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION AT KY-9 AND KY-2523	PL DN RW UT CN	PL DN SPP SPP SPP	10,000 150,000	200,000 125,000	1,000,000 1,000,000
				Project Cost:			160,000	325,000	

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for LEWIS county									
LINCOLN	167	US-27	RECONSTRUCTION(O)	CONTINUE ONGOING IMPROVEMENTS TO US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE LEVEL OF SERVICE AND SAFETY ON US-27 FROM KY-1247 TO EDUCATION WAY.	PL DN RW UT CN		510,000 2,650,000 60,000 10,000 3,230,000	3,100,000 350,000 275,000 6,100,000 9,825,000	4,000,000 4,000,000
				Total Amounts:					
					PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:		0	0	2,100,000
LINCOLN	196	US-27	MAJOR WIDENING(O)	WIDEN US-27 FROM KY-590 TO BELL STREET IN STANFORD (MP 18.2 TO MP 18.9). (INCLUDES NEW GOSHEN CUT-OFF ROAD)(2005HPP-KY115)	PL DN RW UT CN		1,439,839	0	0
					Project Cost:		1,439,839	0	0
LINCOLN	395	CR-1071	NEW ROUTE(O)	RELOCATE A SHORT SECTION OF GOSHEN ROAD FROM ITS EXISTING INTERSECTION WITH US 27 TO A NEW LOCATION OPPOSITE THE EXISTING WAL-MART SIGNAL.	PL DN RW UT CN		850,000 850,000	0	0
					Project Cost:		850,000	0	0
LINCOLN	1049	KY-78	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-78 (MP 11.216) OVER PEVYHOUSE BRANCH, .30 MI WEST OF JCT KY 300; (STRUCTURALLY DEFICIENT, SR=43.3) 069B00027N (AR/W)	PL DN RW UT CN		60,000 350,000 410,000	0	0
					Project Cost:		410,000	0	0

CHAPTER 139

1037

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LINCOLN	1055	KY-1247	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1247 OVER ST. ASAPH CREEK 0.044 S OF KY 78(SR 45.4) 069B00055N	PL				1038
					DN				
					RW	BRO		120,000	
					UT	BRO		350,000	
					CN	BRO			810,000
				Project Cost:			0	470,000	810,000
Total for LINCOLN county									
					PL		1,439,839		2,100,000
					DN				
					RW			120,000	
					UT		60,000	350,000	
					CN		1,200,000		810,000
				Total Amounts:			2,699,839	470,000	2,910,000
LIVINGSTON	330	US-60	RELOCATION(O)	PADUCAH-HENDERSON; RELOCATION OF US-60 FROM APPROX. 0.8 MILE EAST OF TENN. RIVER BRIDGE TO 0.5 MILE EAST OF RUDD-SPEES ROAD (00CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	0	25,740,000
LIVINGSTON	1059	KY-453	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-453 OVER ECHO SPRING BRANCH (B29) 0.177 MILE NW OF COON CHAPEL ROAD. (SR=12.5) (08CCR); (070B00029N)	PL				
					DN				
					RW				
					UT				
					CN	BRX	1,880,000		
				Project Cost:			1,880,000	0	0
LIVINGSTON	1142	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 (SR 32.7) 070B00017N.	PL				
					DN	BRO	1,600,000		300,000
					RW	BRO			350,000
					UT	BRO			
					CN				
				Project Cost:			1,600,000	0	650,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LIVINGSTON	1145	KY-866	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 866 OVER FORK OF GUM CREEK 0.02 MILE N OF KY 1664(SR 28.1)070B00050N	PL DN RW BRO UT BRO CN BRO		100,000 100,000 400,000	400,000	0
Project Cost:									
Total Amounts:							200,000	400,000	0
Total for LIVINGSTON county									
LOGAN	311.1	-0	NEW ROUTE(O)	RUSSELLVILLE SOUTHERN BYPASS. (12CCR)	PL DN RW UT CN		1,600,000 100,000 100,000 1,880,000 3,680,000	400,000	300,000 350,000 25,740,000 26,390,000
Project Cost:									
Total Amounts:							0	0	19,300,000 19,300,000
LOGAN	1068	KY-79	BRIDGE REPLACEMENT(P)	RECONSTRUCT KY-79 AT MOTTS LICK CREEK (DAVENPORT HILL) NORTHEAST OF RUSSELLVILLE INCLUDING BRIDGE REPLACEMENT (B09). (2004BOPC): (071B00009N)(10CCR)(12CCR)	PL DN RW UT CN		3,550,000 3,550,000	0	0
Project Cost:									
Total Amounts:							3,550,000	0	0
LOGAN	1073	KY-664	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-664 (MP 3.298) OVER PLEASANT RUN CREEK; 2.3 MI N.W. OF JCT KY 663; (STRUCTURALLY DEFICIENT, SR=29.8) 071B00040N	PL DN RW UT CN		65,000 70,000 135,000	0	460,000 460,000
Project Cost:									
Total Amounts:							135,000	0	460,000 460,000

CHAPTER 139

1039

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LOGAN	1078	KY-2146	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2146 OVER TOWN BRANCH 0.1 MILE W OF KY 3519(SR 49.3) 071B00067N	PL DN RW UT CN	BRO BRO BRO	0 80,000 70,000		1040 350,000 350,000
Project Cost:							150,000		
LOGAN	1079	KY-663	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 663 OVER PLEASANT RUN CREEK 2.099 MILES S OF KY 100(SR 49.1) 071B00057N	PL DN RW UT CN	BRO BRO BRO	0 50,000 75,000		200,000 200,000
Project Cost:							125,000		
LOGAN	1083	CR-1249	BRIDGE REHAB(P)	REPLACE BRIDGE ON LOGAN MILL RD (CR 1249) OVER RED RIVER 0.78 MILE SE OF ORNDORFF MILL RD (KY 96)(SR 25.3)071C00023N	PL DN RW UT CN	BRZ BRZ BRZ	70,000 190,000 260,000	0	550,000 550,000
Project Cost:							0		
LOGAN	8309	US-431	RECONSTRUCTION(O)	RECONSTRUCT/RELOCATE AND CONTINUE FOUR-LANING OF US-431 FROM APPROXIMATELY 1.5 MILES NORTH OF KY-106 EAST (NORTH OF LEWISBURG) TO WK-9001/WENDELL FORD WESTERN KENTUCKY	PL DN RW UT CN	SP	2,600,000	0	0
Project Cost:							2,600,000	0	
Total for LOGAN county					PL DN RW UT CN		2,600,000 135,000 260,000 3,550,000 6,545,000	130,000 145,000 275,000	20,860,000 20,860,000
Total Amounts:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
LYON	187.5	US-641	RELOCATION(O)	RELOCATION OF PRIORITY SECTION OF US 641 BETWEEN US 62 AND US 641 NORTH OF FREDONIA (06CCN)	PL DN RW UT CN	SPP			1,500,000
				Project Cost:			0	0	1,500,000
LYON	801	KY-93	SAFETY(P)	UPGRADE KY 93/RIVERPORT ROAD INTERSECTION.	PL DN RW UT CN	SPP		250,000	125,000 350,000
				Project Cost:			0	250,000	475,000
LYON	8803		NEW ROUTE(O)	CONNECTOR ROUTE BETWEEN CHESTNUT OAK CEMETERY ROAD/KY 1272/US 62.	PL DN RW UT CN	SPP			1,000,000
				Project Cost:			0	0	1,000,000
LYON	8806	I-24	SAFETY(P)	LIGHTING AND POLES ON EXIT 45 OF I-24 AT KY 293.	PL DN RW UT CN				
				Project Cost:			0	240,000	0
Total for LYON county									
					PL DN RW UT CN			250,000	2,500,000 125,000 350,000
				Total Amounts:			0	490,000	2,975,000

CHAPTER 139

1041

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MADISON	192.2	-0	NEW ROUTE(O)	CONSTRUCT 4-LANE BERE A BYPASS SECTION 2, FROM 150' EAST OF US-25, SE TO KY-21. (2004BOPC)(08CCR)(12CCR)	PL DN RW UT CN	SPP	17,530,000 17,530,000	0	1042 0
Project Cost:									
MADISON	235	KY-52	RECONSTRUCTION(O)	RELOCATE AND/OR REALIGN KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)	PL DN RW UT CN	SPP	11,640,000	0	0
Project Cost:									
MADISON	236	KY-595	SCOPING STUDY(O)	COMPREHENSIVE TRAFFIC STUDY FOR INTERSECTION OF MAIN STREET AND BERE A COLLEGE CAMPUS, BERE A. (2005HPP-KY112) (MOA WITH BERE A).	PL DN RW UT CN	HPP	431,951 431,951	0	0
Project Cost:									
MADISON	239.01	KY-21	BIKE/PED FACIL(O)	IMPROVE PROSPECT STREET PEDESTRIAN ACCESS, BERE A. (SEE 7-8503.00 FOR "STP" FUNDS)(2005HPP-KY128)(MOA WITH BERE A)	PL DN RW UT CN	HPP	215,463 215,463	0	0
Project Cost:									
MADISON	251.01	US-25	MAJOR WIDENING(O)	WIDEN US-25 FROM US-421 NORTH TO KY-876. STATE TO PROVIDE DESIGN AND PLANS, AND FUNDS FOR THIS PROJECT ARE REQUESTED TO BE PAID TO THE MADISON COUNTY FISCAL COURT, WHICH SHALL COORDINATE THE	PL DN RW UT CN	HPP	719,920 719,920	0	0
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MADISON	251.4	US-25	MAJOR WIDENING(O)	PRIORITY SECTION II: WIDEN US-25 TO 3 LANES FROM US 421 TO PUMPKIN RUN. (2006BOPC) (08CCR)(10CCR)(12CCR)	PL DN RW UT CN	NH NH NH	4,250,000 5,310,000 9,560,000	0	10,130,000 10,130,000
				Project Cost:					
MADISON	1126	KY-3376	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 3376 OVER HAYS FORK 0.048 SOUTH OF US 421 (SR 23.1) 076B00086N.	PL DN RW UT CN	BRO BRO BRO	90,000 100,000 190,000	760,000 760,000	0
				Project Cost:					
MADISON	1130	US-421	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BATTLEFIELD MEMORIAL HWY (US 421) OVER COWBELL CREEK AT JCT WITH HIGHWAY 21 E (KY 21)(SR 45.5) 076B00021	PL DN RW UT CN	BRO BRO BRO BRO	300,000 300,000 90,000 90,000	180,000	625,000 625,000
				Project Cost:					
MADISON	1131	CR-1158	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON OLD HAYS FORK LN (CR 1158) OVER BRANCH OF HAYS FORK 0.2 MILE SE OF BATTLEFIELD MEMORIAL HWY (US 421) (SR 16.9) 076C00023N	PL DN RW UT CN	BRO BRO BRO BRO	40,000 40,000 80,000	400,000 400,000	0
				Project Cost:					
MADISON	8403	KY-627	MAJOR WIDENING(O)	RECONSTRUCT AND WIDEN THE KY-627 BRIDGE OVER I-75 TO FIVE LANES TO IMPROVE TRAFFIC CONGESTION AND IMPROVE SAFETY. (INCLUDES 7-8400) (B40) (08CCN)(10CCR)	PL DN RW UT CN	NH NH NH	3,000,000 8,660,000 3,000,000	8,660,000	0
				Project Cost:					

CHAPTER 139

1043

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MADISON	8635	US-25	SAFETY(P)	IMPROVE ROADWAY, SIDEWALKS, AND BIKE PATHS ON US-25 BETWEEN ELLIPSE STREET TO GLADES ROAD AND THEN CONTINUES ON TO THE BEREA BYPASS. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP SPP SPP	110,000 520,000 630,000	6,220,000 6,220,000	1044 0
MADISON	8635	KY-1983	MAJOR WIDENING(O)	SUPPLEMENTAL FUNDING NEEDED TO COMPLETE PROJECT ID#07-8103. (10CCN)	PL DN RW UT CN				
MADISON	8802	KY-595	MINOR WIDENING(O)	IMPROVING/WIDENING KY-595 (WALNUT MEADOW ROAD) FROM I-75 WEST TO GUYNN ROAD.	PL DN RW UT CN	SPP SPP SPP SPP	175,000 175,000 80,000 220,000 175,000	300,000 300,000	900,000 900,000
MADISON	8820	I-75	PAVEMENT REHAB-INT(P)	REHABILITATION FROM CLAY'S FERRY BRIDGE TO BARNES MILL ROAD.	PL DN RW UT CN	IM			1,500,000
MADISON	8853		SPOT IMPROVEMENTS(O)	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON ROAD TO THE MADISON COUNTY AIRPORT TO INCLUDE CALEST ROAD (KY 2881), JOHN BALLARD ROAD (KY 2877 & CR 1236) FROM MENELAUS TO AIRPORT ROAD.	PL DN RW UT CN	SP SP		1,000,000	500,000
				Project Cost:			0	0	1,500,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016	
Total for MADISON county										
MAGOFFIN	126.12	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM APPROXIMATELY 0.4 MILES EAST OF KY 3050 OVERPASS (MP 71.0) TO 1.1 MI W OF BRIDGE OVER LICKING RIVER (MP 73.4). (2012BOP)	PL		475,000	1,000,000	1,500,000	
					DN		19,130,000	170,000	500,000	
					RW		5,970,000	8,970,000		
					UT		19,947,334	7,380,000	11,655,000	
					CN		45,522,334	17,520,000	13,655,000	
	Total Amounts:									
				PL						
				DN			182,000			
				RW			1,200,000			
				UT			400,000			
			CN			18,000,000				
Project Cost:						1,782,000	18,000,000	0		
MAGOFFIN	126.13	KY-9009	PREFINANCD CONVRN(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM APPROXIMATELY 0.4 MILES EAST OF KY 3050 OVERPASS (MP 71.0) TO 1.1 MI W OF BRIDGE OVER LICKING RIVER (MP 73.4). (2012BOP)	PL					
					DN					
					RW					
					UT					
					CN				30,000,000	
	Project Cost:						0	0	30,000,000	
	MAGOFFIN	126.4	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.3MI W OF KY 3047 (65.0) TO 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (69.6). (2012BOP)	PL		1,520,000		
						DN				
						RW				
UT										
CN										
Project Cost:						1,520,000	0	0		
MAGOFFIN		126.5	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.4 MI E OF THE KY-134 JOHNSON CREEK BR TO 0.3 MI W OF KY 3047 - SECTION 5.	PL		245,000		
						DN		1,200,000		
						RW		575,000		
	UT									
	CN									
	Project Cost:						2,020,000	0	0	

CHAPTER 139

1045

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MAGOFFIN	140	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: MOUNTAIN PARKWAY WIDENING AND SAFETY IMPROVEMENTS FROM MP 73.4, 1.1 MI W OF LICKING RIVER BRIDGE, TO MP 75.3 BURNING FORK BRIDGE. (08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP SPP SPP	350,000 550,000 900,000	11,500,000 11,500,000	1046 0
Project Cost:									
MAGOFFIN	140.1	KY-9009	PREFINANCD CONVRN(O)	MOUNTAIN PARKWAY CORRIDOR: MOUNTAIN PARKWAY WIDENING AND SAFETY IMPROVEMENTS FROM MP 73.4, 1.1 MI W OF LICKING RIVER BRIDGE, TO MP 75.3 BURNING FORK BRIDGE. (08CCR)(10CCR)(12CCR)	PL DN RW UT CN	STP	0 0 0	0	10,000,000 10,000,000
Project Cost:									
MAGOFFIN	166	US-460	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY EXTENSION (KY 114)US 460) THROUGH THE CONGESTED AREA AT SALYERSVILLE FROM BURNING FORK BRIDGE TO KY 114	PL DN RW UT CN	NH			5,250,000
Project Cost:									
MAGOFFIN	167	KY-9009	NEW INTERCHANGE(O)	MOUNTAIN PARKWAY CORRIDOR: NEW INTERCHANGE AT GIFFORD ROAD FROM 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (MP 69.6) TO APPROXIMATELY 0.4 MI EAST OF KY 3050 OVERPASS(MP 71.0). (12CCR)	PL DN RW UT CN	SPP SPP SPP	443,000 2,200,000 2,643,000	9,000,000 9,000,000	0
Project Cost:									
MAGOFFIN	167.1	KY-9009	PREFINANCD CONVRN(O)	MOUNTAIN PARKWAY CORRIDOR: NEW INTERCHANGE AT GIFFORD ROAD FROM 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (MP 69.6) TO APPROXIMATELY 0.4 MI EAST OF KY 3050 OVERPASS(MP 71.0). (12CCR)	PL DN RW UT CN	STP	0	0	10,000,000 10,000,000
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MAGOFFIN	1092	CR-1756	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1756 (MP 0.031) OVER TRACE FORK; 08 MI-N JCT KY 542; (STRUCTURALLY DEFICIENT, SR=17.3) 077C00048N (AR/W)	PL				
					DN				
					RW				
					UT				
					CN	BRZ			320,000
					Project Cost:				
MAGOFFIN	1098	KY-2019	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2019 OVER LICK CREEK 0.055 MILE S OF KY 3334 (SR 31.9) 077B00062N	PL				
					DN				
					RW	BRO	700,000		
					UT	BRO	100,000		
					CN	BRO		780,000	
					Project Cost:				
MAGOFFIN	1099	KY-2019	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2019 OVER RACCOON CREEK 0.039 S OF KY 1081 (SR 33.2) 077B00063N	PL				
					DN				
					RW	BRO	230,000		
					UT	BRO	100,000		
					CN	BRO		680,000	
					Project Cost:				
MAGOFFIN	8308	KY-30	RECONSTRUCTION(O)	RECONSTRUCT KY-30 AT THE BREATHITT/MAGOFFIN COUNTY LINE BEGINNING AT MILEPOST 37 IN BREATHITT COUNTY TO MILEPOST 0.75 IN MAGOFFIN COUNTY. (06CCN) (10CCR)	PL				
					DN				
					RW	SP	310,000		
					UT	SP	180,000		
					CN	SP		9,130,000	
					Project Cost:				
MAGOFFIN	8702	KY-30	MAJOR WIDENING(O)	WIDEN OR REPLACE BRIDGE ON KY 30 AND IMPROVE CURVE 500 FEET NORTH OF MCFARLAND ROAD TO 1000 FEET SOUTH OF KY 3337. (12CCN)	PL				
					DN				
					RW	SPP	200,000		
					UT	SPP	250,000		
					CN	SPP		2,450,000	
					Project Cost:				

CHAPTER 139

1047

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for MAGOFFIN county									
MARION	395	KY-52	RECONSTRUCTION(O)	CONSTRUCT INTERSECTION OF KY 52 WITH NEW ACCESS ROAD TO MAKERS MARK MUSEUM.	PL				1048
					DN		2,740,000		
					RW		6,590,000		5,250,000
					UT		1,605,000		
					CN			51,540,000	50,320,000
					Total Amounts:		10,935,000	51,540,000	55,570,000
					PL				
					DN				
					RW				
					UT				
MARION	1066	KY-1195	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1195 (MP 0.884) OVER CARTWRIGHT'S CREEK; .80 MI NORTH OF JCT US 68; (STRUCTURALLY DEFICIENT, SR=43.3) 078B00051N. (AR/W)	PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:		0	1,000,000	0
					CN				
					SPP				
					Project Cost:		0	1,000,000	0
					BRX				
MARION	1076	KY-49	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 49 OVER HAMILTON BRANCH 0.33 MILE E OF COWHERD LN (CR-1301) (SR 41.4) 078B00031N.	PL				
					DN				
					RW		90,000		
					UT		90,000		
					CN				
					Project Cost:		180,000	480,000	0
					BRX				
					Project Cost:		0	0	390,000
					BRX				390,000
					Project Cost:		0	0	390,000
MARION	8304	KY-49	RECONSTRUCTION(O)	RECONSTRUCT KY-49 FROM LEBANON TO THE CANEY CREEK BRIDGE. (06CCN)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:		0	7,800,000	0
					SPP				
					Project Cost:		0	7,800,000	0
					SPP				
					Project Cost:		0	7,800,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MARION	8706	KY-429	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON TOAD MATTINGLY ROAD AND COWHERD LANE.(12CCN)	PL DN RW UT CN SPP Project Cost:		0 510,000 510,000		0
MARION	8707.01	KY-49	RECONSTRUCTION(O)	ROADWAY IMPROVEMENTS TO KY 49 FROM JUST SOUTH OF KY 84 EXTENDING NORTH THROUGH LORETTO TO KY 52 (MP 18.63 TO MP 27.54). (2012BOP)	PL DN RW UT CN Project Cost:		3,000,000		2,500,000 3,000,000
MARION	8714	-0	NEW ROUTE(O)	CONNECTOR FROM HENDRICKSON DRIVE TO CORPORATE DRIVE (12CCN)	PL DN RW UT CN Project Cost:		700,000		2,000,000
MARION	8715	KY-49	NEW ROUTE(O)	KY 49 FROM RIVERSIDE BRIDGE (B76) TO KY 337 IN BRADFORDSVILLE (12CCN)	PL DN RW UT CN Project Cost:		0 1,770,000		2,000,000 2,210,000
MARION	8802	KY-49	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY-49 (MP 20.900 TO MP 21.830) AS PER THE KY-49 PLANNING STUDY.	PL DN RW UT CN Project Cost:		0 1,770,000		400,000 400,000

CHAPTER 139

1049

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MARION	8803	KY-49	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY-49 (MP 23.350 TO 24.980) AS PER THE KY-49 PLANNING STUDY.	PL DN RW UT CN	SPP			1050 500,000
					Project Cost:		0	0	500,000
MARION	8804	KY-49	SAFETY(P)	IMPROVE CURVE/TURNING LANE AT WEST MARION ELEMENTARY	PL DN RW UT CN				
					Project Cost:		0	500,000	0
MARION	8805		NEW ROUTE(O)	NEW CONSTRUCTION - EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES.	PL DN RW UT CN	SP	850,000	3,000,000	500,000
					Project Cost:		850,000	3,000,000	500,000
Total for MARION county									
					PL		3,850,000	2,470,000	900,000
					DN		90,000	3,000,000	6,710,000
					RW		90,000		3,500,000
					UT			10,290,000	390,000
					CN		4,030,000	15,760,000	11,500,000
					Total Amounts:				
MARSHALL	117	US-68	SAFETY(P)	IMPROVEMENTS TO US-68 TO PROVIDE LEFT TURN LANES FOR MARSHALL CO. HIGH SCHOOL AND CHRISTIAN FELLOWSHIP HIGH SCHOOL.(08CCR)(12CCR)	PL DN RW UT CN	SPP	2,930,000	0	0
					Project Cost:		2,930,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MARSHALL	234	JC-9003	SAFETY(P)	RECONSTRUCT ELEMENTS OF EXISTING PURCHASE PARKWAY FROM EXIT 22 (KY80/US 45) AT MP 22 TO US 62 AT MP 52 AT CALVERT CITY (I-69 CORRIDOR IMPROVEMENT)	PL DN RW UT CN NH		750,000	8,320,000	0
				Project Cost:			750,000	8,320,000	0
MARSHALL	800	I-24	I-CHANGE RECONST(O)	RECONSTRUCT I-24/PURCHASE PARKWAY INTERCHANGE (I-69 CORRIDOR IMPROVEMENT) (12CCR)	PL DN RW UT CN IM			2,100,000 2,340,000	
				Project Cost:			0	4,440,000	34,600,000 34,600,000
MARSHALL	8002	KY-348	MAJOR WIDENING(O)	WIDEN KY-348 TO 4 LANES BETWEEN PURCHASE PARKWAY AND US-641. (00CCN) (06CCR)(INCLUDES DESIGN FOR 1-8101.00) (RU-04DEOB)(12CCR)	PL DN RW UT CN SPP		4,270,000 4,270,000	0	0
				Project Cost:			4,270,000	0	0
MARSHALL	8101	JC-9003	I-CHANGE RECONST(O)	JULIAN M. CARROLL PKWY: RECONSTRUCT INTERCHANGE AT KY-348 IN BENTON. (02CCN) (06CCR)(DESIGN INCLUDED UNDER 1-8002.00) (08CCR)(I-69 CORRIDOR IMPROVEMENT)(10CCR) (12CCR)	PL DN RW UT CN SPP		7,800,000 7,800,000	0	0
				Project Cost:			7,800,000	0	0
MARSHALL	8801		RESURFACING(P)	REPAVE BARGE ISLAND ROAD.	PL DN RW UT CN SPP			425,000 425,000	0
				Project Cost:			0	425,000	0

CHAPTER 139

1051

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MARSHALL	8802		RESURFACING(P)	REPAVE MOORS CAMP HIGHWAY.	PL				1052
					DN				
					RW				
					UT				
					CN	SPP			675,000
					Project Cost:		0	0	675,000
MARSHALL	8805		NEW ROUTE(O)	BRIDGE FOR REAR ENTRANCE TO MARSHALL COUNTY HOSPITAL.	PL				80,000
					DN	SPP			
					RW				
					UT				
					CN	SPP			110,000
					Project Cost:		0	0	190,000
Total for MARSHALL county									
MARTIN	154.11	KY-40	RELOCATION(O)	INEZ TO WARFIELD (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK. [STA. 190+00 TO STA. 298+00 (ENGLISH)] (2002BOP)(12CCR) (AR/W)	PL		750,000		80,000
					DN			2,100,000	
					RW			2,340,000	
					UT			8,745,000	35,385,000
					CN		15,000,000		
					Total Amounts:		15,750,000	13,185,000	35,465,000
					Project Cost:			0	0
MARTIN	154.16	KY-40	RELOCATION(O)	INEZ TO WARFIELD (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)] (2002BOP)	PL				44,500,000
					DN				
					RW				
					UT				
					CN	SP			44,500,000
					Project Cost:		0	0	44,500,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MARTIN	192	KY-40	RECONSTRUCTION(O)	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY 2031 AND KY 40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE CULVERT/SAFETY DESIGN TO INCREASE	PL DN RW UT CN	SPP SPP CN	0	0	100,000 220,000 320,000
Project Cost:									
MARTIN	1092	CR-1324	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON PR-1015 OVER ROCKCASTLE CREEK (C26) 275 FEET WEST JCT. KY-3 JUST SOUTH OF CROOKED RUN ROAD. (SR=2.0) (080C00026N)	PL DN RW UT CN	BRZ BRZ BRZ	50,000 100,000 150,000	340,000 340,000	0
Project Cost:									
MARTIN	1112	KY-40	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 40 OVER BUCK CREEK AT THE KY 2031 INTERSECTION (SR 49.8) 080B00002N.	PL DN RW UT CN	BRO BRO BRO	140,000 175,000 0	315,000	500,000 500,000
Project Cost:									
Total for MARTIN county									
CHAPTER 139									
Total Amounts:									
MASON	147.2	US-68	NEW ROUTE(O)	NEW FULLY CONTROLLED ACCESS ROUTE FROM US 68 NEAR WASHINGTON EAST TO KY 11 INCLUDING A NEW I-CHNG AT KY 11. (PRIORITY SECTION)(2004BOPC)(08CCCR)	PL DN RW UT CN	SP SP SP	780,000 1,580,000 1,820,000	3,400,000	0
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MASON	147.6	US-68	NEW ROUTE(O)	NEW FULLY CONTROLLED ACCESS ROUTE FROM KY 11 NORTHEAST TO KY 9 (AA HWY) INCLUDING NEW I-CHNG AT KY 9. (2004BOPC) (06CCR)	PL DN RW UT CN	SP SP SP	780,000	1,580,000 1,820,000	1054
				Project Cost:			780,000	3,400,000	0
MASON	1088	CR-1206	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON FLAT FORK RD (CR 1206) OVER FLAT FORK 0.24 MILE S OF FLEMINGSBURG MAYS LICK RD (KY 161)(SR 30) 081C00025N	PL DN RW UT CN	BRZ BRZ	0	35,000	0
				Project Cost:			0	35,000	0
MASON	8303	KY-1448	RECONSTRUCTION(O)	RECONSTRUCT/IMPROVE KY-1448/MAPLELEAF ROAD FROM KY-9 TO US-68. (06CCCN)(08CCR) (10CCCR)(12CCR)	PL DN RW UT CN		8,440,000	0	0
				Project Cost:		SPP	8,440,000	0	0
				Total Amounts:			10,000,000	6,835,000	0
					PL DN RW UT CN		1,560,000	3,185,000 3,650,000	
MCCRACKEN	2	I-24	BRIDGE INSPECTION(P)	I-24 BRIDGE OVER THE OHIO RIVER @ PADUCAH (B100); JOINT PROJECT WITH ILLINOIS TO MITIGATE SCOUR (073B00100N)	PL DN RW UT CN		8,440,000	0	0
				Project Cost:		IM	260,000	0	0

Total for MASON county

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCCRACKEN	122.01	-0	TRANSP ENHANCEMENT(P)	PADUCAH WATERFRONT DEVELOPMENT PROJECT. (2006KYD)	PL DN RW UT CN	KYD	2,276,900 2,276,900	0	0
MCCRACKEN	122.02	-0	TRANSP ENHANCEMENT(P)	PADUCAH WATERFRONT DEVELOPMENT PROJECT. (2008KYD- KY180) (2010BOPC)	PL DN RW UT CN	KYD	3,920,000 3,920,000	0	0
MCCRACKEN	123	KY-998	RECONSTRUCTION(O)	OLIVET CHURCH ROAD (KY-998) FROM FIVE-LANE SECTION TO US-60. (06CCR)(08CCR) (12CCR)(LET BY CITY OF PADUCAH)	PL DN RW UT CN	SPP	4,680,000 4,680,000	0	0
MCCRACKEN	152	US-62	MAJOR WIDENING(O)	MAJOR WIDENING OF US 62 FROM KY 998 TO PADUCAH INFORMATION AGE PARK. (12CCR)	PL DN RW UT CN	SPP	2,500,000 2,500,000 5,000,000	0	8,440,000 8,440,000
MCCRACKEN	153	KY-1286	RECONSTRUCTION(O)	UPGRADE KY 1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)	PL DN RW UT CN	SPP	2,300,000 0	0	2,300,000

CHAPTER 139

1055

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCCRACKEN	154	US-60	I-CHANGE RECONST(O)	CONSTRUCT A DOUBLE-CROSSOVER DIAMOND INTERCHANGE ON US 60 AT THE I-24 INTERCHANGE NEAR KENTUCKY OAKS MALL.	PL DN RW UT CN	NH NH NH CN	0	750,000	1056 200,000 300,000 500,000
Project Cost:							0	750,000	
MCCRACKEN	310.1	-0	NEW ROUTE(O)	PADUCAH OUTER LOOP (PRIORITY SECTION 1); FROM KY-1322 (LOVELACEVILLE ROAD) TO US-62 (BLANDVILLE ROAD). (GRADE & DRAIN AND INC. SURFACE) (2002BOPC)	PL DN RW UT CN	SP SP SP CN	0	2,100,000	2,080,000 2,080,000
Project Cost:							0	2,100,000	
MCCRACKEN	310.3	-0	NEW ROUTE(O)	PADUCAH OUTER LOOP (PRIORITY SECTION 2); FROM US-45 (PADUCAH-MAYFIELD ROAD) TO KY-1322 (LOVELACEVILLE ROAD). (GRADE & DRAIN AND INC. SURFACE) (2002BOPC)	PL DN RW UT CN	SP SP SP CN	0	4,200,000	2,080,000 2,080,000
Project Cost:							0	4,200,000	
MCCRACKEN	310.5	-0	NEW ROUTE(O)	PADUCAH OUTER LOOP (PRIORITY SECTION 3); FROM US-62 (BLANDVILLE ROAD) TO US-60 (PADUCAH-WICKLIFFE ROAD). (GRADE & DRAIN AND INC. SURFACE) (2002BOPC)	PL DN RW UT CN	SP SP SP CN	0	4,200,000	3,640,000 3,640,000
Project Cost:							0	4,200,000	
MCCRACKEN	1055	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON US-62 OVER SUGG CREEK (B24) 0.2 MILE NORTH OF WOBLE ROAD. (SR=29.5). (073B00024N)	PL DN RW UT CN	BRO CN	1,300,000 1,300,000	0	0
Project Cost:							1,300,000 1,300,000	0	

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCCRACKEN	1115.1	US-60	RELOCATION(O)	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)	PL DN RW NH UT NH CN		0	4,640,000	3,380,000
				Project Cost:			0	4,640,000	3,380,000
MCCRACKEN	1115.2	US-62	RELOCATION(O)	RELOCATION OF US-62 FROM US-60 DEPARTURE TO KY-1887 (PARK ROAD).(10CCR) (12CCR)	PL DN STP RW STP UT CN		520,000		7,300,000
				Project Cost:			520,000	0	7,300,000
MCCRACKEN	1115.7	US-60	BRIDGE REPLACEMENT(P)	TO REMOVE EXISTING TENNESSEE RIVER BRIDGE UPON COMPLETION OF NEW US 60 TENNESSEE RIVER BRIDGE(073B00004N)	PL DN RW UT CN		5,080,000	0	0
				Project Cost:			5,080,000	0	0
MCCRACKEN	1135	KY-348	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-348 (MP 6.061) OVER CAMP CREEK; .02 MI NORTH OF JCT KY 188; (STRUCTURALLY DEFICIENT, SR=4). 073B000099N (AR/W)	PL DN RW UT CN		410,000		310,000
				Project Cost:			410,000	0	310,000
MCCRACKEN	1141	KY-305	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-305 OVER MASSAC CREEK 0.023 E OF KY 1565(SR 20.7)073B000098N.	PL DN RW UT CN		125,000 500,000	780,000	0
				Project Cost:			625,000	780,000	0

CHAPTER 139

1057

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCCRACKEN	1153	KY-1288	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BLIZZARD PONDS DRAINAGE CANEL 0.45 MI EAST OF KY 1014 (073B00142N)(SR=18.2) (EBRP)	PL DN RW UT CN	BRX BRX BRX BRX		180,000	1058 75,000 150,000 300,000 525,000
				Project Cost:			0	180,000	
MCCRACKEN	8003	I-24	NEW INTERCHANGE(O)	I-24; CONSTRUCT NEW INTERCHANGE AT KY-994 (OLD MAYFIELD ROAD) SE OF PADUCAH, (00CCN)	PL DN RW UT CN				6,300,000
				Project Cost:			0	0	6,300,000
MCCRACKEN	8702	KY-305	NEW ROUTE(O)	NEW ACCESS ROAD FROM KY-305 NEAR KY-998, EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE) (12CCN)	PL DN RW UT CN	SPP	3,000,000		
				Project Cost:			3,000,000	0	0
Total for MCCRACKEN county									
				Total Amounts:	PL DN RW UT CN		3,520,000 2,625,000 3,410,000 17,516,900 27,071,900	930,000 15,140,000 780,000 16,850,000	2,300,000 13,875,000 11,630,000 9,050,000 36,855,000
MCCREARY	171	US-27	SAFETY(P)	PROVIDE LEFT TURN LANE INTO SOMERSET COMMUNITY COLLEGE CAMPUS. (12CCR)	PL DN RW UT CN	SPP		1,190,000	
				Project Cost:			0	1,190,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCCREARY	184.2	KY-92	RELOCATION(O)	RECONSTRUCT KY-92 FROM 1450 FT WEST OF KY 592 TO 350 FT EAST OF THE WHITLEY/MCCREARY COUNTY LINE (SECTION 2)	PL DN RW UT CN SPP SPP		0	1,225,000 1,225,000	29,000,000 29,000,000
Project Cost:							0	1,225,000	29,000,000
Total for MCCREARY county									
Total Amounts:									
MCLEAN	1078	US-431	BRIDGE REPLACEMENT(P)	REPLACE OVERFLOW STRUCTURE ON US-431 AT THE MUHLENBERG-MCLEAN CO LINE (SR 39) B00056N.	PL DN RW UT CN		0	1,225,000 1,190,000 2,415,000	29,000,000 29,000,000
Project Cost:							0	2,400,000	0
MCLEAN	8400	US-431	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)	PL DN RW UT CN			200,000 180,000 500,000 880,000	0
Project Cost:								0	0
MCLEAN	8401	US-431	RECONSTRUCTION(O)	RECONSTRUCT AND WIDEN FROM MCLEAN/MUHENBURG COUNTY LINE) TO LIVERMORE. (08CCN)(10CCR)	PL DN RW UT CN SP			1,500,000 1,250,000 2,750,000	4,000,000 4,000,000
Project Cost:								0	0

CHAPTER 139

1059

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MCLEAN	8852	KY-56	REALIGNMENT	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233	PL	SPP		200,000	1060
					DN	SPP		50,000	
					RW	SPP		50,000	
					UT	SPP		50,000	
					CN	SPP		350,000	
					Project Cost:		0	650,000	0
Total for MCLEAN county									
					PL			200,000	
					DN			50,000	
					RW		1,900,000	50,000	
					UT		1,530,000	50,000	
					CN		500,000	2,750,000	4,000,000
					Total Amounts:		3,930,000	3,050,000	4,000,000
MEADE	134.1	CR-1031	NEW ROUTE(O)	EXTENSION OF BUTTERMILK FALLS ROAD TO PROVIDE ACCESS TO THE MEADE COUNTY RIVERPORT. DEMO KY058. (03KYDN)	PL				
					DN				
					RW				
					UT				
					CN	KYD	441,690	0	0
					Project Cost:		441,690	0	0
MEADE	297.65	KY-313	NEW ROUTE(O)	KY-313 EXTENSION FROM THE NORTHERN KY-448 BUCK GROVE CONNECTOR TO KY-1638. (SECTION II) (FORMERLY 98 SYP ITEM NO. 4-53.00)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	9,740,000	0	0
					Project Cost:		9,740,000	0	0
MEADE	8702	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 428 TO KY 144. (12CCN)	PL				1,040,000
					DN	SPP			
					RW				
					UT				
					CN				
					Project Cost:		0	0	1,040,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MEADE	8703	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 477 TO KY 428. (12CCN)	PL DN RW UT CN Project Cost:	SPP	0	0	1,250,000
MEADE	8704	-0	NEW ROUTE(O)	CONSTRUCT A NEW ROUTE BETWEEN BERRYMAN ROAD AND KY-933.(12CCN)	PL DN RW UT CN Project Cost:		400,000 400,000	0	0
MEADE	8705	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)	PL DN RW UT CN Project Cost:	SPP	0	0	3,530,000
Total for MEADE county									
MENIFEE	1090	KY-36	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-36 (MP 6.081) OVER BEAVER CREEK IN FRENCHBURG; .05 MI NORTH OF JCT US-460; (STRUCTURALLY DEFICIENT, SR=39.7) 083B00001N (AR/W)	PL DN RW UT CN Total Amounts:	BRO	10,581,690 10,581,690	0	5,820,000
					PL DN RW UT CN Project Cost:		0	0	980,000 980,000

CHAPTER 139

1061

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MENIFEE	8001.1	KY-36	RECONSTRUCTION(O)	SPOT IMPROVEMENTS KY 36: (SECT A) FROM 20 MI N OF THE JCT W/ STONEQUARRY RD (MP 2.08) TO 0.16 MI S OF THE JCT W/ STONEQUARRY RD (MP 2.44). (SECT G) FROM .05 MI N OF THE JCT W/ SUITER BRCH RD (MP	PL DN RW UT CN	SP	2,800,000 2,800,000	0	1062 0
Project Cost:									
MENIFEE	8001.2	KY-36	RECONSTRUCTION(O)	SPOT IMPROVEMENTS ON KY 36: (PRIORITY SECTION B-F) FROM 0.18 MILES SOUTH OF JUNCTION WITH STONEQUARRY RD (MP 2.463) TO 0.6 MILES NORTH OF JUNCTION WITH SUITER BRANCH RD (MP 3.90). (SEE 8001.10 FOR	PL DN RW UT CN	SP	200,000	500,000	2,000,000 2,000,000
Project Cost:									
MENIFEE	8802	US 460	SAFETY(P)	IMPROVE SAFETY AND SUBSTANDARD GEOMETRICS FOR US 460 FROM MP 6.2 TO MP 8.5. RECONSTRUCTION FROM END OF ROTHWELL HILL RECONSTRUCTION TO BRIDGE OVER BEAVER CREEK.	PL DN RW UT CN	SPP		250,000 1,000,000	750,000
Project Cost:									
Total for MENIFEE county							0	1,250,000	750,000
							200,000	250,000	
								1,250,000	
								250,000	750,000
Total Amounts:							2,800,000	1,750,000	2,980,000 3,730,000
MERCER	416	US-68	SAFETY(P)	IMPROVE SAFETY ON US 68 AT KY 152 INTERSECTION IN HARRODSBURG. (12CCR)	PL DN RW UT CN	SPP	500,000	1,000,000	
Project Cost:									
							500,000	1,000,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MERCER	417	CS-1237	SPOT IMPROVEMENTS(O)	IMPROVE SYSTEM MOBILITY ALONG MOBERLY ROAD FROM KY 390 TO KY 1989 IN NORTHWEST HARRODSBURG. (12CCR)	PL DN RW UT CN	SPP SPP	210,000 780,000	780,000	0
				Project Cost:			210,000 780,000		0
MERCER	420	US-68	SAFETY(P)	RECONSTRUCT 1.5 MILES OF US 68, LEXINGTON ROAD FROM TOP OF PALISADES TO CHINN'S CURVE. (12CCR)	PL DN RW UT CN	SPP SPP SPP	100,000 100,000 1,000,000	1,000,000	0
				Project Cost:			200,000 1,000,000		0
MERCER	1116	KY-152	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-152 OVER HERRINGTON LAKE AT THE MERCER/GARRARD COUNTY LINE (B05). (SR=3.0); (084B00005N)	PL DN RW UT CN	BRO BRO BRO	960,000 520,000 5,000,000	0	5,000,000
				Project Cost:			1,480,000		
MERCER	1117	CR-1225	BRIDGE REPLACEMENT(P)	DEEP CREEK ROAD; REPLACE BRIDGE AND APPROACHES OVER CHAPLIN RIVER 0.38 MILE SOUTH OF KY-152 (C13). (SR=0.0); (084C00013N)	PL DN RW UT CN	BRO BRO BRO	100,000 75,000 750,000	750,000	0
				Project Cost:			175,000 750,000		0
MERCER	1128	US-68	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 68 OVER SHAKER CREEK 0.019 W OF CHATHAM RD(CR-1113)(SR 36.2) 084B00001N	PL DN RW UT CN	BRO BRO BRO	70,000 80,000 710,000	710,000	0
				Project Cost:			150,000 710,000		0

CHAPTER 139

1063

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MERCER	8708	US-68	SCOPING STUDY(O)	SCOPING STUDY ON US-68 FROM HARRODSBURG TO WILMORE. (12CCN)	PL	SPP	500,000		1064
					DN				
					RW				
					UT				
					CN				
					Project Cost:		500,000	0	0
MERCER	8858	US-127	SAFETY(P)	SAFETY IMPROVEMENTS ON US 127 IN SALVISA	PL				
					DN	SP			200,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	200,000
Total for MERCER county									
					PL		500,000		
					DN		500,000		200,000
					RW		1,230,000	1,000,000	
					UT		985,000		
					CN			3,240,000	5,000,000
					Total Amounts:		3,215,000	4,240,000	5,200,000
METCALFE	112.1	KY-90	SPOT IMPROVEMENTS(O)	SUMMER SHADE BYPASS. (06CCR)(2006BOPC)	PL	STP		1,250,000	
				(08CCR)(12CCR)	DN				
					RW				
					UT				
					CN				
					Project Cost:		0	1,250,000	0
METCALFE	900	US-68	SAFETY(P)	CONSTRUCT TWO-WAY LEFT TURN LANE AND INSTALL RAISED PAVEMENT MARKER ON US-68 FROM BRIDGE OVER ROGERS CREEK TO JCT. KY-861 IN EDMONTON. (2004BOPC) (10CCR)	PL				
					DN				
					RW	SP	190,000		
					UT	SP	370,000		
					CN	SP			1,040,000
					Project Cost:		560,000	0	1,040,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
METCALFE	8506	KY-163	DESIGN ENGINEERING(O)	IMPROVE KY 163 CORRIDOR FROM INTERSECTION WITH KY 90 TO US 68 EAST INCLUDING NEW ROUTE OF WEST EDMONTON BYPASS. (12CCR)	PL DN RW UT CN	SPP	0	4,750,000 4,750,000	0
				Project Cost:					
METCALFE	8706	US-68	SCOPING STUDY(O)	SCOPING STUDY AND DESIGN ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE (12CCN)	PL DN RW UT CN	STP	0	2,500,000	0
				Project Cost:					
METCALFE	8859	KY-163	RECONSTRUCTION(O)	RECONSTRUCT KY 163 AS A NEW ROUTE ON THE WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL ROAD (MP 10.0) SOUTH OF EDMONTON, CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE COURTHOUSE SQUARE, CN	PL DN RW SP UT SP CN		0	1,000,000 1,000,000	3,000,000 2,190,000 5,190,000
				Project Cost:					
METCALFE	8860	KY-163	SAFETY(P)	INSTALL CAUTION LIGHT AT INTERSECTION OF KY 163 & KY 90	PL DN RW UT CN	SPP	0	100,000	0
				Project Cost:					
Total for METCALFE county					PL DN RW UT CN		0	4,850,000	3,000,000 2,190,000 1,040,000 6,230,000
					Total Amounts:		560,000	9,600,000	

CHAPTER 139

1065

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MONROE	128.06	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2015. (12CCR)	PL DN RW UT CN	SPP	0	444,000 444,000	0
				Project Cost:					
MONROE	128.07	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2016. (12CCR)	PL DN RW UT CN	SPP	0	444,000 444,000	0
				Project Cost:					
MONROE	1084	CR-1354	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON NEW SALEM RD (CR 1354) OVER PETER CREEK 0.2 MILE E OF BETHLEHAM CHURCH RD (CR 1335)(SR 35.4) 086C00015N	PL DN RW UT CN	BRZ	0	85,000 50,000 135,000	444,000 444,000
				Project Cost:					
MONROE	7020.01	-0	NEW ROUTE(O)	CONSTRUCT NEW ROUTE FOR THE EAST TOMPKINSVILLE BYPASS "GRADE & DRAIN ONLY". (98CCN)(02CCR) (2002BOPC)(DESIGN "STP" FUNDING SHALL BE SUPPLEMENTAL TO THE AUTHORIZED AMOUNT ALREADY EXPENDED	PL DN RW UT CN	STP	0	6,200,000 6,200,000	
				Project Cost:					
Total for MONROE county					PL DN RW UT CN		0	85,000 50,000 444,000 579,000	6,644,000 6,644,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MONTGOMERY	240.01	KY-1991	MAJOR WIDENING(O)	WIDEN KY 1991 FROM MAYSVILLE ROAD TO MIDLAND TRAIL INDUSTRIAL PARK, MONTGOMERY COUNTY (SEE 7-8501.00 FOR "SPB" FUNDS)(2005HPP-KY129)	PL DN RW UT CN HPP Project Cost:		749,899 749,899 0	0	0
MONTGOMERY	250.1	US-460	RECONSTRUCTION(O)	RECONSTRUCT US 460 AT LUCKY STOP HILL. (12CCR)	PL DN RW STP UT STP CN STP Project Cost:		3,680,000 1,040,000 4,720,000	0	12,980,000 12,980,000
MONTGOMERY	317.3	KY-11	MAJOR WIDENING(O)	RECONSTRUCT KY 11 FROM FAIRFIELD DRIVE TO 1.0 MILE SOUTH OF THE BATH COUNTY LINE. (2008BOPC)(2010BOPC)	PL DN RW UT CN SB2 Project Cost:		10,820,000 10,820,000	0	0
MONTGOMERY	411	KY-1991	MINOR WIDENING(O)	UPGRADE HINKSTON PIKE IN MT. STERLING FROM NEW MIDLAND TRAIL TO THE NEW INDUSTRIAL PARK ENTRANCE (INCLUDES EXTENSION OF INDUSTRIAL ACCESS ROAD TO HINKSTON PIKE). (12CCR)	PL DN RW UT CN SPP Project Cost:		6,000,000 6,000,000	0	0
MONTGOMERY	8501	KY-1991	MINOR WIDENING(O)	WIDEN KY-1991 FROM MAYSVILLE ROAD TO MIDLAND TRAIL INDUSTRIAL PARK (2005HPP-KY129) TO BE DONE IN CONJUNCTION WITH 7-240.00. (08CCN)(12CCR)	PL DN RW UT CN SPP Project Cost:		1,600,000 1,600,000	0	0

CHAPTER 139

1067

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MONTGOMERY	8810		MAJOR WIDENING(O)	WIDEN EXISTING PAVEMENT AND IMPROVE VERTICAL AND HORIZONTAL CURVES FROM EXISTING MOUNT STERLING BYPASS (KY 686) TO 500' WEST OF BENTBROOK SUBDIVISION. ADD FULL WIDTH SHOULDERS AND A CENTER	PL DN RW UT CN	SPP SPP	0	800,000	1,500,000
				Project Cost:			0	800,000	1,500,000
MONTGOMERY	8817	KY-213	MAJOR WIDENING(O)	WIDEN EXISTING PAVEMENT AND IMPROVE VERTICAL AND HORIZONTAL CURVES FROM BOTTOM OF HILL TO US 460 IN JEFFERSONVILLE. ADD FULL-WIDTH SHOULDERS TO IMPROVE SAFETY.	PL DN RW UT CN	SPP			1,000,000
				Project Cost:			0	0	1,000,000
MONTGOMERY	8818	KY-686	MAJOR WIDENING(O)	WIDEN EXISTING BYPASS FROM 2 LANES TO 4 LANES FROM US 460 TO US 60. IMPROVE CAPACITY AND SAFETY IMPROVEMENTS ALONG KY-713 INTERSECTION. ADD TURNING LANES WHERE APPROPRIATE. INCLUDE MULTI-USE	PL DN RW UT CN	SPP			200,000
				Project Cost:			0	0	200,000
MONTGOMERY	8819	I-64	MAJOR WIDENING(O)	WIDEN TO SIX LANES FROM MP 107.5 TO MP 113.7.	PL DN RW UT CN	IM			1,500,000
				Project Cost:			0	0	1,500,000
Total for MONTGOMERY county					PL DN RW UT CN			800,000	2,700,000
							3,680,000		1,500,000
							1,040,000		
							19,169,899		12,980,000
					Total Amounts:		23,889,899	800,000	17,180,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MORGAN	126.6	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM CR 1226 PARKWAY ROAD TUNNEL (MP 59.3) TO 0.4 MI EAST OF THE KY-134 JOHNSON CREEK BRIDGE - SECTION 6 (12CCR)	PL DN RW UT CN	NH NH NH CN	540,000	3,480,000	900,000
				Project Cost:			540,000	3,480,000	900,000
MORGAN	160	KY-7	SAFETY(P)	IMPROVE SAFETY AND REDUCE ACCIDENTS ON KY-7 BY ELIMINATING ROCK OVERHANG AND ADDING SHOULDERS 1000 FEET SOUTH OF KY 1161 TO 1000 FEET NORTH OF KY 1161. (12CCR)	PL DN RW UT CN	SPP SPP SPP		630,000 310,000	4,440,000
				Project Cost:			0	940,000	4,440,000
MORGAN	293	US-460	RECONSTRUCTION(O)	RECONSTRUCT/WIDENING OF MAIN ST(US 460) & PRESTONSBURG ST(US 460/KY 7) IN W LIBERTY BEGINNING ON US 460 AT BLAIR ST(CS1066) EXTENDING NE TO SALLYER CEMETERY RD(CS1034) BEGINNING AT	PL DN RW UT CN	STP STP STP STP	350,000	1,000,000 500,000 1,500,000	5,200,000
				Project Cost:			350,000	1,500,000	5,200,000
MORGAN	8100	KY-172	SPOT IMPROVEMENTS(O)	IMPROVE ALIGNMENT ON KY-172 FROM MP 5 TO MP 8. (02CCN)(06CCR)(08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP	7,100,000	0	0
				Project Cost:			7,100,000	0	0
MORGAN	8300	KY-172	RECONSTRUCTION(O)	RECONSTRUCT KY-172 FROM MILEPOST 2 TO MILEPOST 5. (06CCN)(08CCR)(12CCR)	PL DN RW UT CN	SB2	6,470,000	0	0
				Project Cost:			6,470,000	0	0

CHAPTER 139

1069

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MORGAN	8301	KY-172	RECONSTRUCTION(O)	RECONSTRUCT KY-172 FROM MILEPOST 8.0 TO MILEPOST 10.4. (06CCN)(08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP	6,500,000 6,500,000	0	0
Project Cost:									
MORGAN	8302	US-460	RECONSTRUCTION(O)	RECONSTRUCT AND STRAIGHTEN CURVE IN US-460 FROM MILEPOST 1.6 TO MILEPOST 2.1. (06CCN)(12CCR)	PL DN RW UT CN	SPP	470,000 380,000 5,410,000 850,000	5,410,000	0
Project Cost:									
MORGAN	8402	KY-7	RECONSTRUCTION(O)	RECONSTRUCT KY-7 FROM MILE POST 2.7 TO MILE POST 5.6 (JUNCTION 519 TO SOUTH SIDE OF WRIGLEY HILL). (08CCN)(12CCR)	PL DN RW UT CN	SP	2,320,000 1,560,000 9,230,000 3,880,000	9,230,000	0
Project Cost:									
MORGAN	8804		NEW ROUTE(O)	IMPROVEMENTS TO CORNER OF KY 2498 & US 460 EXTENDING ONE MILE TO THE ARH HOSPITAL AT THE TOP OF THE HILL.	PL DN RW UT CN	SPP		400,000	
Project Cost:									
Total for MORGAN county									
Total Amounts:									
							890,000	5,110,000	400,000
							2,790,000	810,000	900,000
							1,940,000	14,640,000	9,640,000
							20,070,000	20,560,000	10,940,000
							25,690,000		

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MUHLENBERG	160	US-431	SAFETY(P)	IMPROVE RAILROAD CROSSING AT MP 15.674 BETWEEN CENTRAL CITY AND DRAKESBORO. (04CCR)	PL				
					DN	SP	630,000		
					RW	SP		450,000	
					UT	SP		330,000	
					CN	SP			2,710,000
				Project Cost:			630,000	780,000	2,710,000
MUHLENBERG	1087	CR-1296	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON JARRELS CREEK RD (CR 1296) OVER JARRELS CREEK 0.56 MILE N OF KY 189 (SR 19.8)089C00013N	PL				
					DN				
					RW	BRZ	150,000		
					UT	BRZ	75,000		
					CN	BRZ		350,000	
				Project Cost:			225,000	350,000	0
MUHLENBERG	8301	US-62	MINOR WIDENING(O)	CONSTRUCT A TURNING LANE AT MADISONVILLE COMMUNITY COLLEGE, MUHLENBERG CAMPUS. (06CCN)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN	SP	520,000		
				Project Cost:			520,000	0	0
MUHLENBERG	8506	US-62	MAJOR WIDENING(O)	WIDEN US-62 FROM WAL-MART TO US-431. (08CCN)(10CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP			9,740,000
				Project Cost:			0	0	9,740,000
MUHLENBERG	8802	KY 181	MINOR WIDENING(O)	WIDEN KY-181 BY FOUR FEET ON EACH SIDE FROM INTERSECTION 601 TO WENDELL FORD CENTER.	PL				
					DN	SPP		400,000	
					RW	SPP			150,000
					UT				
					CN				
				Project Cost:			0	400,000	150,000

CHAPTER 139

1071

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
MUHLENBERG	8803	KY 181	RECONSTRUCTION(O)	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP.	PL DN RW UT CN	SPP	0	0	500,000
Project Cost:							0	0	500,000
Total for MUHLENBERG county									
NELSON	287.1	US-31	RELOCATION(O)	BARDSTOWN-LOUISVILLE; WIDENING AND ACCESS MANAGEMENT IMPROVEMENTS ON US-31E BETWEEN NAZARETH DRIVE AND KY-509. (2004BOPC)	PL DN RW UT CN		630,000 150,000 75,000 520,000 1,375,000	400,000 450,000 330,000 350,000 1,530,000	500,000 150,000 12,450,000 13,100,000
Total Amounts:							1,375,000	1,530,000	13,100,000
ACTS OF THE GENERAL ASSEMBLY									
NELSON	287.5	US-31	RELOCATION(O)	BARDSTOWN-LOUISVILLE; RELOCATION OF US-31E FROM JUST SOUTH OF WHITESIDES DRIVE IN NELSON COUNTY TO THE SALT RIVER BRIDGE IN SPENCER COUNTY. (2004BOPC) (10CCR)(12CCR)	PL DN RW UT CN	SPP	12,370,000	0	0
Project Cost:							12,370,000	0	0
NELSON	1075	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-62 OVER EAST FRK OF SIMPSON CREEK 0.01 MILES S OF KY-55 IN BLOOMFIELD (SR 49.5) 090B00023N (12CCR)	PL DN RW UT CN		0	16,240,000 16,240,000	0
Project Cost:							0	16,240,000	0
Total for MUHLENBERG county									
Project Cost:							430,000 430,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
NELSON	1078	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGES ON US 62 (HINKLE CREEK) AND KY 48 IN BLOOMFIELD 090B00096N (12CCR)	PL DN RW UT CN	BRO BRO BRO BRO	300,000 150,000 400,000 850,000	1,300,000 1,300,000	0
				Project Cost:					
NELSON	1083	CR-1327	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON MOBLEY MILL RD (CR 1327) OVER FROMAN CREEK 0.72 MILE W OF LENORE RD (KY 2739)(SR 24.5) 090C00039N (12CCR)	PL DN RW UT CN		400,000 400,000	0	0
				Project Cost:					
NELSON	8308.1	US-150	MAJOR WIDENING(O)	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCCN)	PL DN RW UT CN	SP SP SP	520,000 520,000 2,210,000 650,000 2,860,000	0	0
				Project Cost:					
NELSON	8809		SCOPING STUDY DD (O)	DESIGN/SCOPING STUDY FOR WESTERN BYPASS	PL DN RW UT CN	SPP	500,000		
				Project Cost:					
NELSON	8851	KY-1430	MINOR WIDENING(O)	WIDEN TEMPLIN AVENUE BETWEEN CHAMBERS BLVD AND BEN IRVIN RD/KY 2737	PL DN RW UT CN	SP	150,000	150,000	0
				Project Cost:					

CHAPTER 139

1073

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
NELSON	8852		SCOPING STUDY(O)	SCOPING STUDY TO ADDRESS CONSTRUCTION OF WESTERN BYPASS OF BARDSTOWN FROM THE BLUEGRASS PARKWAY TO US-31E ON THE NORTH SIDE OF BARDSTOWN TO RELIEVE CONGESTION AND IMPROVE CONNECTIVITY.	PL SP DN RW UT CN		0	0	500,000
Project Cost:							0	0	500,000
Total for NELSON county									
					PL		820,000	150,000	1,000,000
					DN				
					RW		10,080,000	2,210,000	
					UT		2,840,000	650,000	
					CN		830,000	17,540,000	
Total Amounts:							14,570,000	20,550,000	1,000,000
NICHOLAS	205	KY-36	SAFETY(P)	RECONSTRUCT KY 36-KY 32 NEAR THE NICHOLAS COUNTY SCHOOLS PROPERTY. MP 3.10 TO MP 3.283. (12CCR)	PL DN RW UT CN				
Project Cost:							2,510,000	4,500,000	0
NICHOLAS	310.3	US-68	MAJOR WIDENING(O)	PARIS-MAYSVILLE ROAD; RECONSTRUCT FROM MILLERSBURG TO KY-32 AT CARLISLE (SECTION 3).(08CCR)(12CCR)	PL DN RW UT CN				
Project Cost:							7,580,000	0	16,870,000
NICHOLAS	1074	KY-32	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-32 (MP 13.896) OVER TTI RR & SCRUBGRASS CREEK; 4.2 MILE NORTHEAST OF JCT KY 1455; (FUNCTIONALLY OBSOLETE. SR=49.2) 091B00008N	PL DN RW UT CN				
Project Cost:							3,360,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
NICHOLAS	8811	KY-36	RECONSTRUCTION(O)	RECONSTRUCT KY 36/KY 928 INTERSECTION	PL				
					DN	SPP		200,000	
					RW	SPP		200,000	
					UT	SPP			150,000
					CN	SPP			1,400,000
				Project Cost:			0	400,000	1,550,000
NICHOLAS	8812	KY-32	SAFETY(P)	SAFETY IMPROVEMENTS ALONG KY 32 FROM LAKE ROAD (MP 9.5) TO SCRUBGRASS CREEK (MP 12.5) TO CORRECT HORIZONTAL, VERTICAL, PAVEMENT WITH DEFICIENCIES	PL	SPP		100,000	
					DN	SPP			2,000,000
					RW				
					UT				
					CN				
				Project Cost:			0	100,000	2,000,000
Total for NICHOLAS county									
OHIO	231	KY-54	SAFETY(P)	RECONSTRUCT INTERSECTION AT KY 54 AND KY 2671. (12CCR)	PL			100,000	
					DN			200,000	2,000,000
					RW		1,660,000	200,000	
					UT		8,430,000		150,000
					CN		3,360,000	4,500,000	18,270,000
				Total Amounts:			13,450,000	5,000,000	20,420,000
OHIO	231	KY-54	SAFETY(P)	RECONSTRUCT INTERSECTION AT KY 54 AND KY 2671. (12CCR)	PL				
					DN				
					RW	SPP		200,000	
					UT	SPP		300,000	
					CN	SPP			1,000,000
				Project Cost:			0	500,000	1,000,000
OHIO	1071	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-62 (MP 12.264) OVER MUDDY CK.; 4 MI W OF JCT KY 1543; (STRUCTURALLY DEFICIENT, SR=49.3) 092B00034N	PL				
					DN				
					RW				
					UT				
					CN	BRO	1,360,000	0	0
				Project Cost:			1,360,000	0	0

CHAPTER 139

1075

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OHIO	1077	CR-1194	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1194 (MP 0.079) OVER THREELICK CREEK; .15 MI W JCT CR 5172; (STRUCTURALLY DEFICIENT, SR=2) 092C00128N	PL DN RW UT CN	BRZ	100,000 150,000 250,000		1076 340,000 340,000
				Project Cost:			0		
OHIO	1083	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US 62 OVER BRANCH OF THREE LICK FORK 0.23 MILE E OF GREEN MEADOWS DR (CS 6068)(SR 49.2)092B00032	PL DN RW UT CN	BRO	230,000 90,000 320,000		650,000 650,000
				Project Cost:			0		
OHIO	8705	US-231	SAFETY(P)	ADDRESS LEFT TURN LANE ISSUES ON US-231 AT SOUTHERN ELEMENTARY SCHOOL, MP 5.15 TO 5.25. (12CCN)	PL DN RW UT CN	SPP	400,000 500,000 900,000	900,000	0
				Project Cost:			900,000	900,000	
OHIO	8810	KY 69	SAFETY-HAZARD ELIM(P)	WIDEN/RECONSTRUCT KY 69 FROM CENTERTOWN TO HARTFORD.	PL DN RW UT CN	STP	1,750,000 2,500,000		4,800,000
				Project Cost:			1,750,000	2,500,000	4,800,000
OHIO	8811		NEW ROUTE(O)	CONSTRUCT A CONNECTOR ROAD INTO BLUEGRASS CROSSINGS INDUSTRIAL PARK TO IMPROVE ACCESS AND ELIMINATE SAFETY ISSUES.	PL DN RW UT CN	SPP	400,000 700,000 300,000		3,000,000
				Project Cost:			400,000	1,000,000	3,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OHIO	8812	KY 136	RECONSTRUCTION(O)	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY 136 FROM MP 0.00 TO 22.618 IN MCLEAN COUNTY AND MP 0.00 TO 9.6 IN OHIO COUNTY.	PL DN RW UT CN	SPP SPP SPP	1,500,000 1,000,000		1,600,000 1,600,000
Project Cost:							1,500,000	1,000,000	1,600,000
Total for OHIO county									
					PL		3,650,000		
					DN				
					RW		500,000	4,630,000	
					UT		650,000	690,000	6,400,000
					CN		1,360,000	900,000	4,990,000
Total Amounts:							6,160,000	6,220,000	11,390,000
OLDHAM	234	KY-393	MAJOR WIDENING(O)	KY-393 RECONSTRUCT FROM NORTHERN RAMP OF I-71 TO NORTH OF KY-146 (CSX RAILROAD) (STATIONS 10+100 TO 12+100)(DESIGN UNDER 5-230.00)	PL DN RW UT CN				
Project Cost:							0	16,820,000	0
OLDHAM	304.15	KY-22	MAJOR WIDENING(O)	RECONSTRUCT KY-22 FROM KY-329B TO ABBOTT LANE INCLUDING THE TERMINI INTERSECTIONS OF KY 22 @ KY 329B AND KY 22 @ ABBOTT LANE. ("BRIDGE HILL")(12CCR)	PL DN RW UT CN				
Project Cost:							0	10,200,000	0
OLDHAM	304.2	KY-22	MAJOR WIDENING(O)	RECONSTRUCT KY-22 TO 5-LANES FROM ABBOTT LANE TO PROPOSED KY-393 INTERSECTION AND CONTINUING WITH 3-LANES TO EXISTING KY-393. (2004BOPC)	PL DN RW UT CN		910,000		3,840,000 2,540,000
Project Cost:							910,000	0	6,380,000

CHAPTER 139

1077

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OLDHAM	367	-0	NEW ROUTE(O)	CONSTRUCT NEW ROUTE FROM OLD HENRY INTERCHANGE AT I-265 TO CRESTWOOD BYPASS. (98CCR)(2004BOPP)(10CCN)	PL DN RW UT CN	SP SP SP	500,000 500,000 1,000,000	0	15,000,000 15,000,000
OLDHAM	367.2	-0	NEW ROUTE(O)	EXTENSION OF OLD HENRY ROAD EAST TO ASH AVENUE (KY362). (12CCR)	PL DN RW UT CN	SB2 SB2 SB2	2,400,000 3,440,000 5,840,000	0	15,000,000 15,000,000
OLDHAM	410.01	-0	BIKE/PED FACIL(O)	INTER-URBAN GREENWAY: CONSTRUCT A NON-MOTORIZED CORRIDOR FROM LAGRANGE TO JEFFERSON COUNTY LINE. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO SLO SLO	180,000 340,000 2,080,000	340,000	2,080,000
OLDHAM	434	CR-1002	SAFETY(P)	CONSTRUCT AN UNINTERRUPTED RAIL UNDERPASS WEST OF LAGRANGE. (LOCAL MATCH)(ALL WORK BY OLDHAM COUNTY) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO SLO SLO	3,190,000 1,350,000 5,600,000	0	6,950,000
OLDHAM	440.1	KY-1793	SAFETY(P)	CONSTRUCT SIDEWALKS ON KY 1793 FROM RIDGEVIEW DRIVE TO SETTLERS POINT TRAIL, AND A SIDEWALK CONNECTION FROM TIMOTHY WAY TO PEGGY BAKER PARK.(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	80,000 80,000	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OLDHAM	441.01	US-42	RECONSTRUCTION(O)	RECONSTRUCT US-42 FROM THE JEFFERSON/OLDHAM COUNTY LINE TO RIDGEMOOR DRIVE. (2004BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SLO	4,010,000 4,010,000	0	0
Project Cost:									
OLDHAM	444	KY-53	CONGESTION MITIGTN(O)	ACCESS MANAGEMENT AND INTERSECTION/SIGNAL IMPROVEMENTS TO PROVIDE CONGESTION RELIEF ON KY-53 FROM DOWNTOWN LAGRANGE TO I-71. (2004BOPC)	PL DN RW UT CN	CM	1,200,000 1,200,000	0	0
Project Cost:									
OLDHAM	449	KY-22	RECONSTRUCTION(O)	INTERSECTION IMPROVEMENT AT KY 22 AND KY 329 IN CRESTWOOD. (ALL WORK BY KYTC) (2006BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	870,000 870,000	0	0
Project Cost:									
OLDHAM	468	CS-7000	CONGESTION MITIGTN(O)	CONSTRUCTION OF A PARK AND RIDE FACILITY INCLUDING A PARKING LOT, SHELTER, PLAYGROUND, BIKE LOCKERS, WALKWAYS, AND A 1000' ACCESS ROAD LOCATED ON APPLE PATCH WAY OFF OF KY-329 NEAR I-71 EXIT 14	PL DN RW UT CN	CM	702,551 702,551	0	0
Project Cost:									
OLDHAM	468.1	CS-7000	CONGESTION MITIGTN(O)	CONSTRUCTION OF A PARK AND RIDE FACILITY INCLUDING A PARKING LOT, SHELTER, PLAYGROUND, BIKE LOCKERS, WALKWAYS, AND A 1000' ACCESS ROAD LOCATED ON APPLE PATCH WAY OFF OF KY-329 NEAR I-71 EXIT 14	PL DN RW UT CN	SLO	308,000 308,000	0	0
Project Cost:									

CHAPTER 139

1079

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OLDHAM	488	KY-146	BIKE/PED FACIL(O)	CONSTRUCT AN ADA COMPLIANT SIDEWALK AND MINOR DRAINAGE IMPROVEMENTS ON THE SOUTHSIDE OF KY 146 FROM THE OLDHAM/JEFFERSON COUNTY LINE EAST TO FOLEY AVENUE.	PL DN RW UT CN	SLO SLO SLO	90,000 10,000 120,000 220,000		1080 0
				Project Cost:					
OLDHAM	494	CR-1209	SAFETY-HAZARD ELIM(P)	OLD FLOYDSBURG ROAD SAFETY IMPROVEMENTS: REPLACE NARROW ONE-LANE CULVERT CROSSING; CLEAR TREES AND VEGETATION OUT OF RIGHT-OF-WAY; ADD SHOULDER TO THE ROAD, AND ADD SIGNAGE	PL DN RW UT CN	SLO SLO SLO	304,700 304,700	230,000	522,000 522,000
				Project Cost:					
OLDHAM	517	-0	BIKE/PED FACIL(O)	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL DN RW UT CN	SLO SLO SLO	52,222 333,901 386,123	0	0
				Project Cost:					
OLDHAM	517.01	-0	BIKE/PED FACIL(O)	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL DN RW UT CN	SLO SLO	100,000 100,000	0	0
				Project Cost:					
OLDHAM	517.02	-0	BIKE/PED FACIL(O)	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL DN RW UT CN	SLO SLO	100,000 100,000	0	100,000 100,000
				Project Cost:					

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OLDHAM	754	-0	NEW ROUTE(O)	CONSTRUCTION OF A NEW CONNECTION FROM OLD LAGRANGE ROAD TO KY 393 AT BUCKNER. LPA CONTRACT. (BOP2012)	PL DN RW UT CN	SLO SLO SLO SLO SLO		95,104 115,104 920,832 1,131,040	
				Project Cost:			0		0
OLDHAM	8708	-0	NEW ROUTE(O)	PROVIDE A NEW FOUR LANE CONNECTOR BETWEEN THE NEW I-71 OVERPASS AND US 53 (RING ROAD), INCLUDING INTERSECTION IMPROVEMENTS AT US 53 & BLAKEMORE LANE. (12CCN)	PL DN RW UT CN	SPP SPP SPP SPP SPP	15,100,000 15,100,000	0	0
				Project Cost:					
OLDHAM	8851	KY-362	DRAINAGE IMPROVE(P)	IMPROVE DRAINAGE ON KY-362 (ASH AVENUE) IN PEWEE VALLEY.	PL DN RW UT CN	SPP SPP SPP SPP SPP	0 0 300,000 300,000		0
				Project Cost:			0		0
Total for OLDHAM county									
					PL DN RW UT CN		1,536,922 6,090,000 3,950,000 22,724,452 34,301,374	95,104 685,104 3,890,000 38,302,000 46,032,000	
				Total Amounts:					
OWEN	1066	KY-355	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-355 OVER LITTLE TWIN CREEK 380 FEET SOUTHEAST OF KY-355/KY-325 INTERSECTION (B09). (SR=30.3). (094B000009N)	PL DN RW UT CN	BRX BRX BRX BRX BRX	40,500 1,990,000 2,030,500	0	0
				Project Cost:					

CHAPTER 139

1081

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OWEN	8702	KY-22	MAJOR WIDENING(O)	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE.(12CCN)	PL	DN			1082
					RW	SP	3,000,000		
					UT	SP	1,000,000		
					CN				
					Project Cost:		4,000,000	0	0
Total for OWEN county									
					PL				
					DN				
					RW		3,040,500		
					UT		1,000,000		
					CN		1,990,000		
					Total Amounts:		6,030,500	0	0
OWSLEY	279.51	KY-30	RELOCATION(O)	KY 30 (PRIORITY SECTION); FROM NORTH OF JCT. KY 847 AT TRAVELLERS REST AT END OF NEW CONSTRUCTION TO KY 11 AT LEVI. (08CCN)(10CCR)(12CCR)	PL	DN			
					RW				
					UT	SPP	1,890,000		
					CN	SPP			
					Project Cost:		1,890,000	0	27,610,000
									27,610,000
OWSLEY	279.6	KY-30	RECONSTRUCTION(O)	RECONSTRUCT KY 30 FROM KY 846 TO THE JACKSON COUNTY LINE.	PL	DN		1,500,000	
					RW	STP			5,000,000
					UT	STP			500,000
					CN				
					Project Cost:		0	1,500,000	5,500,000
OWSLEY	1084	KY-30	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-30 OVER LITTLE STURGEON CREEK (B13) 40 FEET EAST OF LITTLE STURGEON CREEK ROAD. (SR=8.7): (095B00013N)	PL	DN			
					RW				
					UT				
					CN	BRO	5,200,000		
					Project Cost:		5,200,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
OWSLEY	1093	CR-1136	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1136 (MP 0.437) OVER S. FORK KY. RIVER; .4 MI E OF JCT KY 11; (STRUCTURALLY DEFICIENT, SR=15.8) 095C00007N	PL				
					DN				
					RW				
					UT				
					CN	BRZ	0	0	550,000
Project Cost:									550,000
OWSLEY	1108	CR-1134	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON UPPER WOLFE CREEK ROAD (CR-1134) (MP 0.176) OVER UPPER WOLFE CREEK 0.2 MILES EAST OF JCT. KY-11. (095C00018N)(SR=25)(2012BOP)(ARW)	PL				
					DN	BRZ	300,000		
					RW				
					UT	BRZ		30,000	
					CN	BRZ	300,000	30,000	530,000
Project Cost:									530,000
Total for OWSLEY county									
PENDLETON	1071	KY-3185	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-3185 (MP 1.535) OVER LICK CREEK; 1.6 MI NE - JCT KY 17; (STRUCTURALLY DEFICIENT, SR=13.7) 096B00038N	PL				
					DN		300,000	1,500,000	5,000,000
					RW				500,000
					UT		1,890,000	30,000	28,690,000
					CN		5,200,000		34,190,000
Total Amounts:							7,390,000	1,530,000	
PENDLETON	1073	KY-159	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-159 (MP 3.639) OVER KINCAID CREEK; .2 MI. SOUTH OF JCT.KY 609; (STRUCTURALLY DEFICIENT, SR=24.4) 096B00004N	PL				
					DN				
					RW	BRX	75,000		
					UT	BRX	50,000		
					CN	BRX			400,000
Project Cost:							125,000	0	400,000
Total for PENDLETON county									
PENDLETON	1073	KY-159	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-159 (MP 3.639) OVER KINCAID CREEK; .2 MI. SOUTH OF JCT.KY 609; (STRUCTURALLY DEFICIENT, SR=24.4) 096B00004N	PL				
					DN				
					RW	BRX	100,000		
					UT	BRX		75,000	
					CN				0
Project Cost:							100,000	75,000	0

CHAPTER 139

1083

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PENDLETON	1081	KY-330	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 330 OVER SHORT CREEK 0.35 MILE N OF J H GODMAN RD (CR 1238)(SR 47.3) 096B00012N	PL DN RW UT CN	BRO BRO BRO	0	50,000 25,000	1084 500,000 500,000
				Project Cost:			0	75,000	
PENDLETON	8509	KY-9	DESIGN ENGINEERING(O)	SCOPING STUDY FROM BUTLER TO KY-9/AA HIGHWAY. (08CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP	200,000		0
				Project Cost:			200,000	0	
PENDLETON	8706	US-27	MAJOR WIDENING(O)	RECONSTRUCT US-27 FROM BUTLER IN PENDLETON COUNTY TO SOUTH OF KY-154 IN CAMPBELL COUNTY (MP 17.9 PENDLETON COUNTY TO MP 1.9 CAMPBELL COUNTY). (12CCN)	PL DN RW UT CN	SPP SPP SPP		20,000,000 4,500,000	15,000,000 15,000,000
				Project Cost:			0	24,500,000	
Total for PENDLETON county							200,000		
					PL DN RW UT CN		200,000		
							175,000	20,050,000	
							50,000	4,600,000	
				Total Amounts:			425,000	24,650,000	15,900,000 15,900,000
PERRY	158	KY-15	RECONSTRUCTION(O)	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 IN PERRY COUNTY FROM MORTON BOULEVARD TO KY 15 BYPASS	PL DN RW UT CN				10,370,000 630,000
				Project Cost:			0	0	11,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PERRY	269.1	KY-15	RECONSTRUCTION(O)	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 FROM MORTON BOULEVARD TO BONNYMAN. (12CCR) (PROJECT MOVED FROM 10-159)(D-PHASE UNDER 10-269.0)	PL DN RW UT CN	NH	300,000	0	20,000,000 20,000,000
Project Cost:									
PERRY	294	KY-15	SAFETY-RR PROTECTN(P)	RECONSTRUCTION OF THREE (3) AT-GRADE RAILROAD CROSSING ON KY15 IN PERRY COUNTY LOCATED BETWEEN MP 2.1 TO MP 3.7. (2012BOP)	PL DN RW UT CN	RRP	100,000 50,000 145,000 1,700,000 1,995,000	0	0
Project Cost:									
PERRY	1082	KY-80	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-80 AT THE CSX RAILROAD AND KENTUCKY RIVER (B29). (SR=6.5); (097B00029N)(10CCR)	PL DN RW UT CN	BRO	3,800,000 3,800,000	0	0
Project Cost:									
PERRY	1088	KY-451	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-451 (MP 0.054) OVER CSX RAILROAD AND NORTH FORK KENTUCKY RIVER; .100 MILE NORTH OF JCT KY-15; (STRUCTURALLY DEFICIENT, SR=37.4) 097B00016N (AR/W)	PL DN RW UT CN	BRO	3,100,000 3,100,000	0	0
Project Cost:									
PERRY	1095	KY-1096	BRIDGE REPLACEMENT(P)	KY 1096 OVER BIG CREEK BRIDGE PROJECT (FY2010 IBRD PROJECT) (2010BOPC) (AR/W)	PL DN RW UT CN	BRX	100,000 100,000	100,000	470,000 470,000
Project Cost:									

CHAPTER 139

1085

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PERRY	1101	KY-1166	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON RIGHT FORK MACES CREEK RD (KY 1166) OVER RIGHT FORK MACES CREEK AT INTERSECTION WITH HUNTER RIDGE LN (CR 1226Q3)(SR 36.3) 097B00101N	PL DN RW UT CN	BRO BRO BRO	150,000 50,000 200,000	890,000 890,000	1086 0
PERRY	1102	KY-1146	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BULAN HINER RD (KY 1146) OVER TRACE FORK AT JCT WITH KENTUCKY HIGHWAY 476 (KY 476)(SR 25.5) 097B00103N	PL DN RW UT CN	BRO BRO BRO	400,000 150,000	550,000	0
PERRY	1103	KY-2021	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BIG WILLARD RD (KY 2021) OVER WILLARD CREEK AT INTERSECTION WITH BEECH NUT LN (CR 1213)(SR 44.6) 097B00027N	PL DN RW UT CN	BRO BRO BRO	100,000 50,000	150,000	0
PERRY	1104	CR-1539	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON OLD BEECH FORK RD (CR 1539) OVER LEATHERWOOD CREEK AT JCT WITH KENTUCKY HIGHWAY 699 (KY 699)(SR 7.3) 097C00045N	PL DN RW UT CN	BRZ BRZ BRZ	400,000 50,000 450,000	470,000 470,000	0
PERRY	1107	CR-1107	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON BLACK HAWK RD (CR 1107) OVER CARR FORK AT JCT WITH RAPTOR LN (CR 1179)(SR 4.3) 097C00006N	PL DN RW UT CN	BRZ BRZ BRZ	180,000 50,000 230,000	650,000 650,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PERRY	8851	KY-451	MINOR WIDENING(O)	MINOR WIDENING & RESURFACING OF KY 451 FROM MP 11.3 TO MP 11.65.	PL				100,000
					DN	SPP			50,000
					RW	SPP			100,000
					UT	SPP			300,000
					CN	SPP			550,000
Project Cost:						0	0		
Total for PERRY county									
PIKE	198	KY-194	RECONSTRUCTION(O)	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT	PL		400,000		100,000
					DN		880,000	500,000	10,420,000
					RW		295,000	300,000	730,000
					UT		8,600,000	2,010,000	20,770,000
					CN		10,175,000	2,810,000	32,020,000
Total Amounts:									
PIKE	263.63	US-460	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE; US460/KY80 FROM KY-195 TO EAST OF POND CREEK - SECTION 6A-2 BRIDGE AT POND CREEK.	PL				
					DN				
					RW				
					UT				
					CN	NH		20,000,000	
Project Cost:						0	20,000,000	0	
PIKE	263.67	US-460	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM DUNLEARY HOLLOW TO KY-80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY.	PL				
					DN				
					RW				
					UT				
					CN	NH			34,800,000
Project Cost:						0	0	34,800,000	

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PIKE	263.8	US-460	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE, US 460/KY 80 FROM BEAVER CREEK NEAR FLAT FORK TO BEAVER CREEK STATION 885+00 NEAR KY 1373 (SECTION 8A).	PL DN RW UT CN	APD	16,000,000 16,000,000	0	1088 0
PIKE	276	-0	NEW ROUTE(O)	CONSTRUCT BRIDGE AT POTTER FLATS NEAR ELKHORN CITY.(10CCR)	PL DN RW UT CN	SP	120,000 60,000	2,810,000 2,810,000	0
PIKE	281	KY-194	SAFETY(P)	CURVE REVISION AND PASSING LANES ON KY-194 NEAR DESKINS BRANCH (08CCR) (12CCR)	PL DN RW UT CN	SPP	8,300,000 8,300,000	0	0
PIKE	298.3	KY-199	RECONSTRUCTION(O)	KY-199 SPOT IMPROVEMENT (PRIORITY 2); IMPROVE INTERSECTION WITH KY-1056 AND RELOCATE PORTIONS OF KY-199 ALONG OLD NORFOLK SOUTHERN RAILROAD BED @ MCANDREWS. (2002BOPC) (08CCR)(10CCR)	PL DN RW UT CN	SP	4,500,000 4,500,000	0	0
PIKE	298.4	KY-199	RECONSTRUCTION(O)	KY-199 SPOT IMPROVEMENT; RELOCATE PORTIONS OF KY-199 ALONG OLD NORFOLK SOUTHERN RAILROAD BED @ STONE. (2002BOPC)(08CCR)	PL DN RW UT CN	SP	5,300,000 5,300,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PIKE	1101	KY-1426	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1426 (MP 17.294) OVER BENT BRANCH; 0.4 MILES EAST OF NORTHEAST JCT KY 194; (STRUCTURALLY DEFICIENT, SR=4) 098B00014N (AR/W)(LET W/12-1102)	PL				
					DN				
					RW				
					UT				
					CN	BRX	0	0	320,000
				Project Cost:					320,000
PIKE	1102	KY-1426	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1426 (MP 17.957) OVER BENT BRANCH; 1.1 MILE EAST OF NORTHEAST JCT KY 194; (STRUCTURALLY DEFICIENT, SR=4) 098B00015N (AR/W)(LET W/12-1101)	PL				
					DN				
					RW				
					UT				
					CN	BRX	0	0	360,000
				Project Cost:					360,000
PIKE	1104	KY-610	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-610 (MP 8.146) OVER LONG FORK; .1 MI S OF JCT KY-1469; (STRUCTURALLY DEFICIENT, SR=32) 098B00069N	PL				
					DN				
					RW	BRO	200,000		
					UT	BRO	470,000		
					CN	BRO			1,100,000
				Project Cost:			670,000	0	1,100,000
PIKE	1105	KY-1469	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1469 (MP 5.243) OVER MARSHALL'S BRANCH; .72 MI E. JCT KY-3414; (STRUCTURALLY DEFICIENT, SR=7.5) 098B00242N	PL				
					DN				
					RW	BRO	90,000		
					UT	BRO	100,000		
					CN	BRO			370,000
				Project Cost:			190,000	0	370,000
PIKE	1115	KY-1441	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON FISHTRAP RD (KY 1441) OVER RACCOON CREEK AT INTERSECTION WITH COON CREEK (CR 1371)(SR 37.9) 098B000093N	PL				
					DN				
					RW	BRO	270,000		
					UT	BRO	225,000		
					CN	BRO			950,000
				Project Cost:			495,000	0	950,000

CHAPTER 139

1089

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PIKE	5011	US-460	LANDSLIDE REPAIR(P)	CORRECT EMBANKMENT FAILURE ON US-460 FROM 1.4 MILES WEST OF KY-195 (MP 8.00) TO BLAIR ADKINS ROAD (MP 10.00). (2002BOP)	PL DN RW UT CN	SP	2,400,000 2,400,000	0	0
Project Cost:									
PIKE	5016	KY-1426	ROCKFALL MITIGTN(P)	ROCKFALL MITIGATION AND ROADWAY IMPROVEMENTS IN VICINITY OF THE EXPO CENTER IN PIKEVILLE. (12CCR)	PL DN RW UT CN	SPP	1,000,000 400,000	0	3,500,000 3,500,000
Project Cost:									
PIKE	8631	US-460	SAFETY-HAZARD ELIM(P)	RECONSTRUCT CURVE ON US-460 AT MILLARD MIDDLE SCHOOL. (10CCN)	PL DN RW UT CN	SPP	5,410,000 5,410,000	0	0
Project Cost:									
PIKE	8704	CS-1192	RECONSTRUCTION(O)	RECONSTRUCTION OF THOMPSON ROAD WITH CONNECTIVITY TO US 23 NEAR THE EXISTING SUSPENSION BRIDGE AND SAFETY IMPROVEMENTS TO CASSIDY BLVD.(12CCN)	PL DN RW UT CN	SPP	2,750,000 750,000	0	3,500,000 3,500,000
Project Cost:									
PIKE	8705	CS-1192	NEW ROUTE(O)	CONSTRUCT NEW CONNECTION FROM THOMPSON ROAD TO US 23 AT STONECOAL	PL DN RW UT CN	SPP	600,000 1,500,000	0	2,100,000 0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PIKE	8805	US-119	NEW ROUTE(O)	BRIDGE FROM US-23 NEAR PAUL DAVID DRIVE	PL				
				ACROSS LEVISA FORK, INTERSECTING WITH	DN				
				KEWANEE ROAD TO ACCESS MARION BRANCH	RW				
				INDUSTRIAL PARK	UT				
					CN	SPP	0	8,000,000	0
				Project Cost:			0	8,000,000	0
PIKE	8807	US-119	SIGNAL SYS IMPROVE(P)	TRAFFIC SIGNAL AT THE ENTRANCE TO FOOD	PL				
				CITY AND US 119, SOUTH WILLIAMSON	DN				
					RW				
					UT				
					CN	SPP	75,000	0	0
				Project Cost:			75,000	0	0
Total for PIKE county									
POWELL	163	KY-213	SAFETY(P)	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND	PL				
				ADDRESS CAPACITY ISSUES FOR KY 213 FROM	DN				
				KY 11 TO BOTTOM OF MOUNTAIN. (12CCR)	RW		4,430,000	2,600,000	
					UT		2,005,000	1,500,000	
					CN		41,985,000	30,810,000	44,900,000
				Total Amounts:			48,420,000	34,910,000	44,900,000
POWELL	1085	KY-11	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON KY-11	PL				
				OVER MIDDLE FORK OF RED RIVER (B39) SE OF	DN				
				BERT T COMBS MOUNTAIN PARKWAY	RW				
				UNDERPASS. (SR=15.7); (099B00039N)	UT				
					CN	BRO	980,000	0	0
				Project Cost:			980,000	0	0

CHAPTER 139

1091

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
POWELL	1097	KY-1057	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1057 OVER FRAMES BRANCH 0.01 N OF WILLOUGHBY RD (CR-1237) (SR 38.3) 099B00079N.	PL				
					DN				
					RW				
					UT		20,000		
					CN			150,000	
					BRO				
					Project Cost:		20,000	150,000	0
					PL				
					DN				
					RW				1,050,000
PULASKI	59.11	I-66	PE & ENVIRONMENTAL(O)	I-66 SOMERSET TO LONDON. (2006KYD)(10CCR)	UT		20,000		1,090,000
					CN		980,000	150,000	
					Total Amounts:		1,000,000	150,000	2,140,000
					PL				
					DN				
					RW				
					UT				
					CN		3,219,838		
					Project Cost:		3,219,838	0	0
					PL				
PULASKI	59.21	I-66	NEW ROUTE(O)	I-66 NORTHERN BYPASS AROUND SOMERSET. (2006KYD)	DN				
					RW				
					UT				
					CN		1,470,000		
					Project Cost:		1,470,000	0	0
					PL				
					DN				
					RW				
					UT				
					CN				
PULASKI	121	KY-196	SAFETY(P)	HORIZONTAL AND VERTICAL REALIGNMENT OF KY-196 AT WHITE OAK CREEK FROM 1.0 MILE E OF WARNER ROAD TO 0.3 MILE W OF SIEVERS ROAD.(10CCR)	PL				
					DN				
					RW			70,000	
					SP			180,000	
					UT				
					CN				
					Project Cost:		0	250,000	1,410,000
					PL				
					DN				
					RW				

Total for POWELL county

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PULASKI	147	US-27	SAFETY-HAZARD ELIM(P)	MEDIAN SAFETY IMPROVEMENTS WITH LEFT-TURN LANES ON US-27 FROM 0.05 MILE NORTH OF LOST LODGE ROAD TO BOAT DOCK ROAD. (2006BOPC)(10CCR)	PL DN RW UT CN SP		510,000 510,000	0	0
				Project Cost:					
PULASKI	1054	KY-196	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 196 OVER SPITTER CREEK 0.757 MILE W OF KY 1664(SR 30.5) 100B00026N	PL DN RW UT CN BRO		170,000	610,000 610,000	0
				Project Cost:			170,000		0
PULASKI	1056	KY-1674	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1674 OVER BIG CLIFTY CREEK AT BETHLEHEM RIDGE RD (CR 1672)(SR 44.7) 100B00056N	PL DN RW UT CN BRO			30,000 30,000	390,000 390,000
				Project Cost:			0	60,000	
PULASKI	1059	CR-1086	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON GLADE FORK RD (CR 1086) OVER GLADE FORK CREEK 0.06 MILE S OF JIM WEAVER RD (CR 1087)(SR 18.6) 100C00010N	PL DN RW UT CN BRZ		60,000 130,000	600,000 600,000	0
				Project Cost:			190,000		
PULASKI	2007	KY-80	PAVEMENT REHAB-PR(P)	SOMERSET-LONDON ROAD (KY-80) WESTBOUND LANES ONLY, FROM KY-80B BYPASS (MP 21.579) TO KY- 461(MP 28.119). (2006BOPC)	PL DN RW UT CN SP		1,050,000 1,050,000	0	0
				Project Cost:					

CHAPTER 139

1093

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
PULASKI	5004	LN-9008	ROCKFALL MITIGTN(P)	CORRECT ROCKFALL HAZARD @ MP 84.6 TO 84.8 (BOTH SIDES OF ROADWAY)(10CCR) (12CCR)	PL DN RW UT CN	SP	4,160,000 4,160,000	0	0
Project Cost:									
Total for PULASKI county									
Total Amounts:									
ROBERTSON	8507.01	US-62	SAFETY(P)	RECONSTRUCT US 62/KY 616 INTERSECTION AT NEW ROBERTSON COUNTY SCHOOL TO ADD TURN LANES AND IMPROVE SIGHT DISTANCE. (12CCR)	PL DN RW UT CN		60,000 300,000 10,409,838 10,769,838	100,000 210,000 1,210,000 1,520,000	1,800,000 1,800,000
Project Cost:									
ROBERTSON	8711	KY-616	RECONSTRUCTION(O)	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN)	PL DN RW UT CN	SPP	1,100,000 1,100,000	0	0
Project Cost:									
ROBERTSON	8712	KY-165	SAFETY(P)	IMPROVE SAFETY BY RECONSTRUCTING THE CURVE ON KY 165 FROM MP 7.0 TO MP 7.2.	PL DN RW UT CN	SP	200,000 50,000 200,000	50,000	1,500,000 1,500,000
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ROBERTSON	8713	US-62	SAFETY(P)	IMPROVE SAFETY BEGINNING AT ORCHARD AVENUE TO THE INTERSECTION AT KY 616.	PL				
					DN				
					RW	SP		1,250,000	
					UT	SP			750,000
					CN				
				Project Cost:			0	1,250,000	750,000
Total for ROBERTSON county									
ROCKCASTLE	6.02	I-75	MAJOR WIDENING(O)	I-75 IN ROCKCASTLE COUNTY, KENTUCKY (MILEPOINT 64.5 TO MILEPOINT 69.0), 4.5 MILES. (04KYD-KY070)	PL				
					DN				
					RW		450,000	1,250,000	
					UT		100,000	50,000	750,000
					CN		1,100,000		1,500,000
				Total Amounts:			1,650,000	1,300,000	2,250,000
CHAPTER 139									
ROCKCASTLE	1052	KY-1505	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1505 OVER DIX RIVER 0.037 EAST OF KY 2250 (OLD US-150) (SR 25.2) 102B00046N.	PL				
					DN				
					RW	BRO	40,000		
					UT	BRO	50,000		
					CN	BRO		520,000	
				Project Cost:			90,000	520,000	0
ROCKCASTLE	1053	KY-1787	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1787 OVER DAVIS BRANCH 0.07 S OF SALT SPRINGS HOLLOW RD(CR-1048)(SR 37.5) 102B00038N	PL				
					DN				
					RW	BRO	50,000		
					UT	BRO	120,000		
					CN	BRO		750,000	
				Project Cost:			170,000	750,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ROCKCASTLE	1057	CR-1071	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON WILDIE RD (CR 1071) OVER CLEAR CREEK 0.67 MILE S OF DISPUTANTA RD (KY 1787)(SR 17.6) 102C00008N	PL DN RW UT CN	BRZ BRZ BRZ BRZ BRZ	60,000 110,000 170,000	610,000 610,000	1096 0
Project Cost:									
ROCKCASTLE	1058	CR-1071	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON WILDIE RD (CR 1071) OVER CLEAR CREEK 0.2 MILE S OF DISPUTANTA RD (KY 1787)(SR 17.6) 102C00009N	PL DN RW UT CN	BRZ BRZ BRZ BRZ BRZ	60,000 110,000 170,000	620,000 620,000	0
Project Cost:									
ROCKCASTLE	1063	CR-1140	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER MULLINS SPRING ON MULLINS STATION ROAD (CR 1140) 0.4 MI N OF US 25 (102C00012N)(SR=11.9) (EBRP)	PL DN RW UT CN	BRZ BRZ BRZ BRZ BRZ	250,000 75,000 20,000 420,000 515,000		
Project Cost:									
ROCKCASTLE	5009	KY-1329	LANDSLIDE REPAIR(P)	LANDSLIDE REPAIR ON KY-1329 FROM LUNER ROAD AT THE LAUREL COUNTY LINE, NORTHEAST TO JCT. US-25. (2002BOPC)	PL DN RW UT CN	BRZ BRZ BRZ BRZ BRZ	60,000 60,000 120,000	870,000 870,000	0
Project Cost:									
ROCKCASTLE	8718	I-75	MAJOR WIDENING(O)	MAKE I-75 THREE LANES IN EACH DIRECTION FROM EXIT 55 TO EXIT 69. (SEE 8-8718.01 FOR ADDITIONAL FUNDING FOR THIS PROJECT). (12CCCN)	PL DN RW UT CN	SP SP SP SP SP	99,000,000 99,000,000	0	0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ROCKCASTLE	8718.01	I-75	PREFINANCD CONVRSN(O)	MAKE I-75 THREE LANES IN EACH DIRECTION FROM EXIT 55 TO EXIT 69. (ADDITIONAL FUNDING FOR C PHASE) (12CCN)	PL DN RW UT CN	SP	0 39,000,000 39,000,000	0	0
Total for ROCKCASTLE county									
ROWAN	204	KY-32	RECONSTRUCTION(O)	FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)	PL DN RW UT CN		270,000 450,000 855,000 1,575,000	250,000 141,370,000 141,620,000	75,000 20,000 420,000 515,000
Total Amounts:									
ROWAN	227	US-60	SAFETY(P)	CONSTRUCT TURN LANES INTO LAKESIDE CHRISTIAN ACADEMY TO IMPROVE SAFETY. (12CCR)	PL DN RW UT CN	SPP	0	0	5,000,000 3,888,000 8,888,000
Total Amounts:									
ROWAN	301.1	-0	NEW ROUTE(O)	NEW ROUTE FROM US-60/KY-32 EAST OF MOREHEAD TO I-64 INCLUDING A NEW INTERCHANGE. (98CCN)(08CCR)	PL DN RW UT CN	SPP	3,000,000	8,000,000 3,000,000 11,000,000	0
Total Amounts:									

CHAPTER 139

1097

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ROWAN	920	KY-519	SAFETY-HAZARD ELIM(P)	INSTALLATION OF GUARDRAIL ALONG KY 519 FROM 1130 FEET NORTH OF LOWER LICK FORK ROAD EXTENDING NORTH TO 998 FEET SOUTH OF JUDY LANE. (2012BOP)	PL DN RW UT CN	SAF	90,000 90,000	0	0
Project Cost:							90,000	0	0
ROWAN	1061	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES ON US-60 OVER HAYS BRANCH (B06). (SR=13.3); (103B000006N)	PL DN RW UT CN	BRO	1,500,000 1,500,000	0	0
Project Cost:							1,500,000	0	0
ROWAN	1076	KY-32	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-32 (MP 13.289) OVER SEAYS BRANCH; 3.5 MI W OF JCT KY 504; (STRUCTURALLY DEFICIENT, SR=40) 103B000013N	PL DN RW UT CN	BRO	820,000 820,000	0	0
Project Cost:							820,000	0	0
ROWAN	1086	CR-1070	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON HAMILTON RD (CR 1070) OVER TRIPLETT CREEK 0.02 MILE N OF US 60 (SR 26.1) 103C000056N	PL DN RW UT CN	BRZ	50,000 10,000 400,000 400,000	0	0
Project Cost:							60,000	400,000	0
ROWAN	5012	KY-211	LANDSLIDE REPAIR(P)	LANDSLIDE REPAIR ON KY-211 FROM THE NORTH BANK OF LICKING RIVER, NORTHWEST TO THE FLEMING COUNTY LINE. (2002BOPC) (12CCR)	PL DN RW UT CN	SPP	60,000 30,000 2,250,000 2,250,000	0	0
Project Cost:							90,000	2,250,000	0

ACTS OF THE GENERAL ASSEMBLY

1098

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ROWAN	7030	KY-519	MINOR WIDENING(O)	WIDEN KY-519 FROM THE INTERSECTION OF KY-801 AND EXTENDING 2.0 MILES NORTH. (98CCN) (08CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SB2	13,520,000		
					Project Cost:		13,520,000	0	0
ROWAN	8401	US-60	SAFETY(P)	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES, FLATTER	PL				
					DN				
					RW	SPP	750,000		
					UT	SPP	700,000		
					CN				
					Project Cost:		1,450,000	0	0
ROWAN	8406	KY-377	RECONSTRUCTION(O)	RECONSTRUCT KY-377 FROM KY-32 TO THE LEWIS COUNTY LINE TO IMPROVE SAFETY, CAPACITY, EFFICIENCY, AND HIGHWAY SYSTEMS CONNECTIVITY IN PREPARATION OF A NEW INTERCHANGE ON I-64 AT MP 3.1. (08CCN)	PL				
					DN				
					RW	SB2	4,500,000		
					UT	SB2			2,631,800
					CN				
					Project Cost:		4,500,000	0	2,631,800
Total for ROWAN county									
					PL				
					DN		3,000,000		
					RW		5,360,000	8,000,000	5,000,000
					UT		740,000	3,000,000	6,519,800
					CN		15,360,000	2,650,000	820,000
				Total Amounts:			24,460,000	13,650,000	12,339,800
RUSSELL	108	US-127	RECONSTRUCTION(O)	US-127 FROM NORTH BANK OF THE CUMBERLAND RIVER TO THE JAMESTOWN BYPASS. (00CCR) (08CCR)(10CCR)(12CCR) (G&D)	PL				
					DN				
					RW				
					UT				
					CN	SB2		29,900,000	
					Project Cost:		0	29,900,000	0

Total for ROWAN county

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
RUSSELL	8502	LN-9008	NEW INTERCHANGE(O)	CONSTRUCT A NEW INTERCHANGE AT THE CUMBERLAND PARKWAY INTERSECTION WITH KY-910 AT WINDSOR. (08CCN)(10CCR)	PL DN RW UT CN	SB2	9,340,000 9,340,000	0	1100 0
Project Cost:									
RUSSELL	8504	US-127	I-CHANGE RECONST(O)	RECONSTRUCT INTERCHANGE RAMP FROM US-127 ON THE CUMBERLAND PARKWAY. (08CCN) (10CCR)(12CCR)	PL DN RW UT CN	SPP	7,020,000 7,020,000	0	0
Project Cost:									
RUSSELL	8601.21	US-127	RECONSTRUCTION(O)	RECONSTRUCT US 127 FR APPROX .36 MI E OF INTERSECTION KY 1730 & MANTOWN RD EXTENDING N TO N BANK OF CUMBERLAND RIVER INCLUDING NEW BRIDGE OVER LAKE CUMBERLAND FR CLINTON CO TO RUSSELL	PL DN RW UT CN	NH	1,900,000		2,100,000 810,000
Project Cost:									
Total for RUSSELL county							1,900,000	0	2,910,000
ACTS OF THE GENERAL ASSEMBLY									
Total Amounts:							16,360,000	29,900,000	2,910,000
Total Amounts:							18,260,000	29,900,000	2,910,000
SCOTT	102.5	-0	BYPASS(O)	GEORGETOWN NORTHWEST BYPASS, FROM KY-32, EAST TO I-75. (04CCR)(2004BOPC)(SEE 7-102.01 FOR "Hpp" COMPONENT)(10CCR) (12CCR)	PL DN RW UT CN	STP		4,730,000 3,540,000	
Project Cost:									
							0	8,270,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SCOTT	212	US-460	RECONSTRUCTION(O)	RECONSTRUCT US-460 FROM KY-227 AT GREAT CROSSING TO APPROX. 0.3 MILE EAST OF GEORGETOWN BYPASS (US 460B), (04CCR) (10CCR)	PL				
					DN				
					RW				
					UT				
					CN	STP	3,450,000	0	0
				Project Cost:			3,450,000		
SCOTT	425	I-75	SCOPING STUDY DD (O)	CONSTRUCT NEW I-75 INTERCHANGE AND APPROACH ROADWAY FROM CHAMPION WAY TO CHERRY BLOSSOM WAY IN GEORGETOWN.	PL				
					DN	NH	500,000		
					RW				
					UT				
					CN	NH		35,000,000	
				Project Cost:			500,000	35,000,000	0
SCOTT	1127	KY-1689	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1689 OVER LECOMPTES RUN 0.46 MILE W OF KY 227(SR 37.5) 105B00038N	PL				
					DN				
					RW	BRO	60,000		
					UT	BRO	60,000		
					CN	BRO		600,000	
				Project Cost:			120,000	600,000	0
SCOTT	8306	KY-620	MAJOR WIDENING(O)	WIDEN/IMPROVE SHOULDERS ON KY-620. (06CCN) (08CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPB	1,560,000	0	
				Project Cost:			1,560,000		
Total for SCOTT county									
					PL				
					DN		500,000		
					RW		60,000	4,730,000	
					UT		60,000	3,540,000	
					CN		5,010,000	35,600,000	
				Total Amounts:			5,630,000	43,870,000	0

CHAPTER 139

1101

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SHELBY	348.01	KY-1848	MAJOR WIDENING(O)	5-LANE KY-1848 FROM THE I-64 INTERCHANGE TO US-60 AT SIMPSONVILLE. (02KYD)(NCPD) (2004BOPC) (08CCR)(10CCR)(12CCR)	PL DN RW UT CN	STP	0	0	1102 7,920,000 7,920,000
Project Cost:									
SHELBY	1060	KY-53	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-53 (MP 11.366) OVER FOX RUN CREEK; 3.0 MI NORTH OF JCT US-60W; (STRUCTURALLY DEFICIENT, SR=38.9) 106B00031N	PL DN RW UT CN	BRO	100,000 70,000		1,500,000 1,500,000
Project Cost:									
SHELBY	1063	KY-55	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-55 OVER BULL SKIN CREEK 0.18 MILE N OF HERITAGE LN (PR-1212) (SR 35.9) 106B00020N.	PL DN RW UT CN	BRO	100,000 100,000	2,200,000 2,200,000	0
Project Cost:									
SHELBY	1069	CR-1036	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON SCRABBLE RD (CR 1036) OVER BACKBONE CREEK 0.47 MILE E OF CEDARMOORE RD (KY 1922)(SR 44.2) 106C00055N	PL DN RW UT CN	BRZ			60,000 30,000
Project Cost:									
SHELBY	2035.4	I-64	PAVEMENT REHAB-INT(P)	PAVEMENT REHAB AND BRIDGE WIDENING ON I-64 FROM MP 43.33 TO MP 47.70. (2004BOPC) (DESIGN FUNDING COVERS 5-2035.70 SECTION ALSO)	PL DN RW UT CN	IM	110,000 110,000	0	0
Project Cost:									
							220,000	0	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SHELBY	8511	KY-53	RECONSTRUCTION(O)	WIDEN KY-53 TO FOUR LANES FROM I-64 TO US-60. (08CCN)(10CCN)(12CCR)	PL				
					DN				
					RW	STP		1,850,000	
					UT	STP		1,400,000	
					CN				
				Project Cost:			0	3,250,000	0
SHELBY	8713	US-60	RECONSTRUCTION(O)	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN)	PL				
					DN				
					RW	SPP	350,000		
					UT	SPP	1,000,000		
					CN				
				Project Cost:			1,350,000	0	0
Total for SHELBY county									
SIMPSON	8.32	US-31	MAJOR WIDENING(O)	US-31W SECTION 3B: THREE LANE WIDENING FROM NORTH OF I-65 INTERCHANGE TO WAL-MART/LOWES AT FRANKLIN (04CCR) (08CCR)(10CCR)(2012BOP)	PL				
					DN				
					RW		660,000	1,850,000	60,000
					UT		1,280,000	1,400,000	30,000
					CN			2,200,000	9,420,000
				Total Amounts:			1,940,000	5,450,000	9,510,000
					PL				
					DN				
					RW				
					UT				
					CN				
				Project Cost:			4,790,000	0	0
SIMPSON	19	I-65	PAVEMENT REHAB-INT(P)	WIDENING OF I-65 AND CONSTRUCTION OF RAMPS NEAR THE STATE LINE FOR NEW INTERCHANGE WITH SR-109 IN TENNESSEE. (CONSTRUCTION AND UTILITY COSTS BEING HANDLED BY TDOT AS PER MOA). (2012BOP)	PL				
					DN				
					RW	NH	100,000		
					UT				
					CN				
				Project Cost:			100,000	0	0

CHAPTER 139

1103

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SIMPSON	106	KY-1008	PHASE I DESIGN(O)	FRANKLIN NORTHWEST BYPASS; EXTEND KY-1008 FROM US-31W TO KY-100 WEST. (2002BOPP)(10CCR)(12CCR)	PL DN RW SP UT SP CN SP		3,000,000 2,500,000 5,500,000		1104 11,500,000 11,500,000
				Project Cost:			0		
SIMPSON	319	KY-100	RECONSTRUCTION(O)	IMPROVEMENTS TO KY 100: RECONSTRUCT KY 100 FROM KY 622 TO EAST OF SULPHUR FORK CREEK. (12CCR)	PL DN RW SPP UT SPP CN				640,000 1,500,000
				Project Cost:			0		2,140,000
SIMPSON	1086	KY-664	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER JOHNSON CREEK ON KY 664 100 FT E OF KY 1885 (107B00019N) (SR=43.7)(EBRP)	PL DN BRX RW BRX UT BRX CN BRX			250,000	75,000 75,000 300,000 450,000
				Project Cost:			0	250,000	
SIMPSON	1089	CR-1300	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER SPRING CREEK ON ROBEE-BETHEL GROVE ROAD (CR 1300) 0.9 MI N OF KY 100 (107C00004N)(SR=42.3) (EBRP)	PL DN BRZ RW BRZ UT BRZ CN BRZ			250,000	50,000 60,000 200,000 310,000
				Project Cost:			0	250,000	
SIMPSON	8306	KY-100	RECONSTRUCTION(O)	RECONSTRUCTION AND WIDENING KY-100 FROM I-65 TO KY-622. (06CCN)(10CCR). (12CCR)	PL DN RW STP UT STP CN STP				
				Project Cost:			4,440,000	8,670,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SIMPSON	8808	KY 1008	MAJOR WIDENING(O)	MAJOR WIDENING OF KY 1008 TO 3 LANES WITH URBAN SECTION FROM KY 73 TO NORTH STREET IN FRANKLIN TO INCREASE CAPACITY AND FUNCTION OF THE EXISTING FRANKLIN BYPASS. MP 3.688-4.333.	PL				
					DN	SPP		600,000	
					RW				
					UT				
					CN				
				Project Cost:			0	600,000	0
SIMPSON	8810		NEW ROUTE(O)	INDUSTRIAL PARK ACCESS ROADS.	PL				
					DN				
					RW				
					UT				
					CN	SPP			300,000
				Project Cost:			0	0	300,000
SIMPSON	8855	KY-1008	MAJOR WIDENING(O)	MAJOR WIDENING TO 3-LANES WITH URBAN SECTION FROM KY-73 TO NORTH FRANKLIN STREET.	PL				
					DN	SPP		600,000	
					RW	SPP			1,700,000
					UT				
					CN				
				Project Cost:			0	600,000	1,700,000
SIMPSON	8856	US-31	MAJOR WIDENING(O)	MAJOR WIDENING TO 5-LANES WITH URBAN SECTION FROM KY-1008 TO KY-621.	PL				
					DN	SP		1,000,000	
					RW	SP			2,000,000
					UT				
					CN				
				Project Cost:			0	1,000,000	2,000,000
Total for SIMPSON county									
					PL				
					DN			2,700,000	
					RW		4,900,000		4,465,000
					UT		5,140,000		1,635,000
					CN		4,790,000	8,670,000	12,300,000
				Total Amounts:			14,830,000	11,370,000	18,400,000

CHAPTER 139

1105

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
SPENCER	395	KY-44	RECONSTRUCTION(O)	KY-44 WIDENING FROM OAK TREE WAY TO KY-1633. (08CCR)(12CCR)	PL DN RW UT CN	SB2	4,850,000 4,850,000	0	0
					Project Cost:				
SPENCER	476	KY-55	SAFETY(P)	IMPROVE SAFETY AT THE INTERSECTION OF KY 55 AND KY 1169 AND PROVIDE FOR TURN LANES. (12CCR)	PL DN RW UT CN	SPP	150,000 150,000	1,750,000 1,750,000	0
					Project Cost:		300,000		0
SPENCER	1033	KY-55	BRIDGE REPLACEMENT(P)	REPLACE SALT RIVER BRIDGE IN TAYLORSVILLE (504). (SR=41.2) (08CCR). (108B00004N) (10CCR)(12CCR)	PL DN RW UT CN	BRO	4,620,000 4,620,000	0	0
					Project Cost:				
SPENCER	1055	KY-3192	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-3192 (MP 0.058) OVER ELK CREEK, .1 MI WEST OF JCT KY-1633, (STRUCTURALLY DEFICIENT, SR=49.3) 108B00013N	PL DN RW UT CN	BRX	90,000 60,000		350,000 350,000
					Project Cost:		150,000	0	
SPENCER	1080	KY-2885	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER SIMPSON CREEK ON KY 2885 (WEST RIVER ROAD) AT JCT WITH NETHERTON LANE (CR 1082) 3-TON WEIGHT LIMIT (SR=2)(108B00041N)	PL DN RW UT CN	BRX	400,000	100,000 50,000 500,000	0
					Project Cost:		400,000	650,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for SPENCER county									
TAYLOR	142.2	KY-555	NEW ROUTE(O)	CONSTRUCTION SECTION 1 - CAMPBELLSVILLE BYPASS FROM KY-55 TO KY-70. (2010BOP)	PL		400,000		
					DN				
					RW		240,000	100,000	
					UT		210,000	50,000	
					CN		9,470,000	2,250,000	350,000
					Total Amounts:		10,320,000	2,400,000	350,000
					PL				
					DN				
					RW	NH			9,200,000
					UT				
TAYLOR	1058	CR-1236	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER GREEN RIVER (C15) 0.75MI SW OF N-JCT. KY-55. (SR=25.2): (109C00015N)(AR/W)	PL				
					DN				
					RW				
					UT				
					CN				
					Project Cost:		0	0	9,200,000
					PL				
					DN				
					RW				
					UT				
TAYLOR	1082	CR-1001	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON WISE RD (CR 1001) OVER LONG BRANCH .08 MILE W OF LONG BRANCH RD (CR 1002)(SR 23.7) 109C00001N	PL				
					DN				
					RW	BRZ	30,000		
					UT				
					CN				
					Project Cost:		1,500,000	0	0
					PL				
					DN				
					RW				
					UT				
TAYLOR	1086	KY-70	BRIDGE REPLACEMENT(P)	REPLACE KY 70 BRIDGE OVER STONER CREEK IN TAYLOR COUNTY KENTUCKY BY USING HYBRID COMPOSITE BEAMS (HCB) AS PER FEDERALLY APPROVED "HIGHWAYS FOR LIFE" DISCRETIONARY FUNDED PROJECT.(KYD2013)	PL				
					DN	STP	25,000		
					RW				
					UT	STP	25,000		
					CN	KYD	120,000		
					Project Cost:		170,000	0	0
					PL				
					DN				
					RW				
					UT				

CHAPTER 139

1107

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1108

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016				
Total for TAYLOR county													
TODD	8401	KY-181	CONGESTION MITIGTN(O)	RECONSTRUCT AND WIDEN FROM ELKTON COURTHOUSE NORTH TO US-68/KY 80. (08CCN) (10CCR)(12CCR)	PL								
					DN		25,000						
					RW		30,000		9,200,000				
					UT		25,000						
					CN		1,620,000		120,000				
					Total Amounts:						1,700,000	0	9,320,000
					PL								
					DN								
					RW		740,000						
					UT		910,000						
		CN					2,110,000						
Project Cost:						1,650,000	2,110,000		0				
TODD	8811	KY-181	RECONSTRUCTION(O)	RECONSTRUCT KY-181 (ELTON ROAD) FROM US-79 (MP 0.000) TO NORTH OF INTERSECTION WITH US-41 (MP 0.214) TO INCLUDE A NEW INTERSECTION WITH KY-294. (MP 0.000-0.400)	PL								
					DN				250,000				
					RW				250,000				
					UT								
					CN								
					Project Cost:						0	0	500,000
					PL								
					DN								
					RW		740,000			250,000			
					UT		910,000			250,000			
		CN					2,110,000						
Total Amounts:						1,650,000	2,110,000		500,000				
TRIGG	151	US-68	NEW ROUTE(O)	CONSTRUCTION OF FINAL TWO LANES OF CADIZ BYPASS. (12CCR)	PL								
					DN		300,000						
					RW								
					UT								
					CN		6,500,000						
					Project Cost:						6,800,000	0	

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
TRIGG	180.1	US-68	MAJOR WIDENING(O)	CADIZ-AURORA; FROM 200 METERS WEST OF KY-1489 TO 200 METERS WEST OF PETE LIGHT SPRING ROAD.(10CCR)(12CCR)	PL DN RW UT CN	NH	22,500,000 22,500,000	0	0
Project Cost:									
TRIGG	180.11	US-68	MAJOR WIDENING(O)	CADIZ-AURORA; FROM 200 METERS WEST OF PETE LIGHT SPRING ROAD TO CADIZ BYPASS (GRADE, DRAIN & SURFACE)(10CCR)	PL DN RW UT CN	NH			
Project Cost:									
TRIGG	180.51	US-68	MAJOR WIDENING(O)	CADIZ-AURORA; FROM EAST END OF LAKE BARKLEY BRIDGE TO 200 METERS WEST OF KY-1489 (08CCR)(10CCR)	PL DN RW UT CN	NH			
Project Cost:									
TRIGG	180.6	US-68	BRIDGE REPLACEMENT(P)	CADIZ-AURORA; BRIDGE OVER LAKE BARKLEY (TOTAL CONSTRUCTION COST IS \$165 MILLION) (2008BOPP); (111B00020N)(10CCR)	PL DN RW UT CN	JM5		90,000,000 90,000,000	0
Project Cost:									
TRIGG	180.61	US-68	PREFINANCD CONVRN(O)	CADIZ-AURORA; BRIDGE OVER LAKE BARKLEY (ADDITIONAL FUNDING FOR C PHASE)(10CCR)	PL DN RW UT CN	JM5			
Project Cost:									

CHAPTER 139

1109

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
TRIGG	1133	KY-1585	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1585 (MP 4.87) OVER SINKING FORK, .3 MI. NORTH OF HWY. 272 JCT.; (STRUCTURALLY DEFICIENT, SR=19.7) 111B00054N (AR/W)	PL DN RW UT CN	BRX BRX	220,000 220,000	0	1,000,000 1,000,000
				Project Cost:					
TRIGG	2039	I-24	BRIDGE REHAB(P)	OVERLAY BRIDGE DECK AND REPLACE EXPANSION JOINTS ON EASTBOUND I-24 BRIDGE OVER TRW RAILROAD EAST OF US 68 AT (MP 66.515). (111B00027R) (2012BOP)	PL DN RW UT CN	IM	250,000 250,000	0	0
				Project Cost:					
Total for TRIGG county									
					PL DN RW UT CN		300,000 220,000 38,990,000 39,510,000	90,000,000 90,000,000	92,880,000 92,880,000
				Total Amounts:					
TRIMBLE	135.81	US-421	BRIDGE REPLACEMENT(P)	NEW MILTON-MADISON BRIDGE APPROACHES TO REALIGN US 421 AT BOTTOM OF HILL AT NEW BRIDGE LOCATION.	PL DN RW UT CN	SPP BRO	750,000 750,000	0	5,000,000 5,000,000
				Project Cost:					
TRIMBLE	905	US-421	SAFETY(P)	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR)	PL DN RW UT CN	STP STP STP	320,000 260,000 830,000	830,000	0
				Project Cost:					

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
TRIMBLE	1075	KY-2871	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER LITTLE KENTUCKY RIVER ON KY 2871 150 FT NW OF KY 1335. (112B00029N) (SR=46.2)	PL	BRX		375,000	
					DN	BRX		15,000	
					RW	BRX		10,000	
					UT	BRX			
					CN	BRX		500,000	
					Project Cost:				
TRIMBLE	8712	US-421	SAFETY(P)	CONSTRUCT TURN LANES INTO TRIMBLE COUNTY HIGH SCHOOL. (12CCN)	PL				
					DN	SPP		250,000	
					RW				
					UT				
					CN	SPP			2,000,000
					Project Cost:				
Total for TRIMBLE county									
UNION	79.2	US-60	RECONSTRUCTION(O)	PADUCAH-HENDERSON; RECONSTRUCT US-60 FROM WAVERLY BYPASS TO CORYDON BYPASS. (PRIORITY SECTION)(08CCR)(12CCR)	PL				
					DN			1,000,000	375,000
					RW			320,000	15,000
					UT			260,000	10,000
					CN				1,330,000
					Total Amounts:				
UNION	122.01	US-60	MAJOR WIDENING(O)	PADUCAH-HENDERSON; MORGANFIELD BYPASS TO WAVERLY (08CCR)(12CCR)	PL				
					DN				
					RW	SP		3,860,000	
					UT	SP		2,710,000	
					CN				
					Project Cost:				
Total for UNION county									

CHAPTER 139

1111

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
UNION	123.01	US-60	BYPASS(O)	PADUCAH-HENDERSON; WAVERLY BYPASS. (12CCR)	PL DN RW UT CN	SP		1,730,000	1112
				Project Cost:			0	1,730,000	0
UNION	139	US-60	NEW ROUTE(O)	CONSTRUCT NEW US-60 BYPASS AT SULLIVAN. (04CCN)	PL DN RW UT CN	SP	1,000,000		
				Project Cost:			1,000,000	0	0
UNION	310.2	KY-56	MINOR WIDENING(O)	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAVNEETOWN BRIDGE.	PL DN RW SP UT SP CN		1,500,000		2,000,000 2,000,000
				Project Cost:			1,500,000	0	4,000,000
UNION	1073	KY-359	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-359 (MP 0.971) OVER LOST CREEK; .95 MI N.E. OF JCT US-60; (FUNCTIONALLY OBSOLETE, SR=48.6) 113B00006N	PL DN RW UT CN	BRO	75,000 125,000		570,000
				Project Cost:			200,000	0	570,000
UNION	1074	KY-359	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-359 (MP 1.193) OVER SINKING CREEK; 1.1 MI N.E. OF JCT US-60; (FUNCTIONALLY OBSOLETE, SR=48.6) 113B00007N	PL DN RW UT CN	BRO	75,000 125,000		570,000
				Project Cost:			200,000	0	570,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
UNION	8636	US-60	SAFETY(P)	CONSTRUCT CENTER TURN LANE AT UNION COUNTY HOSPITAL AND NEW UNION COUNTY TECHNOLOGY CENTER. (10CCN)	PL DN RW UT CN	SB2	470,000 470,000	0	0
Project Cost:									
Total for UNION county									
Total Amounts:									
WARREN	16	I-65	NEW INTERCHANGE(O)	CONSTRUCT NEW INTERCHANGE ON I-65 TO ACCOMMODATE MAJOR DEVELOPMENT POSSIBILITIES NORTH OF BOWLING GREEN. (08CCR)(SEE 3-16.03 3-16.04; FOR ADDITIONAL "HPP" AND "IM" FUNDS) (12CCR)	PL DN RW UT CN		4,300,000 4,010,000 2,960,000 470,000 11,740,000	7,410,000 2,250,000 9,660,000	2,000,000 2,000,000 1,140,000 5,140,000
Project Cost:									
WARREN	16.03	I-65	NEW INTERCHANGE(O)	CONSTRUCTION OF NEW I-65 INTERCHANGE IN WARREN COUNTY.(GRADE & DRAIN ONLY, SEE 16.04 FOR C PHASE SURFACING) (2005HPP-KY137; KY150; KY167)(SEE 3-16.00 AND 3-16.04 FOR "IM" C PHASE FUNDING)	PL DN RW UT CN	IM	0 18,671,207 18,671,207	0	0
Project Cost:									
WARREN	16.04	I-65	NEW INTERCHANGE(O)	CONSTRUCTION OF NEW I-65 INTERCHANGE IN WARREN COUNTY.(SURFACING ONLY, SEE 16.03 FOR G&D) (SEE 3-16.00 FOR STP COMPONENT)	PL DN RW UT CN	IM	0 13,000,000 13,000,000	0	0
Project Cost:									

CHAPTER 139

1113

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WARREN	17.1	I-65	I-CHANGE RECONSTRUCT(O)	CONSTRUCTION OF PEDESTRIAN ACCESSIBILITY IMPROVEMENTS AT US 231-KEN BAILE BLVD AND US 231-CUMBERLAND TRACE (KY 2158) INTERSECTIONS WITHIN THE I-65/US 231 (SCOTTSDALE ROAD) INTERCHANGE AT	PL DN RW UT CN	NH	420,000 420,000	0	1114
Project Cost:							420,000	0	0
WARREN	102.2	KY-884	MAJOR WIDENING(O)	WIDEN THREE SPRINGS ROAD TO REDUCE CONGESTION FROM FLEALAND TO 0.30 MILE WEST OF SCOTTSDALE ROAD.	PL DN RW UT CN	SPP	5,640,000 5,640,000	0	0
Project Cost:							5,640,000	0	0
WARREN	109	KY-101	RECONSTRUCTION(O)	RECONSTRUCT KY-101 FROM SMITHS GROVE NORTH TO US-31W. (00CCR)(04CCR)(06CCR) (FUNDING SWAP WITH 11-20.00) (12CCR)	PL DN RW UT CN	SP	3,310,000 1,410,000 4,720,000	0	12,670,000 12,670,000
Project Cost:							4,720,000	0	12,670,000
WARREN	110	KY-185	RECONSTRUCTION(O)	RECONSTRUCT KY-185 FROM NORTH OF THE JUNCTION WITH KY-283 NEAR RICHARDSVILLE (MP 6.29) TO THE BUTLER COUNTY LINE (MP 11.913). (02CCR)(04CCR)(06CCR)(10CCR)	PL DN RW UT CN	SPP	700,000	0	3,310,000 2,540,000 5,850,000
Project Cost:							700,000	0	5,850,000
WARREN	131	US-31	SAFETY(P)	CONSTRUCT ROUNDABOUT AT US-31W BYPASS AND CHESTNUT STREET/UNIVERSITY BLVD/LOVING WAY (06CCR) (08CCR) (10CCR) (12CCR)	PL DN RW UT CN	SB2	2,300,000 2,300,000	0	0
Project Cost:							0	2,300,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WARREN	199	US-31	MAJOR WIDENING(O)	WIDEN TO 5 LANES FROM 1.0 MILE SOUTH OF KY 242 (MP 4.1) TO DILLARD ROAD (MP 6.7). (12CCR)	PL				
					DN				
					RW	SPP		3,570,000	
					UT	SPP		3,820,000	
					CN				
				Project Cost:			0	7,390,000	0
WARREN	200	US-31	SAFETY(P)	REALIGN INTERSECTION OF US 31W AND MOORMAN LANE AND US 31W AND BRISTOW ROAD. (12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		700,000	
				Project Cost:			0	700,000	0
WARREN	1070	CR-1301	BRIDGE REPLACEMENT(P)	WEST BOGLE ROAD; REPLACE BRIDGE AND APPROACHES OVER RJC RAILROAD 0.20 MILE SOUTHEAST OF US-68 (C7). (SR=16.5): (114C00007N)	PL				
					DN				
					RW				
					UT				
					CN	BRZ	1,140,000		
				Project Cost:			1,140,000	0	0
WARREN	1077	KY-234	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-234 OVER DRAKES CREEK 0.097 E OF SHAKER MILL RD (CR-1131) (SR 42.8) 114B00012N.	PL				
					DN				
					RW	BRO		160,000	
					UT	BRO		1,150,000	
					CN				
				Project Cost:			0	1,310,000	0
WARREN	1090	CR-1425	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BRANCH OF INDIAN CREEK ON LODGE HALL ROAD (CR 1425) 1.4 Mi W OF KY 185 (114C00021N)(SR=49.4) (EBRP)	PL				
					DN	BRZ		250,000	
					RW	BRZ			50,000
					UT	BRZ			75,000
					CN	BRZ			260,000
				Project Cost:			0	250,000	385,000

CHAPTER 139

1115

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WARREN	8632	CS-1691	NEW ROUTE(O)	REALIGN HENNESEY WAY AT CORVETTE DRIVE. (10CCN)	PL DN RW UT CN Project Cost:	SB2	280,000		1116
WARREN	8702	US-231	MAJOR WIDENING(O)	WIDEN AND EXPAND US 231 FROM LOVER'S LANE TO THREE SPRINGS ROAD. (12CCN)	PL DN RW UT CN Project Cost:		280,000	0	0
WARREN	8707	WN-9007	NEW INTERCHANGE(O)	CONSTRUCT A NEW INTERCHANGE ON THE NATCHER PARKWAY AT ELROD ROAD IN BOWLING GREEN (MP 3.4 TO MP 4.0). (12CCN)	SPP SPP SPP Project Cost:		1,600,000	2,000,000	5,000,000
WARREN	8818		NEW ROUTE(O)	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY.	PL DN RW UT CN Project Cost:		0	700,000	0
WARREN	8851	KY-884	MAJOR WIDENING(O)	IMPROVE SAFETY AND MOBILITY ON KY-884 FROM THE NATCHER PARKWAY OVERPASS TO FLEALAND (MP 7.4 TO MP 8.7). ADD ADDITIONAL LANES, CAPACITY, AND TURNING LANE.	PL DN RW UT CN Project Cost:		0	5,000,000	2,800,000
WARREN							0	1,000,000	0

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WARREN	8852	KY-884	MINOR WIDENING(O)	RECONSTRUCT KY-884 FROM LONG ROAD TO THE NATCHER PARKWAY (MP 5.516 TO MP 7.438) INCLUDING A BRIDGE OVER THE NATCHER PARKWAY.	PL DN RW UT CN	SPP			700,000
				Project Cost:			0	0	700,000
WARREN	8853	US-31	MINOR WIDENING(O)	MINOR WIDENING (2 + 1 CONCEPT) FROM SOUTH OF THE KY-240 INTERSECTION NORTH TO BUCHANON PARK (MP 1.464 TO MP 4.258).	PL DN RW UT CN	SPP			1,200,000
				Project Cost:			0	0	1,200,000
Total for WARREN county									
					PL		980,000	2,950,000	1,900,000
					DN		4,910,000	7,730,000	3,360,000
					RW		1,410,000	6,970,000	5,415,000
					UT		25,871,207	10,500,000	30,930,000
					CN		33,171,207	28,150,000	41,605,000
				Total Amounts:					
WASHINGTON	396	US-150	SCOPING STUDY DD (O)	DESIGN STUDY TO DETERMINE IMPROVEMENTS NEEDED FOR US 150 BETWEEN SPRINGFIELD AND BARDSTOWN.	PL DN RW UT CN	SPP		500,000	
				Project Cost:			0	500,000	0
Total for WASHINGTON county									
					PL			500,000	
					DN				
					RW				
					UT				
					CN				
				Total Amounts:			0	500,000	0

CHAPTER 139

1117

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WAYNE	109.1	KY-90	SAFETY(P)	RECONSTRUCT KY-90 FROM OLD MILL SPRINGS ROAD TO BRIDGE AT MP 19.5. (12CCR)	PL DN RW UT CN	SB2 SP	1,580,000	0	8,440,000
				Project Cost:			1,580,000	0	8,440,000
WAYNE	110	CS-1125	MINOR WIDENING(O)	WIDEN WASHAM LANE FROM COLUMBIA AVENUE (KY 92) TO PREVIOUSLY WIDENED SECTION 0.1 MILE SW OF COLUMBIA AVE THE BYPASS IN MONTICELLO. (08CCR)(10CCR)	PL DN RW UT CN	SPB	120,000 120,000	0	0
				Project Cost:			120,000	0	0
WAYNE	394	KY-92	RECONSTRUCTION(O)	RAISE GRADE TO PREVENT FLOODING FROM 0.5 MI W OF VALLEY VIEW DRIVE TO 0.7 MI W OF KY 1258. (12CCR)	PL DN RW UT CN	SPP SPP		1,660,000 2,170,000	0
				Project Cost:			0	3,830,000	0
WAYNE	397	KY-90	SAFETY(P)	INSTALL TURN LANES ON KY 90 IN THE VICINITY OF WALMART.	PL DN RW UT CN	SPP		4,000,000 4,000,000	0
				Project Cost:			0	4,000,000	0
WAYNE	1050	CR-1136	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1136 (MP 0.225) OVER LITTLE SOUTH FORK RIVER; 0.25 MI SE OF JCT CR-5137; (STRUCTURALLY DEFICIENT, SR=16.6) 116C00007N	PL DN RW UT CN	BRZ BRZ BRZ	90,000 80,000	0	570,000
				Project Cost:			170,000	0	570,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WAYNE	1051	CR-1700	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1700 (MP 0.008) OVER DRY HOLLOW CREEK; 15' E. JCT CR-5213; (STRUCTURALLY DEFICIENT, SR=5.6) 116C00040N (AR/W)	PL				
					DN				
					RW				
					UT	BRZ	65,000		410,000
					CN	BRZ			
					Project Cost:		65,000	0	410,000
Total for WAYNE county									
WEBSTER	143	US-41	NEW ROUTE(O)	RECONSTRUCT US-41A BETWEEN PROVIDENCE AND DIXON (04CN)(08CCR)(10CCR)(12CCR)	PL				
					DN				
					RW		1,670,000	1,660,000	
					UT		145,000	2,170,000	
					CN		120,000	4,000,000	9,420,000
					Total Amounts:		1,935,000	7,830,000	9,420,000
WEBSTER	228	KY-138	RECONSTRUCTION(O)	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)	PL				
					DN				
					RW	SPP		5,370,000	
					UT	SP		4,430,000	
					CN				
					Project Cost:		1,760,000	9,800,000	0
WEBSTER	8637	EB-9004	DESIGN ENGINEERING(O)	RECONSTRUCT EDWARD T BREATHITT (PENNYRILE) PARKWAY / KY 56 INTERCHANGE NEAR SEBREE. (I-69 CORRIDOR IMPROVEMENT). (10CCN)(ARW)	PL				
					DN				
					RW	SPP	100,000		
					UT	SPP	250,000		
					CN	SPP		1,200,000	
					Project Cost:		350,000	1,200,000	0
					CN	NH		10,400,000	
					Project Cost:		0	10,400,000	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
Total for WEBSTER county									
WHITLEY	186	US-25	MAJOR WIDENING(O)	MAJOR WIDENING, ADDRESSES CONGESTION, FREIGHT MOVEMENT, AND ACCESS ALONG 25W FROM KY 727 TO KY 3041. (12CCR)	PL				1120
					DN		1,760,000		
					RW		100,000	5,370,000	
					UT		250,000	4,430,000	
					CN			11,600,000	
					Total Amounts:		2,110,000	21,400,000	0
					PL				
					DN				
					RW			1,935,000	
					UT				2,540,000
WHITLEY	931	KY-204	SAFETY-HAZARD ELIM(P)	INSTALL GUARDRAIL ALONG KY 204 FROM 1.67 MILES FROM KY 296 TO 0.67 MILES SOUTH OF US 25. (2012BOP)	CN		0	1,935,000	2,540,000
					Project Cost:				
					PL				
					DN				
					RW				
					UT				
					CN		140,000		
					Project Cost:		140,000	0	0
					PL				
					DN				
WHITLEY	1085	CR-1184	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1184 (MP 0.139) OVER PATTERSON CREEK; .2 MI EAST OF JCT KY 904; (STRUCTURALLY DEFICIENT; SR=16.5) 118C00012N (12CCR)(ARW)	PL				
					DN				
					RW				
					UT		200,000		
					CN		950,000		
					Project Cost:		1,150,000	0	0
					PL				
					DN				
					RW				
					UT				
WHITLEY	8306	KY-2386	RECONSTRUCTION(O)	RECONSTRUCT KY-2386 SOUTH OF BAILEY'S CURVE TO THE INTERSECTION OF SOUTH 2ND STREET BY STRAIGHTENING AND RAISING ABOVE THE FLOOD PLAIN. (06CCN)(10CCR)	PL				
					DN				
					RW				
					UT				
					CN		2,980,000		
					Project Cost:		2,980,000	0	0
					PL				
					DN				
					RW				
					UT				

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

CHAPTER 139

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016					
Total for WHITLEY county														
WOLFE	126.7	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.45 MI W OF KY 205 (MP 56.8) TO CR 1226 PARKWAY ROAD TUNNEL (MP 59.30). (2012BOP)	PL									
					DN									
					RW		1,935,000							
					UT		200,000							
					CN		4,070,000							
					Total Amounts:						4,270,000	1,935,000	2,540,000	
					PL									
					DN		980,000							
					RW			2,000,000						
					UT				750,000					
CN														
Project Cost:						980,000	2,000,000	750,000						
WOLFE	162	KY-9000	RECONSTRUCTION(O)	RECONSTRUCT TO CURRENT STANDARDS THE CURVE FROM THE KY 15 OVERPASS TO 2700 EAST OF KY 15 OVERPASS. (12CCR)	PL									
					DN									
					RW				50,000					
					UT				50,000					
					CN									
					Project Cost:						0	0	100,000	
					WOLFE	165	KY-1010	SAFETY(P)	ADDRESS SAFTEY ISSUES AT INTERSECTION OF KY 3356. (12CCR)	PL				
										DN				
										RW				
										UT				
CN		500,000												
Project Cost:											500,000	0	0	
WOLFE	168	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MTN PKY TO 4 LANES FROM 0.6 MI W OF KY 191 OVERPASS TO 0.45 MI W OF KY 205 INTERCHANGE. (SEE 10-126.03 FOR PE & ENVIR FUNDS)(2012BOP)						PL				
										DN				5,000,000
										RW				
										UT				
					CN									
					Project Cost:						0	0	5,000,000	
											0	0		

CHAPTER 139

1121

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WOLFE	8101	KY-205	RECONSTRUCTION(O)	RECONSTRUCT KY-205 FROM THE WOLFE/BREATHITT CO. LINE TO THE MOUNTAIN PARKWAY (PHASE 1). (02CCN)(08CCR)(08CCR)(10CCR)(12CCR)	PL DN RW UT CN	SPP		11,590,000	1122
				Project Cost:			0	11,590,000	0
WOLFE	8102	KY-191	SAFETY(P)	HILL AND CURVE CORRECTION ON KY-191 BETWEEN HAZEL GREEN AND KY-205. (02CCN)(08CCR)(10CCR)	PL DN RW SP UT CN	SP	250,000 670,000	1,550,000	0
				Project Cost:			920,000	1,550,000	0
WOLFE	8803	KY-715	RECONSTRUCTION(O)	RECONSTRUCTION OF KY-715 & KY-2016 INTERSECTION MP 2.548 - MP 2.748	PL DN RW UT CN	SPP	100,000	50,000	100,000
				Project Cost:			100,000	50,000	100,000
Total for WOLFE county									
					PL				
					DN		1,080,000		5,000,000
					RW		250,000	2,050,000	50,000
					UT		670,000		900,000
					CN		500,000	13,140,000	
				Total Amounts:			2,500,000	15,190,000	5,950,000
WOODFORD	345	-0	NEW ROUTE(O)	NORTHWEST VERSAILLES MOBILITY CORRIDOR. (06CCR)(10CCN)(12CCN)	PL DN RW UT CN	SPP	2,000,000		5,000,000
				Project Cost:			2,000,000	0	7,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
WOODFORD	8642	CR-1015	BRIDGE REPLACEMENT(P)	REPLACE THE WEISENBURG MILL ROAD BRIDGE AT THE WOODFORD/SCOTT COUNTY LINE. (10CCN)	PL DN RW UT CN	SB2	500,000 500,000	0	0
				Project Cost:					
WOODFORD	8701	KY-169	SAFETY(P)	IMPROVE SAFETY ON KY 169 NEAR BOYD'S ORCHARD ENTRANCE MP 2.9-3.08 (12CCN)	PL DN RW UT CN		1,800,000 1,800,000	0	0
				Project Cost:					
WOODFORD	8811	US-60	RELOCATION(O)	RESURFACING US 60 BUSINESS DISTRICT FROM MAIN ST TO BG PARKWAY. URBAN SECTION MP 0.96 (US-62/MAIN ST) TO MP 1.79. RURAL SECTION MP 9.385 TO MP 11.283.	PL DN RW UT CN	SPP	800,000 800,000	0	0
				Project Cost:					
CHAPTER 139									
Total for WOODFORD county									
				Total Amounts:					
ZVARIOUS	65.11	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2014. (2006BOPP)	PL DN RW UT CN	IM	2,000,000 2,300,000 4,300,000	0	0
				Project Cost:					

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	65.12	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2015.	PL DN RW UT CN	IM	0	3,500,000 3,500,000	0
				Project Cost:					
ZVARIOUS	65.13	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2016. (2009BOPP)	PL DN RW UT CN	IM	0	3,500,000 3,500,000	0
				Project Cost:					
ZVARIOUS	66.09	-0	ITS(P)	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2014.	PL DN RW UT CN	NH	2,000,000 2,000,000	0	0
				Project Cost:					
ZVARIOUS	66.1	-0	ITS(P)	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2015.	PL DN RW UT CN	NH	2,000,000 2,000,000	0	0
				Project Cost:					
ZVARIOUS	66.11	-0	ITS(P)	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2016.	PL DN RW UT CN	NH	2,000,000 2,000,000	0	2,000,000 2,000,000
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	195.16	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2014 (98CCR)	PL DN RW UT CN	TE	30,000,000 30,000,000	0	0
Project Cost:									
ZVARIOUS	195.17	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2015.	PL DN RW UT CN	TE		9,600,000 9,600,000	0
Project Cost:									
ZVARIOUS	195.18	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2016.	PL DN RW UT CN	TE			9,600,000 9,600,000
Project Cost:									
ZVARIOUS	219.12	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2014.	PL DN RW UT CN	CM	5,300,000 5,300,000	0	0
Project Cost:									
ZVARIOUS	219.13	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2015.	PL DN RW UT CN	CM		4,500,000 4,500,000	0
Project Cost:									

CHAPTER 139

1125

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	219.14	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2016.	PL DN RW UT CN	CM	0	0	9,100,000 9,100,000
				Project Cost:					
ZVARIOUS	224.08	-0	PAVEMENT REHAB-PRK(P)	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2015. (12CCR)	PL DN RW UT CN	STP	0	16,000,000 16,000,000	0
				Project Cost:					
ZVARIOUS	224.09	-0	PAVEMENT REHAB-PR(P)	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2016.(12CCR)	PL DN RW UT CN	STP	0	0	17,000,000 17,000,000
				Project Cost:					
ZVARIOUS	302.08	-0	SIGNAL SYS IMPROVE(P)	SIGNAL SYSTEM UPGRADES.	PL DN RW UT CN	STP	0	1,000,000 1,000,000	0
				Project Cost:					
ZVARIOUS	327.11	-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2015	PL DN RW UT CN	BRO	0	2,300,000 2,300,000	0
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

1126

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	327.12	-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2016	PL				
					DN				
					RW				
					UT				
					CN	BRO			2,300,000
					Project Cost:		0	0	2,300,000
ZVARIOUS	333.1	-0	FOREST HIGHWAY(P)	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2014. (INCLUDES CARRY-FORWARD FUNDING FROM FY 2013)	PL				
					DN				
					RW				
					UT				
					CN	FH	3,283,000		
					Project Cost:		3,283,000	0	0
ZVARIOUS	333.11	-0	FOREST HIGHWAY(P)	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2015.	PL				
					DN				
					RW				
					UT				
					CN	FH	1,641,000		
					Project Cost:		0	1,641,000	0
ZVARIOUS	333.12	-0	FOREST HIGHWAY(P)	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2016.	PL				
					DN				
					RW				
					UT				
					CN	FH			1,641,000
					Project Cost:		0	0	1,641,000
ZVARIOUS	337.09	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2014. (12CCR)	PL				
					DN				
					RW				
					UT				
					CN	IM	20,000,000		
					Project Cost:		20,000,000	0	0

CHAPTER 139

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	337.1	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2015. (12CCR)	PL DN RW UT CN IM Project Cost:		0 20,000,000 20,000,000		1128 0
ZVARIOUS	337.11	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2016. (12CCR)	PL DN RW UT CN IM Project Cost:		0	10,000,000 10,000,000	
ZVARIOUS	346.11	-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2015	PL DN RW UT CN BRZ Project Cost:		0 900,000 900,000	0	
ZVARIOUS	346.12	-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2016	PL DN RW UT CN BRZ Project Cost:		0	900,000 900,000	900,000 900,000
ZVARIOUS	352.1	-0	SAFETY-RR PROTECTN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2014.	PL DN RW UT CN RRP Project Cost:		9,805,000 9,805,000	0	0

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	352.11	-0	SAFETY-RR PROTECTN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2015.	PL				
					DN				
					RW				
					UT				
					CN	RRP		3,600,000	
					Project Cost:		0	3,600,000	0
ZVARIOUS	352.12	-0	SAFETY-RR SEPARATN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2016.	PL				
					DN				
					RW				
					UT				
					CN	RRP			3,600,000
					Project Cost:		0	0	3,600,000
ZVARIOUS	369.05	-0	PAVEMENT REHAB-PR(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2015.	PL				
					DN				
					RW				
					UT				
					CN	NH		9,000,000	0
					Project Cost:		0	9,000,000	0
ZVARIOUS	369.06	-0	PAVEMENT REHAB-PR(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2016.	PL				
					DN				
					RW				
					UT				
					CN	NH			12,500,000
					Project Cost:		0	0	12,500,000
ZVARIOUS	374.07	-0	SAFETY(P)	MEDIAN CABLE GUARDRAIL PROGRAM (12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		5,000,000	0
					Project Cost:		0	5,000,000	0

CHAPTER 139

1129

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	383.06	-0	GUARDRAIL REPLCMNT(P)	REPLACE TYPE 7/TEXAS TWIST GUARDRAIL ON INTERSTATES AND PARKWAYS FOR FY 2015.	PL DN RW UT CN NH				1130
				Project Cost:			0	2,000,000	0
ZVARIOUS	383.07	-0	GUARDRAIL REPLCMNT(P)	REPLACE TYPE 7/TEXAS TWIST GUARDRAIL ON INTERSTATES AND PARKWAYS FOR FY 2016.	PL DN RW UT CN NH				
				Project Cost:			0	0	2,000,000
ZVARIOUS	388.05	-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2015.	PL DN RW UT CN BRO			1,200,000	0
				Project Cost:			0	1,200,000	0
ZVARIOUS	388.06	-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2016.	PL DN RW UT CN BRO				
				Project Cost:			0	0	1,200,000
ZVARIOUS	391.02	-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN				
				Project Cost:			0	0	5,000,000

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	395.03	-0	RECONSTRUCTION(O)	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2015. (12CCR)	PL DN RW UT CN	SPP	0	7,500,000	0
				Project Cost:				7,500,000	0
ZVARIOUS	397.02	-0	PAVEMENT REHAB-INT(P)	PAVEMENT REHABILITATION FOR FY 2015. (12CCR)	PL DN RW UT CN	SPP	0	10,000,000	0
				Project Cost:				10,000,000	0
ZVARIOUS	397.03	-0	PAVEMENT REHAB-INT(P)	PAVEMENT REHABILITATION FOR FY 2016(12CCR)	PL DN RW UT CN	SPP	0	10,000,000	10,000,000
				Project Cost:				10,000,000	10,000,000
ZVARIOUS	399.02	-0	ITS(P)	FUNDING FOR LIDAR TECHNOLOGY TO FACILITATE SATELLITE SURVEYING IMAGERY. (12CCR)	PL DN RW UT CN	SPP	0	500,000	0
				Project Cost:				500,000	0
ZVARIOUS	399.03	-0	ITS(P)	FUNDING FOR LIDAR TECHNOLOGY TO FACILITATE SATELLITE SURVEYING IMAGERY. (12CCR)	PL DN RW UT CN	SPP	0	0	250,000
				Project Cost:				0	250,000

CHAPTER 139

1131

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	400.01	-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL DN RW UT CN	SPP	2,000,000 2,000,000	0	0
Project Cost:									
ZVARIOUS	400.02	-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL DN RW UT CN	SPP	2,000,000 2,000,000	0	0
Project Cost:									
ZVARIOUS	400.03	-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL DN RW UT CN	SPP	2,000,000 2,000,000	0	0
Project Cost:									
ZVARIOUS	401	-0	CONGESTION MITIGTN(O)	DEVELOP AND CONSTRUCT CNG-RELATED PROJECTS IN CMAQ-ELIGIBLE AREAS.	PL DN RW UT CN	SPP	2,000,000 2,000,000	0	0
Project Cost:									
ZVARIOUS	401.01	-0	CONGESTION MITIGTN(O)	DEVELOP AND CONSTRUCT CNG-RELATED PROJECTS IN CMAQ-ELIGIBLE AREAS.	PL DN RW UT CN	CM	4,000,000 4,000,000	0	0
Project Cost:									

ACTS OF THE GENERAL ASSEMBLY

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	401.02	-0	CONGESTION MITIGTN(O)	DEVELOP AND CONSTRUCT CNG-RELATED PROJECTS IN CMAQ-ELIGIBLE AREAS.	PL DN RW UT CN CM				
					Project Cost:		0	0	4,000,000 4,000,000
ZVARIOUS	402	-0	SAFETY(P)	STATEWIDE PANEL SIGN TRUSS REPLACEMENT	PL DN RW UT CN SPP				
					Project Cost:		0	3,000,000 3,000,000	0
ZVARIOUS	911.03	-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2014. (HSIP)	PL DN RW UT CN SAF				
					Project Cost:		50,000,000 50,000,000	0	0
ZVARIOUS	911.04	-0	SAFETY(P)	STATEWIDE SAFETY PROGRAM FOR FY 2015. (HSIP)	PL DN RW UT CN SAF				
					Project Cost:		0	38,500,000 38,500,000	0
ZVARIOUS	911.05	-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2016. (HSIP)	PL DN RW UT CN SAF				
					Project Cost:		0	38,500,000 38,500,000	0

CHAPTER 139

1133

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	1063.11	-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2015	PL DN RW UT CN	BRX	0	400,000 400,000	1134
				Project Cost:			0	400,000	0
ZVARIOUS	1063.12	-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2016	PL DN RW UT CN	BRX	0	0	400,000 400,000
				Project Cost:			0	0	400,000
ZVARIOUS	1071.03	-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES	PL DN RW UT CN	BRO	0	1,500,000 1,500,000	0
				Project Cost:			0	1,500,000	0
ZVARIOUS	1071.04	-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES	PL DN RW UT CN	BRO	0	0	1,500,000 1,500,000
				Project Cost:			0	0	1,500,000
ZVARIOUS	1073.04	-0	BRIDGE REPLACEMENT(P)	STATEWIDE "BRO" FUNDS.	PL DN RW UT CN	BRO	0	0	1,000,000 1,000,000
				Project Cost:			0	0	1,000,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	1074.05	-0	BRIDGE REPLACEMENT(P)	STATEWIDE OFF SYSTEM BRIDGE REPLACEMENT PROJECTS:	PL				
					DN				
					RW				
					UT				
					CN	BRZ			1,000,000
				Project Cost:			0	0	1,000,000
ZVARIOUS	2700.05	-0	PAVEMENT REHAB-PR(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2015.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		5,000,000	
				Project Cost:			0	5,000,000	0
ZVARIOUS	2700.06	-0	PAVEMENT REHAB-PR(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2016.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP			5,000,000
				Project Cost:			0	0	5,000,000
ZVARIOUS	3002.1	-0	TRANSP ENHANCEMENT(P)	HISTORICAL HIGHWAY MARKER RESTORATION PROGRAM - TO REPLACE AND/OR REFURBISH STATE HISTORICAL MARKERS (2010 BOPC)	PL				
					DN				
					RW				
					UT				
					CN	SPP			5,000,000
				Project Cost:			0	0	5,000,000
ZVARIOUS	3006	-0	TRANSP ENHANCEMENT(P)	WORK IN CONJUNCTION WITH THE KENTUCKY HERITAGE COUNCIL TO ESTABLISH REQUIRED HISTORIC PRESERVATION EASEMENTS ON TRANSPORTATION ENHANCEMENT (TE) PROJECTS. (2012BOP)	PL				
					DN				
					RW				
					UT				
					CN	TE	58,000		
				Project Cost:			58,000	0	0
ZVARIOUS	3006	-0	TRANSP ENHANCEMENT(P)	WORK IN CONJUNCTION WITH THE KENTUCKY HERITAGE COUNCIL TO ESTABLISH REQUIRED HISTORIC PRESERVATION EASEMENTS ON TRANSPORTATION ENHANCEMENT (TE) PROJECTS. (2012BOP)	PL				
					DN				
					RW				
					UT				
					CN	TE	300,000		
				Project Cost:			300,000	0	0

CHAPTER 139

1135

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	8500.05	-0	SAFETY(P)	SCHOOL TURN LANE PROJECTS. (08CCCN) (12CCR)	PL DN RW UT CN	SPP	0	5,000,000 5,000,000	1136 0
Project Cost:									
ZVARIOUS	9050	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2014. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	17,500,000 17,500,000	0	0
Project Cost:									
ZVARIOUS	9050.01	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2014. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	26,300,000 26,300,000	0	0
Project Cost:									
ZVARIOUS	9050.02	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2015. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	17,500,000 17,500,000	0	0
Project Cost:									
ZVARIOUS	9050.03	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2015. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	26,300,000 26,300,000	0	0
Project Cost:									

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	9050.04	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2016. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	0	17,400,000 17,400,000
Project Cost:									
ZVARIOUS	9050.05	-0	MAJOR WIDENING(O)	GARVEE BOND DEBT SERVICE FOR I-65; I-75; AND I-64 FOR FY 2016. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	0	26,300,000 26,300,000
Project Cost:									
ZVARIOUS	9068	US-68	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (BRO) FOR FY 2015. (079B00023N, 111B00020N)	PL DN RW UT CN	BRO	0	11,500,000 11,500,000	0
Project Cost:									
ZVARIOUS	9068.01	US-60	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (BRO) FOR FY 2016. (079B00023N, 111B00020N)	PL DN RW UT CN	BRO	0	0	23,000,000 23,000,000
Project Cost:									
ZVARIOUS	9068.6	US-68	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2015.	PL DN RW UT CN	STP	0	11,500,000 11,500,000	0
Project Cost:									

CHAPTER 139

1137

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	9068.62	US-68	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2016.	PL DN RW UT CN	STP			
				Project Cost:			0	0	23,000,000 23,000,000
ZVARIOUS	9659.06	-0	NEW ROUTE(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2014. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	4,100,000 4,100,000	0	0
				Project Cost:					
ZVARIOUS	9659.07	-0	NEW ROUTE(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2014. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	6,100,000 6,100,000	0	0
				Project Cost:					
ZVARIOUS	9659.09	-0	NEW ROUTE(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2015. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM		5,900,000 5,900,000	0
				Project Cost:					
ZVARIOUS	9659.1	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2015. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH		8,800,000 8,800,000	0
				Project Cost:					

ACTS OF THE GENERAL ASSEMBLY

1138

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2014	FY 2015	FY 2016
ZVARIOUS	9659.12	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2016. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	0	5,900,000 5,900,000
Project Cost:							0	0	5,900,000
ZVARIOUS	9659.13	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2016. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	0	8,800,000 8,800,000
Project Cost:							0	0	8,800,000
Total for ZVARIOUS county									5,000,000
Total Amounts:							184,246,000	241,141,000	243,391,000
							184,246,000	241,141,000	248,391,000

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Biennium Fund Summary

Fund	Description	FY 2015	FY 2016	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	0	1,500,000	1,500,000
BR2	BRAC BOND PROJECTS SECOND PROGRAM	2,740,000	8,755,000	11,495,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	56,321,000	72,150,000	128,471,000
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	7,425,000	15,210,000	22,635,000
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	18,180,000	17,235,000	35,415,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	13,120,000	13,100,000	26,220,000
FH	FEDERAL FOREST HIGHWAY FUNDS	1,641,000	1,641,000	3,282,000
HPP	HIGH PRIORITY PROJECTS	2,879,880	0	2,879,880
IM	FEDERAL INTERSTATE MAINTENANCE FUNDS	144,981,850	204,141,850	349,123,700
JM5	GARVEE BONDS US68/KY80 LAKE BARKLEY AND KY LAKE BRIDGES	90,000,000	75,000,000	165,000,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	232,182,775	252,062,775	484,245,550
RRP	SAFETY-RAILROAD PROTECTION	3,600,000	3,600,000	7,200,000
SAF	FEDERAL SAFETY FUNDS	40,250,000	39,500,000	79,750,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,200,000	1,200,000	2,400,000
SB2	STATE BONDS 2010	107,510,000	19,631,800	127,141,800
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	750,000	600,000	1,350,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	18,288,239	21,461,788	39,750,027
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	10,580,000	1,680,000	12,260,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	7,252,717	7,006,914	14,259,631
SP	STATE CONSTRUCTION	395,721,000	384,840,000	780,561,000
SPB	SP BONDS 2009	0	700,000	700,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	494,714,800	404,429,400	899,144,200
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	155,035,000	206,910,000	361,945,000
TE	FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM FUNDS	9,600,000	9,600,000	19,200,000
Total Amount		1,813,973,061	1,761,955,527	3,575,928,588

2014-2016 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2014	FY 2015	FY 2016	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	51,700,000	0	1,500,000	53,200,000
BR2	BRAC BOND PROJECTS SECOND PROGRAM	3,665,000	2,740,000	8,755,000	15,160,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	54,175,000	56,321,000	72,150,000	182,646,000
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	16,030,500	7,425,000	15,210,000	38,665,500
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	15,280,000	18,180,000	17,235,000	50,695,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	26,194,714	13,120,000	13,100,000	52,414,714
DAR	DEFENSE ACCESS ROAD FEDERAL FUNDING	2,415,000	0	0	2,415,000
FH	FEDERAL FOREST HIGHWAY FUNDS	3,283,000	1,641,000	1,641,000	6,565,000
HPP	HIGH PRIORITY PROJECTS	65,878,386	2,879,680	0	68,758,066
IM	FEDERAL INTERSTATE MAINTENANCE FUNDS	86,420,000	144,981,850	204,141,850	435,543,700
JM5	GARVEE BONDS US88/KY80 LAKE BARKLEY AND KY LAKE BRIDGES	0	90,000,000	75,000,000	165,000,000
KYD	FEDERAL DEMONSTRATION FUNDS ALLOCATED TO KENTUCKY	15,860,151	0	0	15,860,151
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	171,050,000	232,182,775	252,062,775	655,295,550
RRP	SAFETY-RAILROAD PROTECTION	11,800,000	3,600,000	3,600,000	19,000,000
SAF	FEDERAL SAFETY FUNDS	54,086,445	40,250,000	39,500,000	133,836,445
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	2,400,000	1,200,000	1,200,000	4,800,000
SB2	STATE BONDS 2010	123,125,000	107,510,000	19,631,800	250,266,800
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	3,925,000	750,000	600,000	5,275,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	65,286,087	18,288,239	21,461,788	105,036,114
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	14,202,384	10,580,000	1,680,000	26,462,384
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	14,322,738	7,252,717	7,006,914	28,582,369
SP	STATE CONSTRUCTION	247,816,500	395,721,000	384,840,000	1,028,377,500
SPB	SP BONDS 2009	6,740,000	0	700,000	7,440,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	377,003,355	494,714,800	404,429,400	1,276,147,555
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	117,702,000	155,035,000	206,910,000	479,647,000
TE	FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM FUNDS	30,358,000	9,600,000	9,600,000	49,558,000
Totals		1,580,719,260	1,813,973,061	1,761,955,527	5,156,647,848"

This page intentionally left blank.

This page intentionally left blank.

This page intentionally left blank.

This page intentionally left blank.

CHAPTER 140

(HB 336)

AN ACT relating to removal of electrical distribution installations on surface mine sites.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 350.090 is amended to read as follows:

- (1) Under the provisions of this chapter and administrative regulations adopted by the cabinet, a permittee shall prepare and the permittee or operator shall carry out a method of operation, plan of grading and backfilling, and a reclamation plan for the area of land affected by his operation. ***The reclamation plan shall include a requirement to permanently remove all electrical distribution installations on the surface owned by the permittee, including poles, wires, attachments, and other appurtenances related to the delivery of electric service in the permit area, except where:***
 - (a) ***The electrical distribution installations are being used or will be used by a local distribution entity to provide electrical service to persons other than the permittee at the permit area; or***
 - (b) ***The cabinet specifically has approved the retention of the electrical distribution installations to facilitate the approved post-mining land use for the permit in the reclamation plan.***
- (2) In developing a method of operation, and the plans of backfilling, grading, ***removing electric distribution poles and wires***, and reclamation, all measures shall be taken to eliminate damages to members of the public, ***potential hazards from electrical distribution poles and wires to low-flying aircraft***, their real and personal property, public roads, streams, and all other public property from soil erosion, rolling stones and overburden, water pollution, and hazards dangerous to life and property. The permit application containing the required plans and other information as required shall be submitted to the cabinet, and the cabinet shall notify the applicant by certified mail, return receipt requested, within sixty-five (65) cumulative working days after receipt of a complete application whether ***the permit application***~~it~~ is acceptable. If applicable notice, hearing, and conference procedures prevent a decision from being issued within the sixty-five (65) cumulative working day period, the cabinet shall have additional reasonable time to issue its decision, not to exceed twenty (20) days from the completion of the notice, hearing, and conference procedures. If the permit application is not acceptable, the cabinet shall set forth the reasons for which the application or plans are not acceptable and it may propose modifications, delete areas, or reject the entire application. If the applicant disagrees with the decision of the cabinet, he ***or she*** may, by written notice, request a hearing conducted by the cabinet in the manner provided by KRS 350.0305. The cabinet shall notify the applicant by certified mail, return receipt requested, within twenty (20) days after the hearing of its decision. Any person aggrieved by a final order of the cabinet may appeal through the courts as set forth in KRS 350.0305.
- ~~(3)(2)~~ If the permittee desires to seek funds from the reclamation development fund to develop an economic development unit during reclamation, the permittee shall submit, along with the reclamation plan, a reclamation development plan outlining the reclamation development project and showing how it will conform with the reclamation standards of this chapter.
- ~~(4)(3)~~ No permittee, operator, or person shall throw, dump, pile, or permit the dumping, piling, or throwing, or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place these materials in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.
- (5) ***The provisions of subsection (1) and (2) of this section pertaining to the removal of electric installations from the permit area shall not apply to electrical transmission lines, poles, wires, attachments, or other appurtenances related to electrical transmission.***

Signed by Governor April 25, 2014.

CHAPTER 141

(HB 359)

AN ACT relating to alcohol monitoring.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

When considering the pretrial release of a person whose pretrial risk assessment indicates he or she is a moderate-risk or high-risk defendant, the court considering the release may order as a condition of pretrial release that the person use an alcohol monitoring device during all or part of the person's period of pretrial release. All costs associated with the alcohol monitoring device, including administrative and operating costs, shall be paid by the defendant. As used in this section, "alcohol monitoring device" means an electronic device that:

- (1) *Tests for alcohol concentration level through scheduled, random, continuous, or on-demand testing;*
- (2) *Detects and records tampering attempts; and*
- (3) *Transmits the data by means of either a telephone line or cellular uplink, or records the data for retrieval through methods approved by the court.*

➔Section 2. KRS 431.520 is amended to read as follows:

Any person charged with an offense shall be ordered released by a court of competent jurisdiction pending trial on his personal recognizance or upon the execution of an unsecured bail bond in an amount set by the court or as fixed by the Supreme Court as provided by KRS 431.540, unless the court determines in the exercise of its discretion that such a release will not reasonably assure the appearance of the person as required, or the court determines the person is a flight risk or a danger to others. When such a determination is made, the court shall, either in lieu of or in addition to the above methods of release, impose any of the following conditions of release:

- (1) Place the person in the custody of a designated person or organization agreeing to supervise him;
- (2) Place restrictions on the travel, association, or place of abode of the person during the period of release;
- (3) Require the execution of a bail bond:
 - (a) With sufficient personal surety or sureties acceptable to the court; in determining the sufficiency of such surety or sureties, the court shall consider his character, his place of residence, his relationship with the defendant, and his financial and employment circumstances; or
 - (b) With the ten percent (10%) deposit as provided in KRS 431.530; provided that if the defendant is permitted to earn credit toward bail pursuant to KRS 431.066, that credit shall be applied to the ten percent (10%) deposit; or
 - (c) With the deposit of cash equal to the amount of the bond or in lieu thereof acceptable security as provided in KRS 431.535;
- (4) If the person's record indicates a history of controlled substance or alcohol abuse:~~§~~
 - (a) Order the person to submit to periodic testing for use of controlled substances or alcohol and pay a reasonable fee, not to exceed the actual cost of the test and analysis, as determined by the court with the fee to be collected by the circuit clerk, held in an agency account, and disbursed, on court order, solely to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis performed under this subsection. If the person is declared indigent, the testing fee may be waived by the court. The Administrative Office of the Courts shall establish pilot projects to implement the provisions of this subsection; **or**
 - (b) *Order the person to use an alcohol monitoring device, as defined in Section 1 of this Act. All costs associated with the device, including administrative and operating costs, shall be paid by the defendant. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other conditions of release provided for in this section;*
- (5) (a) During all or part of a person's period of release pursuant to this section, order the person to participate in a global positioning monitoring system program operated by a county pursuant to KRS 67.372 and 67.374 under the same terms and conditions provided under KRS 431.517.

- (b) If the person is charged with a sex crime as defined in KRS 17.500, consider requiring that he or she be monitored electronically, and shall consider requiring the person be subject to home incarceration;
- (6) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours;
- (7) A court authorizing the release of a person pursuant to this section shall cause the issuance of an appropriate order containing a statement of the conditions imposed, if any, shall cause such person to be informed of the penalties applicable to violations of the conditions of his release, and shall cause him to be informed that a warrant for his arrest will be issued immediately upon any such violation;
- (8) A person for whom conditions of release are imposed and who after twenty-four (24) hours from the time of the imposition of said conditions continues to be detained as a result of his inability to meet the conditions of release shall, upon written application or upon the court's own motion, be entitled to have the conditions reviewed by the court which imposed them. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon written application or upon the court's own motion, be entitled to a review by the court which imposed the condition; or
- (9) If at any time following release of a defendant and before he is required to appear for trial, the court is advised of a material change in the defendant's circumstances or that he has not complied with all conditions imposed upon his release, the court having jurisdiction may:
 - (a) Order the arrest of the defendant;
 - (b) Enter an order requiring the defendant, his surety or sureties to appear and show cause why the bail bond should not be forfeited or the conditions of his release be changed; or
 - (c) Both.

A copy of said order shall be served upon the defendant, his surety or sureties. If the defendant fails to appear before the court as ordered or if, after hearing, the court finds the conditions of release have not been complied with, the court may change the conditions imposed or forfeit the bail bond or any portion thereof and enter a judgment for the Commonwealth against the defendant and his surety or sureties for the amount of the bail bond or any portion thereof and cost of the proceedings.

➔Section 3. KRS 533.030 is amended to read as follows:

- (1) The conditions of probation and conditional discharge shall be such as the court, in its discretion, deems reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him to do so. The court shall provide as an explicit condition of every sentence to probation or conditional discharge that the defendant not commit another offense during the period for which the sentence remains subject to revocation.
- (2) When imposing a sentence of probation or conditional discharge, the court may, in addition to any other reasonable condition, require that the defendant:
 - (a) Avoid injurious or vicious habits;
 - (b) Avoid persons or places of disreputable or harmful character;
 - (c) Work faithfully at suitable employment as far as possible;
 - (d) Undergo available medical or psychiatric treatment and remain in a specific institution as required for that purpose;
 - (e) Post a bond, without surety, conditioned on performance of any of the prescribed conditions;
 - (f) Support his dependents and meet other family responsibilities;
 - (g) Pay the cost of the proceeding as set by the court;
 - (h) Remain within a specified area;
 - (i) Report to the probation officer as directed;
 - (j) Permit the probation officer to visit him at his home or elsewhere;
 - (k) Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment;

- (l) Submit to periodic testing for the use of controlled substances or alcohol, if the defendant's record indicates a controlled substance or alcohol problem, and to pay a reasonable fee, as determined by the court, which fee shall not exceed the actual cost of the test and analysis and shall be paid directly to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis, as specified by written order of the court, performed under this subsection. For good cause shown, the testing fee may be waived by the court;~~and~~
 - (m) ***Use an alcohol monitoring device, as defined in Section 1 of this Act. All costs associated with the device, including administrative and operating costs, shall be paid by the defendant. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other conditions of probation or conditional discharge provided for in this section; or***
 - (n) During all or part of the period of probation or conditional discharge, participate in a global positioning monitoring system program operated by a county pursuant to KRS 67.372 and 67.374 under the same terms and conditions as provided in KRS 431.517.
- (3) When imposing a sentence of probation or conditional discharge in a case where a victim of a crime has suffered monetary damage as a result of the crime due to his property having been converted, stolen, or unlawfully obtained, or its value substantially decreased as a result of the crime, or where the victim suffered actual medical expenses, direct out-of-pocket losses, or loss of earning as a direct result of the crime, or where the victim incurred expenses in relocating for the purpose of the victim's safety or the safety of a member of the victim's household, or if as a direct result of the crime the victim incurred medical expenses that were paid by the Cabinet for Health and Family Services, the Crime Victims Compensation Board, or any other governmental entity, the court shall order the defendant to make restitution in addition to any other penalty provided for the commission of the offense. Payment of restitution to the victim shall have priority over payment of restitution to any government agency. Restitution shall be ordered in the full amount of the damages, unless the damages exceed one hundred thousand dollars (\$100,000) or twice the amount of the gain from the commission of the offense, whichever is greater, in which case the higher of these two (2) amounts shall be awarded. The court may, in lieu of ordering monetary restitution, order the defendant to make restitution by working for or on behalf of the victim. The court shall determine the number of hours of work necessary by applying the then-prevailing federal minimum wage to the total amount of monetary damage caused by or incidental to the commission of the crime. The court may, with the consent of the agency, order the defendant to work as specified in KRS 533.070. Any work ordered pursuant to this section shall not be deemed employment for any purpose, nor shall the person performing the work be deemed an employee for any purpose. Where there is more than one (1) defendant or more than one (1) victim, restitution may be apportioned. Restitution shall be subject to the following additional terms and conditions:
- (a) Where property which is unlawfully in the possession of the defendant is in substantially undamaged condition from its condition at the time of the taking, return of the property shall be ordered in lieu of monetary restitution;
 - (b) The circuit clerk shall assess an additional fee of five percent (5%) to defray the administrative costs of collection of payments or property. This fee shall be paid by the defendant and shall inure to a trust and agency account which shall not lapse and which shall be used to hire additional deputy clerks and office personnel or increase deputy clerk or office personnel salaries, or combination thereof;
 - (c) When a defendant fails to make restitution ordered to be paid through the circuit clerk or a court-authorized program run by the county attorney or the Commonwealth's attorney, the circuit clerk or court-authorized program shall notify the court; and
 - (d) An order of restitution shall not preclude the owner of property or the victim who suffered personal physical or mental injury or out-of-pocket loss of earnings or support or other damages from proceeding in a civil action to recover damages from the defendant. A civil verdict shall be reduced by the amount paid under the criminal restitution order.
- (4) When requiring fees for controlled substances or alcohol tests, or other fees and payments authorized by this section or other statute, except restitution, to be paid by the defendant, the court shall not order the payments to be paid through the circuit clerk.
- (5) When a defendant is sentenced to probation or conditional discharge, he shall be given a written statement explicitly setting forth the conditions under which he is being released.

- (6) When imposing a sentence of probation or conditional discharge, the court, in addition to conditions imposed under this section, may require as a condition of the sentence that the defendant submit to a period of imprisonment in the county jail or to a period of home incarceration at whatever time or intervals, consecutive or nonconsecutive, the court shall determine. The time actually spent in confinement or home incarceration pursuant to this provision shall not exceed twelve (12) months or the maximum term of imprisonment assessed pursuant to KRS Chapter 532, whichever is the shorter. Time spent in confinement or home incarceration under this subsection shall be credited against the maximum term of imprisonment assessed for the defendant pursuant to KRS Chapter 532, if probation or conditional discharge is revoked and the defendant is sentenced to imprisonment. Any prohibitions against probation, shock probation, or conditional discharge under KRS 533.060(2) or 532.045 shall not apply to persons convicted of a misdemeanor or Class D felony and sentenced to a period of confinement or home incarceration under this section.

➔Section 4. KRS 533.250 is amended to read as follows:

- (1) A pretrial diversion program shall be operated in each judicial circuit. The chief judge of each judicial circuit, in cooperation with the Commonwealth's attorney, shall submit a plan for the pretrial diversion program to the Supreme Court for approval on or before December 1, 1999. The pretrial diversion program shall contain the following elements:
- (a) The program may be utilized for a person charged with a Class D felony offense who has not, within ten (10) years immediately preceding the commission of this offense, been convicted of a felony under the laws of this state, another state, or of the United States, or has not been on probation or parole or who has not been released from the service of any felony sentence within ten (10) years immediately preceding the commission of the offense;
 - (b) The program shall not be utilized for persons charged with offenses for which probation, parole, or conditional discharge is prohibited under KRS 532.045;
 - (c) No person shall be eligible for pretrial diversion more than once in a five (5) year period;
 - (d) No person shall be eligible for pretrial diversion who has committed a sex crime as defined in KRS 17.500. A person who is on pretrial diversion on July 12, 2006, may remain on pretrial diversion if the person continues to meet the requirements of the pretrial diversion and the registration requirements of KRS 17.510;
 - (e) Any person charged with an offense not specified as precluding a person from pretrial diversion under paragraph (b) of this subsection may apply in writing to the trial court and the Commonwealth's attorney for entry into a pretrial diversion program;
 - (f) Any person shall be required to enter an Alford plea or a plea of guilty as a condition of pretrial diversion;
 - (g) The provisions of KRS 533.251 shall be observed; and
 - (h) The program may include as a component referral to the intensive secured substance abuse treatment program developed under KRS 196.285 for persons charged with a felony offense under KRS Chapter 218A and persons charged with a felony offense whose record indicates a history of recent and relevant substance abuse who have not previously been referred to the program under KRS 533.251.
- (2) Upon the request of the Commonwealth's attorney, a court ordering pretrial diversion may order the person to:
- (a) Participate in a global positioning monitoring system program through the use of a county-operated program pursuant to KRS 67.372 and 67.374 for all or part of the time during which a pretrial diversion agreement is in effect; **or**
 - (b) ***Use and pay all costs, including administrative and operating costs, associated with the alcohol monitoring device as defined in Section 1 of this Act. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other conditions of pretrial diversion.***
- (3) A court ordering global positioning monitoring system for a person pursuant to this section shall:
- (a) Require the person to pay all or a part of the monitoring costs based upon the sliding scale determined by the Supreme Court of Kentucky pursuant to KRS 403.761 and administrative costs for participating in the system;

- (b) Provide the monitoring system with a written or electronic copy of the conditions of release; and
 - (c) Provide the monitoring system with a contact at the office of the Commonwealth's attorney for reporting violations of the monitoring order.
- (4) A person, county, or other organization may voluntarily agree to pay all or a portion of a person's monitoring costs specified in subsection (3) of this section.
 - (5) The court shall not order a person to participate in a global positioning monitoring system program unless the person agrees to the monitoring in open court or the court determines that public safety and the nature of the person's crime require the use of a global positioning monitoring system program.
 - (6) The Commonwealth's attorney shall make a recommendation upon each application for pretrial diversion to the Circuit Judge in the court in which the case would be tried. The court may approve or disapprove the diversion.
 - (7) The court shall assess a diversion supervision fee of a sufficient amount to defray all or part of the cost of participating in the diversion program. Unless the fee is waived by the court in the case of indigency, the fee shall be assessed against each person placed in the diversion program. The fee may be based upon ability to pay.

➔Section 5. KRS 403.761 is amended to read as follows:

- (1) As used in this section, "substantial violation" means a violation of a domestic violence order that has resulted in one (1) or more of the following acts by the respondent against the petitioner, minor child of a petitioner, family member, or member of an unmarried couple protected in the order:
 - (a) An assault prohibited by KRS Chapter 508;
 - (b) Menacing as prohibited by KRS 508.050;
 - (c) Terroristic threatening as prohibited by KRS Chapter 508;
 - (d) Stalking as prohibited by KRS Chapter 508;
 - (e) Wanton endangerment as prohibited by KRS Chapter 508;
 - (f) Kidnapping or a related offense as prohibited by KRS Chapter 509;
 - (g) A sexual offense as prohibited by KRS Chapter 510 other than indecent exposure;
 - (h) Burglary as prohibited by KRS Chapter 511;
 - (i) Destruction or damage to property as prohibited by KRS Chapter 512;
 - (j) Theft as prohibited by KRS Chapter 514;
 - (k) Harassment or harassing communications as prohibited by KRS Chapter 525; or
 - (l) Any felony offense against the petitioner, minor child of the petitioner, family member, or member of an unmarried couple protected in the order.
- (2) Following a report of an alleged substantial violation of a domestic violence order by a respondent and prior to any civil hearing on the alleged violation of the order, the court shall obtain an updated report of the respondent's Kentucky criminal history from the Administrative Office of the Courts or the Department of Kentucky State Police and shall obtain from the Administrative Office of the Courts the history of Kentucky Emergency Protective Orders and Domestic Violence Orders against the respondent, together with any violations of those orders.
- (3) Following an alleged substantial violation of a domestic violence order, the court shall hold a hearing to determine if the violation occurred, and if the violation occurred, what sanctions the court may apply. At the hearing the court shall explain the sanctions which may be imposed to the petitioner and the respondent. The court shall explain to the petitioner that the court may require a respondent who has committed a substantial violation of the domestic violence order to wear a global positioning monitoring system device in lieu of imprisoning the respondent and, except as provided in this section, to pay the costs associated with operating that system in relation to the respondent and the costs associated with operating the system in relation to the petitioner if the petitioner elects to participate.
- (4) Before imposing global positioning monitoring, the court shall provide to the petitioner information regarding:

- (a) The petitioner's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the court terminate the petitioner's participation;
 - (b) The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the respondent's location and movements;
 - (c) Any locations that the respondent is ordered to refrain from going into or near and the minimum distances, if any, that the respondent shall maintain from those locations;
 - (d) Any sanctions that the court may impose on the respondent for violating, in the future, a condition of the domestic violence order imposed under this section;
 - (e) The procedure that the petitioner is to follow, and support services available to assist the petitioner, including but not limited to a designated person or office to notify if the respondent violates a condition of the domestic violence order or if the global positioning monitoring equipment of the respondent or of the petitioner fails; and
 - (f) Community services available to assist the petitioner in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence.
- (5) Prior to ordering the respondent to wear a global positioning monitoring system device the court shall provide the respondent an opportunity to controvert the information provided by the petitioner or any other source and to provide to the court the respondent's reasons why the respondent should not be ordered to wear a global positioning monitoring system device.
- (6) If the court orders the respondent to wear a global positioning monitoring system device, in addition to the information described in subsection (4) of this section, the court shall provide to the petitioner who participates in a global positioning monitoring system under this section, the name and telephone number of an appropriate local law enforcement agency in the county in which the order is issued whom the petitioner may call to request immediate assistance if the respondent violates a condition of the domestic violence order imposed pursuant to KRS 403.750 and this section. If the local law enforcement agency does not provide service twenty-four (24) hours per day, seven (7) days per week, the petitioner shall be instructed to call the local public safety answering point using the 911 telephone number.
- (7) If the petitioner has requested that the respondent be ordered to wear a global positioning monitoring system device, the court shall, prior to ordering the respondent to wear a global positioning monitoring system device under this section:
- (a) Consider the likelihood that without the utilization of a global positioning monitoring system the respondent will seek to kill, assault, stalk, harass, menace, or otherwise threaten the petitioner, minor child of the petitioner, family member, or member of an unmarried couple protected in the order; and
 - (b) Enter a determination of findings of fact and reasons as to why the petitioner's request for the respondent to be ordered to participate in global positioning monitoring is being granted or denied.
- (8) A petitioner may request that the court terminate the petitioner's participation in a global positioning monitoring system at any time.
- (9) (a) When a court determines that the respondent shall wear a global positioning monitoring system device, the court shall notify the respondent, the petitioner, and the entity providing global positioning monitoring system services of:
- 1. The fact that global positioning monitoring system participation has been ordered;
 - 2. The cost that the respondent is to pay to the entity providing the global positioning monitoring system services, including but not limited to the amount to be paid, the frequency of the payments, the location to which the payments shall be sent, and the duration of the payments;
 - 3. The cost of the administrative fee that the respondent is to pay to the county or counties providing the monitoring service;
 - 4. The restrictions on the respondent with regard to locations which the respondent is not to go into or near and the specific distances contained in the order;

5. The permitted exceptions to the restrictions on the respondent which relate to permitted travel by the respondent which may bring the respondent near or into a location where the respondent normally would be prohibited from going into or near;
 6. The duration of time that the respondent shall wear the device which shall not exceed the duration of the underlying domestic violence order but which may be shorter than the underlying domestic violence order. The date of expiration of the requirement to wear the device shall be specified in the order;
 7. The notifications to be made in the event that the respondent violates the domestic violence order; and
 8. Such other information as the court deems appropriate.
- (b) If the court determines that a respondent is indigent, the court may, based on a sliding scale established by the Supreme Court of Kentucky by rule, require the respondent to pay the costs imposed under this section in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the respondent or providing the petitioner with an electronic receptor device.
- (c) If a respondent pays to an entity that operates a global positioning monitoring system the amount ordered by the court under this subsection, the entity shall accept the amount as payment in full. Neither the Commonwealth, nor the Court of Justice nor the county, urban-county, charter county, or consolidated local government shall be responsible for payment of any costs associated with operating the global positioning monitoring system in relation to an indigent respondent or petitioner.
- (d) A court that imposes a condition described by this section shall order the entity that operates the global positioning monitoring system to immediately notify the petitioner, the court, and the appropriate local law enforcement agency named in the order if a respondent violates a condition of the domestic violence order imposed under this section or KRS 403.750.
- (10) The provisions of this section do not limit the authority of a court to impose any other reasonable conditions authorized by KRS 403.740, 403.750, or 403.747.
- (11) (a) A respondent who has been ordered by a court to wear a global positioning monitoring system monitoring device pursuant to this section shall not, without written permission from the court issuing the order or a higher court to which the issuance of the order has been appealed:
1. Fail to wear the device;
 2. Remove a device that the respondent has been ordered to wear; or
 3. Tamper with or destroy a device that the respondent has been ordered to wear.
- (b) A respondent who violates paragraph (a) of this subsection shall be guilty of a Class D felony.
- (c) The provisions of this section shall not apply to a respondent who, upon the expiration of the order that required the respondent to wear the global positioning monitoring system device, permits the entity providing the monitoring to remove the device.
- (12) A person, county, or other organization may voluntarily agree to pay all or a portion of a defendant's monitoring costs specified in this section.
- (13) (a) **1.** The provisions of this section shall not prohibit a court from imposing any other authorized sanction for a substantial violation of a domestic violence order.
- 2.** *Sanctions may include the use of an alcohol monitoring device, as defined in Section 1 of this Act, with all costs associated with the device, including administrative and operating costs, to be paid by the defendant. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other sanctions.*
- (b) The provisions of this section shall not prohibit a court from imposing any authorized sanction, other than ordering the respondent to wear a global positioning system monitoring device **or an alcohol monitoring device**, for a violation of a domestic violence order which does not constitute a substantial violation as defined in this section.

Signed by Governor April 25, 2014.

CHAPTER 142

(HB 369)

AN ACT relating to the statute of limitations for written contracts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 413.160 is amended to read as follows:

An action upon a written contract executed after the effective date of this Act unless otherwise provided by statute, and an action for relief[,] not provided for by statute[,] can only be commenced within ten (10) years after the cause of action accrued.

➔Section 2. KRS 413.090 is amended to read as follows:

Except as provided in KRS 396.205, 413.110, 413.220, 413.230 and 413.240, the following actions shall be commenced within fifteen (15) years after the cause of action first accrued:

- (1) An action upon a judgment or decree of any court of this state or of the United States, or of any state or territory thereof, the period to be computed from the date of the last execution thereon;
- (2) An action upon a recognizance, bond, or written contract, ***except that actions upon written contracts executed after the effective date of this Act shall be governed by Section 1 of this Act;***
- (3) An action upon the official bond of a sheriff, marshal, clerk, constable, or any other public officer, or any commissioner, receiver, curator, personal representative, guardian, conservator, or trustee appointed by a court or authority of law;
- (4) An action upon an appeal bond or bond given on a supersedeas, attachment, injunction, order of arrest or for the delivery of property or for the forthcoming of property, or to obey or perform an order or judgment of court in an action, or upon a bond for costs, or any other bond taken by a court or judge or by an officer pursuant to the directions of a court or judge, in an action or after judgment or decree, or upon a replevin, sale, or delivery bond taken under execution or decree, upon an indemnifying bond taken under a statute, or upon a bond to suspend a proceeding, or upon a bond or obligation for the payment of money or property or for the performance of any undertaking; and
- (5) An action to recover unpaid child support arrearages, which may be initiated as one (1) cumulative action for all child support arrearages owed under a court order, with the time to commence an action under this subsection being tolled until all current child support obligations cease as to the last child covered by that order.

Signed by Governor April 25, 2014.

CHAPTER 143

(HCR 11)

A CONCURRENT RESOLUTION encouraging recognition of trapshooting as a high school sport.

WHEREAS, trapshooting is a sport where flying clay targets are fired at with a shot gun; and

WHEREAS, trapshooting is considered to be an exciting and challenging sport with several million participants and is growing in popularity throughout the United States and Kentucky; and

WHEREAS, the sport of trapshooting is one of the three major forms of competitive clay pigeon shooting; and

WHEREAS, trapshooting games were originally intended as a means for hunters to develop their skills, but shooting games have obtained international recognition and are encouraged by sports associations; and

WHEREAS, Olympic trap is one of the International Shooting Sport Federation (ISSF) shooting events, introduced to the Olympic program in 1900; and

WHEREAS, trapshooting has been a sport in America since 1831; and

WHEREAS, the Amateur Trapshooting Association (ATA) is the primary governing body of American trapshooting and has launched a major initiative to attract more youth shooters; and

WHEREAS, the ATA awards scholarships to college-bound trap shooters based on academics, integrity, and marksmanship; and

WHEREAS, many youth trap shooters are now attending college with the help of those scholarships; and

WHEREAS, trapshooting sports test a player's skill in marksmanship and improve confidence of youth, both male and female, who may not possess the physical attributes to compete in other competitive sports offered at their schools; and

WHEREAS, the goal of any program of youth trapshooting should be to provide instruction and promote firearm safety, personal responsibility, and sportsmanship among primary and secondary students; and

WHEREAS, trap shooting competitions promote tourism in the Commonwealth of Kentucky by attracting participants and their families from around the country who stay in motels, eat in restaurants, shop in retail stores, and purchase products from vendors at events; and

WHEREAS, Kentucky's youth should have the opportunity and be encouraged to participate in this extracurricular activity in the same manner as other youth extracurricular activities, such as football, softball, basketball, track, or band;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The House of Representatives, the Senate concurring therein, hereby encourages the school boards of every school district and school in the Commonwealth of Kentucky, in conjunction with the Kentucky High School Athletic Association and the Kentucky Trapshooters League, to voluntarily promote trapshooting as a high school sport for the youth of Kentucky.

➔Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution to Commissioner of Education Terry Holliday, 500 Mero Street, Frankfort, Kentucky 40601; the Kentucky Trapshooters League Delegate Terry Dean, 1314 Cornishville Road, Harrodsburg, Kentucky 40330; President of the Kentucky High School Athletic Association Bill Beasley, 2280 Executive Drive, Lexington, Kentucky 40505.

Signed by Governor April 25, 2014.

CHAPTER 144

(HJR 7)

A JOINT RESOLUTION designating honorary names for various roads and bridges and directing the placement of honorary roadside signs.

WHEREAS, Jason Ellis, son of Pamela Sue Dearwester and the late Charles D. Ellis, was a native of Cincinnati, Ohio; and

WHEREAS, Jason Ellis was a 1998 graduate of Glen Este High School in Cincinnati, where he was a standout baseball player, earning first team all-city honors in 1998, and being named Player of the Year in the Queen City Conference; and

WHEREAS, Jason Ellis played baseball at the University of the Cumberlands and in the Cincinnati Reds minor league system for the Billings, Montana Mustangs; and

WHEREAS, Jason Ellis was a K-9 officer with the Bardstown Police Department and a member of the N.N.D.D.A. K-9 Association, the Fraternal Order of Police No. 43, and the Special Response Team; and

WHEREAS, Jason Ellis was married to his beloved wife, Amy Phillips Ellis, with whom he had two cherished sons, Hunter Ellis and Parker Ellis; and

WHEREAS, Jason Ellis was deeply involved in his community, serving as a Little League coach; and

WHEREAS, on May 25, 2013, Officer Jason Ellis, this esteemed citizen, this servant and protector of the people, was killed in the line of duty in a brutal and senseless ambush that sent shock waves of grief and loss throughout the Bardstown community and the entire Commonwealth; and

WHEREAS, remembrances of the life and service of Jason Ellis were best summed up by Bardstown Police Chief Rick McCubbin, who said, "He certainly loved this. He loved being a police officer. He gave 100 percent, not only in his job, but in life. He didn't take short cuts. He did it right."; and

WHEREAS, perhaps the most compelling testimonial came from the woman that showed up at the Bardstown police station to pay her respects, a woman whose husband Officer Ellis had arrested on a theft charge, who said, "He was very nice, smiling the whole time, playing with my dogs. He seemed very concerned about my husband's medical issues. It was like you welcomed your neighbor into the house. It wasn't like he was there to arrest somebody. I was just very impressed with him."; and

WHEREAS, the passing of Officer Jason Ellis has left a void which cannot be filled, and he is mourned, not only in Bardstown, but across the length and breadth of the Commonwealth, by his family, friends, and the citizens he helped keep safe; and

WHEREAS, it is appropriate that the service and sacrifice of Officer Jason Ellis be memorialized in some tangible way, even though it is impossible to truly represent what he meant to his community; and

WHEREAS, from time to time, the General Assembly has seen fit to honor various Kentuckians by naming portions of state highways and erecting commemorative roadway signs in their honor; and

WHEREAS, these Kentuckians have come from all walks of life, held a multitude of jobs, and had a variety of accomplishments that made them deserving of the honor; and

WHEREAS, these individuals have included former Governors, former members of the General Assembly, decorated veterans, slain law enforcement officers, local elected officials, astronauts, doctors, educators, distinguished athletes, and civic leaders; and

WHEREAS, every citizen of the Commonwealth owes a great debt of gratitude to the patriotic men and women killed and wounded in service to their country in times of great need; and

WHEREAS, the General Assembly has often honored the veterans of this state by naming portions of several roads, from interstates to small two-lane country roads, in their honor; and

WHEREAS, the General Assembly again sees fit to honor a group of individuals who have made the lives of their fellow Kentuckians better and brought honor and respect to the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Transportation Cabinet shall designate the portion of the Martha Layne Collins Bluegrass Parkway in Nelson County from the United States Route 31E underpass (Mile Point 20.459) to the Kentucky Route 55 underpass (Mile Point 33.301) as the "Officer Jason Ellis Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 2. The Transportation Cabinet shall designate the bridge at the intersection of Kentucky Route 15 and Kentucky Route 1231 in Knott County the "Robert R. Thornsberry Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 3. The Transportation Cabinet shall designate the portion of the William Natcher Parkway in Butler and Ohio Counties as the "Medal of Honor Recipient Trail," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 4. The Transportation Cabinet shall designate Kentucky Route 2113 in Woodford County the "Police Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 5. The Transportation Cabinet is hereby directed to designate old United States Highway 60 at the Tennessee River Bridge (mile point 0.914) to mile point 3.852 on United States Highway 60 in Livingston County as the "Deputy Roger Lynch Memorial Highway." The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 6. The Transportation Cabinet is hereby directed to honor Zachary Dixon by erecting signs on United States Highway 25E at the Knox County/Laurel County line and at the Knox County/Bell County line that read, "Home of the 2013 4-H Barrel Racing Champion, Zachary Dixon." The signs erected under this section shall remain in place for at least one year from the date of their placement.

➔Section 7. The Transportation Cabinet shall designate Kentucky Route 476 in Breathitt County, from mile point 0 to mile point 11.3, as the "Robinson Forest Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 8. The Transportation Cabinet is hereby directed to honor Kelsay Rae Collins by erecting signs on both entrances into Wayne County on Kentucky Route 90, that read "Welcome to Wayne County Home of Kelsay Rae Collins 2013 Jr. Petite Miss Kentucky." The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect signs along the locations specified in this section that read "Welcome to Wayne County Home of Kelsay Rae Collins 2013 Jr. Petite Miss Kentucky." The signs erected under this section shall remain in place for at least one year from the date of their placement.

➔Section 9. The Transportation Cabinet shall designate United States Route 150 in Lincoln County, within the city limits of the city of Stanford, as the "Lincoln County Veterans Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 10. The Transportation Cabinet shall designate the new connector route from Kentucky Route 220 to Kentucky Route 313 in Hardin County as the "Specialist Nathaniel D. Garvin Memorial Highway," and shall, upon completion of construction of the highway, erect appropriate signs denoting this designation.

➔Section 11. The Transportation Cabinet is hereby directed to designate Kentucky Route 1016 from its intersection with United States Highway 25 to its intersection with United States Highway 421 as the "Sheriff Jerry Combs Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 12. The Transportation Cabinet shall designate Kentucky Route 44 East, from mile point 19 to mile point 22, as the "Representative Mary Harper Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 13. The Transportation Cabinet shall designate the portion of United States Route 60 that runs from Mount Sterling to Interstate 64 at Exit 101 as the "Staff Sgt. Garth Sizemore Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 14. The Transportation Cabinet is hereby directed to honor Bethanie Brogli Opell by erecting a sign on Kentucky Route 2054 in Jefferson County near Carter Elementary that reads, "Bethanie Brogli Opell Kentucky School Psychologist of the Year." The Transportation Cabinet is also hereby directed to honor Penny Mills by erecting a sign on Kentucky Route 1065 in Jefferson County near Frost Middle School that reads, "Penny Mills Kentucky School Psychologist of the Year." The signs shall be erected within 30 days of the effective date of this Resolution and shall remain in place for at least one year from the date of their placement.

➔Section 15. The Transportation Cabinet is hereby directed to designate Kentucky Route 213 in Powell County, from its intersection with Kentucky Route 15 to the Powell County/Montgomery County line, as the "PO2 Albert Martin Memorial Highway WWII Hero," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 16. The Transportation Cabinet is hereby directed to designate Kentucky Route 2346 in Montgomery County as the "Pearl Harbor Survivor SSG John C. Toy Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 17. The Transportation Cabinet is hereby directed to honor the 11-12 year old Knox County Little League baseball state champions by erecting signs on United States Highway 25E, north and south of the Barbourville City limits in Knox County Kentucky, that read, "Home of the 2013 11-12 year old Little League Baseball State Champions." The signs shall be erected within 30 days of the effective date of this Resolution and shall remain in place for at least one year from the date of their placement.

➔Section 18. The Transportation Cabinet is hereby directed to designate Kentucky Route 158 in Fleming County, one mile west from Markwell Road, as the "PFC Stanley C. Jackson Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 19. The Transportation Cabinet shall honor the accomplishments of Joshua Shaun Osborne by including him on the Country Music Highway on United States Route 23 in Pike County, and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 20. The Transportation Cabinet is hereby directed to ensure that the signs erected pursuant to 1992 Ky. Acts ch. 372, sec. 3 designating a portion of Kentucky Route 461 in Rockcastle County as the "David M. Smith Highway," denote that this individual was a recipient of the Medal of Honor.

➔Section 21. The Transportation Cabinet shall designate the bridge over the Big Sandy River close to the intersection of Kentucky Route 321 and Kentucky Route 1107 in Johnson County as the "Vice Admiral Frank Hoblitzell Price, Jr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 22. The Transportation Cabinet shall designate the bridge on Kentucky Route 40 over Arnett's Creek below the Paintsville Lake in Johnson County as the "Sgt. James LeMaster Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 23. The Transportation Cabinet is hereby directed to designate Kentucky 1440 in Perry County as the "PFC Charles L. Hicks Memorial Drive," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 24. The Transportation Cabinet is hereby directed to designate the bridge on Kentucky Route 3459 at the end of the floodwall in Harlan County as the "Former State Representative Henry J. Giles Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 25. The Transportation Cabinet shall designate the portion of Kentucky Route 215 in Harlan County from mile point 5.636 to the end of the road as the "Ott Wynn Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 26. The Transportation Cabinet shall designate the bridge on Kentucky Route 699 in Leslie County, 5 miles up, as the "Larkin Lewis Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 27. The Transportation Cabinet is hereby directed to designate the bridge on Kentucky Route 80, near its intersection with Kentucky Route 699 in Leslie County, as the "SFC Frank Cornett Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 28. The Transportation Cabinet shall designate the Bridge on Kentucky Route 680 in Floyd County, south of the Elisha Branham Bridge, as the "Carl Akers Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 29. The Transportation Cabinet is hereby directed to designate a portion of United States Highway 41 between Exit 79 and Exit 81 in Henderson County as the "Medal of Honor Recipients: SFC Littrell/PFC Skaggs Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 30. The Transportation Cabinet is hereby directed to honor Perry County Central High School girls' basketball coach Randy Napier by erecting signs in Perry County on Kentucky Route 15 at the Breathitt County/Perry County line, Kentucky Route 15 at the Knott County/Perry County line, Kentucky Route 80 at the Knott County/Perry County line, and Kentucky Route 80 at the Leslie County/Perry County line that read "Home of Randy Napier All-Time Winningest Girls' Basketball Coach in State History." The signs shall be erected within 30 days of the effective date of this Resolution and shall remain in place for at least one year from the date of their placement.

➔Section 31. The Transportation Cabinet shall designate the bridge located in Floyd County on Kentucky Route 680, mile point 13.6, Bridge Number B000147N, as the "Leo Roberts Korean War Veteran Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 32. The Transportation Cabinet shall designate the portion of United States Route 127 that runs through the city of Hustonville, in Lincoln County, the "Eugene Hafley Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 33. The Transportation Cabinet is hereby directed to designate Kentucky Route 417 in Green County as the "Ryan J. Montgomery Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 34. The Transportation Cabinet is hereby directed to honor the memory and sacrifices of Colonel Vermont Garrison by permanently erecting a sign along Kentucky Route 192 in Pulaski County that denotes Mount Victory as, "The Birthplace of Colonel Vermont Garrison, Triple ACE Fighter Pilot." The sign shall be erected within 30 days of the effective date of this Resolution.

➔Section 35. The Transportation Cabinet shall honor the accomplishments of Jason Carter by including him on the Country Music Highway on United States Highway on United States Route 23 in Greenup County, and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 36. The Transportation Cabinet is hereby directed to designate a portion of United States Highway 45 in McCracken County, from Lone Oak Baptist Church to the McCracken/Graves County line, as the "Buddy Smith Highway," and shall within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 37. The Transportation Cabinet shall designate the bridge on Kentucky Route 1183 in Marion County, near its intersection with Manton Spur Road (Bridge Number 078B00059N), as the "Sister Sodelbia Hughes Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 38. The Transportation Cabinet shall designate the bridge on United States Highway 421 at Hoskinston in Leslie County as the "Effie M. Couch Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 39. The Transportation Cabinet is hereby directed to designate a portion of Kentucky Highway 801 in Rowan County, from Interstate 64 to the community of Sharkey, as the "Staff Sergeant Daniel Fannin Memorial Highway," and shall within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 40. The Transportation Cabinet is hereby directed to designate a portion of Kentucky Highway 169 in Jessamine County, from mile point 2.00 to mile point 7.73, as the "Representative John C. Bourne Memorial Highway," and shall within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 41. The Transportation Cabinet shall designate the new bridge on United States Highway 460 in Pike County near the intersection of United States Route 23 as the "Noah Branham, Sr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 42. The Transportation Cabinet is hereby directed to designate a portion of Kentucky Highway 1247 in Pulaski County, from mile point 7.99 to mile point 11.75, as the "Clellan Prewitt Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 43. The Transportation Cabinet shall designate Interstate 265 from mile point 11.72 to mile point 15.17 as the "Officer Franklin W. Pysher, Jr. Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 44. The Transportation Cabinet shall designate United States Route 119 in Harlan County as the "1st Lt. Carl Henry Dodd Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. The Transportation Cabinet shall also erect a sign on United States Route 421 in Harlan County entering Kentucky in honor of 1st Lt. Dodd. Signs erected under this section shall denote that 1st Lt. Dodd was a recipient of the Medal of Honor.

➔Section 45. The Transportation Cabinet is hereby directed to designate the portion of Kentucky Highway 16 in Kenton County, within the city of Taylor Mill, as the "Joe Bishop Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 46. The Transportation Cabinet is hereby directed to designate the portion of United States Highway 25 in Kenton County, within the city of Fort Wright, as the "U.S. Navy Hospital Corpsmen Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 47. The Transportation Cabinet shall designate the portion of Kentucky Route 1072 in Kenton County from Kentucky Route 17 to Kentucky Route 3187 as the "Sergeant Daniel Tyler Lee Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 48. The Transportation Cabinet shall designate United States Highway 421, one mile North and one mile South of Junction 2009 in Leslie County as the "Matt and Mary Stidham Memorial Highway." The

Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 49. The Transportation Cabinet shall designate the bridge on Kentucky Route 2009 at its intersection with United States Highway 421 in Leslie County, as the "Pvt. Arnold Morgan Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 50. The Transportation Cabinet shall designate Kentucky Route 1482 in Leslie County, from its intersection with United States Highway 421 to Hollins Fork Road, as the "Cpl. Stevie Smallwood Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 51. The Transportation Cabinet is hereby directed to designate Kentucky Route 1807 in Leslie County, at its intersection with Kentucky Route 80 to the end of state maintenance, as the "Jordan Melton Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

Signed by Governor April 25, 2014.

CHAPTER 145

(HJR 62)

A JOINT RESOLUTION relating to road projects.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. This Joint Resolution in conjunction with the 2014 Regular Session HB 237 shall constitute the Six-Year Road Plan. The last four years of the Six-Year Road Plan are as follows:

Signed by Governor April 25, 2014.

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020				
ADAIR	8851		ADD PASSING LANES/TRUCK LANES FROM THE COLUMBIA BYPASS TO THE CAMPBELLVILLE BYPASS (HEARTLAND PARKWAY).	PL									
				DN									
				RW									
				UT	SPP	1,425,000							
				CN	SPP			14,210,000					
				Project Cost:						1,425,000	0	14,210,000	0
				Total for ADAIR county									
				ALLEN	201	KY-98	IMPROVE THE SAFETY OF KY 98 NEAR DURHAM SPRINGS CHURCH (12CCR)	PL					
								DN					
								RW					
UT		1,425,000											
CN								14,210,000					
Total Amounts:										1,425,000	0	14,210,000	0
ALLEN	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD INTERSECTION (12CCR)					PL					
								DN					
								RW					
								UT					
				CN	SPP	2,500,000							
				Project Cost:						2,500,000	0	0	0
				ALLEN	1074	CR-1372	REPLACE BRIDGE ON CR-1372 (MP 1.388) OVER LANCASTER BRANCH; 1.4 MI SW OF JCT US 231; (STRUCTURALLY DEFICIENT, SR=32.9) 002C00025N	PL					
								DN					
								RW					
								UT					
CN	BRZ	280,000											
Project Cost:										280,000	0	0	0
Total for ADAIR county													

2014-2020 HIGHWAY CONSTRUCTION PLAN

1162

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ALLEN	1088	CR-1328	REPLACE BRIDGE OVER BAYS FORK ON MITCHELL WEAVER ROAD (CR 1328) 2.1 MI W OF KY 1332 (002C00063N)(SR=31.5)	PL DN RW UT CN	BRZ				400,000
			Project Cost:			0	0	0	400,000
ALLEN	8802	KY-100	WIDENING OF KY 100 (FRANKLIN ROAD) TO 3 LANES WITH URBAN SECTION FROM OLIVER STREET TO US 31E TO INCREASE CAPACITY/SAFETY. MP 11.800-12.700	PL DN RW UT CN	SPP SP SP SP	480,000	380,000	670,000	3,800,000
			Project Cost:			480,000	380,000	670,000	3,800,000
Total for ALLEN county									
BALLARD	115	US-60	PADUCAH-WICKLIFFE RD; 4-LANE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR).	PL DN RW UT CN		480,000	880,000 900,000	670,000	400,000 3,800,000 4,200,000
			Total Amounts:			2,780,000 3,260,000	1,780,000	670,000	
			Project Cost:			9,980,000	5,720,000	0	0
BALLARD	1140.01	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION.	PL DN RW UT CN	BRO BRO	2,000,000		2,500,000	
			Project Cost:			2,000,000	0	2,500,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for BALLARD county									
BARREN	8819	KY-90	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW.	PL		2,000,000			
				DN				2,500,000	
				RW		9,980,000			
				UT			5,720,000		
				CN					
				Total Amounts:		11,980,000	5,720,000	2,500,000	0
				PL					
				DN					
				RW	STP	6,000,000			
				UT	STP	3,500,000			
BARREN	8820	US-31	MAJOR WIDENING OR 2+1 FROM STATE PARK ROAD TO NUNN PARKWAY	CN	SPP		27,500,000		
				Project Cost:		9,500,000	27,500,000	0	0
				PL					
				DN	SPP	3,500,000			
				RW					
				UT					
				CN					
				Project Cost:		3,500,000	0	0	0
				PL					
				DN		3,500,000			
Total for BARREN county									
BATH	8814	KY-36	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY.	RW		2,700,000			
				UT			1,200,000		
				CN					
				Total Amounts:		13,000,000	27,500,000	0	0
				PL	SPP				
				DN					
				RW					
				UT					
				CN					
				Total Amounts:		13,000,000	27,500,000	0	0
BATH	8814	KY-36	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY.	PL					
				DN					
				RW	SPP	2,700,000			
				UT	SPP		1,200,000		
				CN					
				Project Cost:		2,700,000	1,200,000	0	0
				PL					
				DN					
				RW					
				UT					

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for BATH county												
BELL	8702	US-119	PROVIDE A PASSING BAY ON US 119 IN THE VICINITY OF MP 15 IN BELL COUNTY. (12CCN)	PL								
				DN								
				RW		2,700,000						
				UT			1,200,000					
				CN								
				Total Amounts:					2,700,000	1,200,000	0	0
				PL								
				DN								
				RW	SPP	500,000						
				UT	SPP	500,000						
BELL	8805	US-119	CONSTRUCT LEFT AND RIGHT TURN LANES ONTO THE BELL COUNTY GARAGE/VETERANS' PARK ENTRANCE FROM US 119.	CN	SPP		2,500,000					
				Project Cost:					1,000,000	2,500,000	0	0
				PL								
				DN	SPP	100,000						
				RW	SPP		25,000					
				UT	SPP		50,000					
				CN	SPP			1,100,000				
				Project Cost:					100,000	75,000	1,100,000	0
				PL								
				DN		100,000						
Total for BELL county												
BOONE	14	I-75	RECONSTRUCT THE KY-536 (MT. ZION ROAD) INTERCHANGE.	PL								
				DN								
				RW								
				UT	IM	5,200,000						
				CN	IM		19,740,000					
				Project Cost:					5,200,000	19,740,000	0	0
				PL								
				DN								
				RW								
				UT								
Total for BOONE county												

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BOONE	14.5	I-75	ADD AUXILIARY LANES ON I-71/75 FROM KY 536 TO US 42 (NB & SB) AS PER THE INTERCHANGE JUSTIFICATION STUDY (IJS). (10CCR)(12CCR)	PL					
				DN					
				RW					
				UT	IM	800,000			
				CN	IM		17,600,000		
			Project Cost:			800,000	17,600,000	0	0
BOONE	18	I-75	RECONSTRUCT THE KY-338 (RICHWOOD ROAD) INTERCHANGE. (FUNDING FOR IMR SHOWN UNDER 6-14.01) (10CCR)(12CCR)	PL					
				DN					
				RW					
				UT	IM	6,240,000			
				CN	IM		31,710,000		
			Project Cost:			6,240,000	31,710,000	0	0
BOONE	158	KY-536	RECONSTRUCT KY-536 TO A 5-LANE URBAN SECTION FROM 1500' WEST OF US-42 TO I-75 (MP 10.3 TO MP 13.24). (DOES NOT INCLUDE INTERCHANGE RECONSTRUCTION) (00CCR) (10CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	28,730,000			
			Project Cost:			28,730,000	0	0	0
BOONE	351.1	US-25	DRY RIDGE-FLORENCE ROAD; 5-LANE US-25 FROM RICHWOOD ROAD TO WINNING COLORS DRIVE WITH GRADE SEPARATION OF KY-338 AT US-25 & RR OVERPASS FOR KY-338. (2004BOFC)(2008BOPC)	PL					
				DN					
				RW	SP	3,640,000			
				UT	SP	2,510,000			
				CN	SP	4,370,000			
			Project Cost:			10,520,000	0	0	0
BOONE	400.12	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	44,000			
			Project Cost:			44,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BOONE	400.13	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN		44,000			
				Project Cost:		0	44,000	0	0
BOONE	400.14	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN			44,000		
				Project Cost:		0	0	44,000	0
BOONE	400.15	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN					44,000
				Project Cost:		0	0	0	44,000
BOONE	401.12	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN		56,000			
				Project Cost:		56,000	0	0	0
BOONE	401.13	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN			56,000		
				Project Cost:		0	56,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BOONE	401.14	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	0	0	56,000	0
				Project Cost:		0	0	56,000	0
BOONE	401.15	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	0	0	0	56,000
				Project Cost:		0	0	0	56,000
BOONE	415	KY-237	PROVIDE ADDITIONAL LEFT TURN LANE ONTO WORLDWIDE BLVD FROM KY 237. ADD ADDITIONAL THROUGH LANES ON KY 237 NORTH OF KY 2846 (TANNERS LN). PROVIDE LANE EXTENSION ON WORLDWIDE BLVD FROM	PL					
				DN					
				RW					
				UT					
				CN	SNK	3,000,000	0	0	0
				Project Cost:		3,000,000	0	0	0
BOONE	423	KY-3060	CORRECT GEOMETRIC DEFICIENCIES AND ADD LEFT TURN LANES ON FROGTOWN ROAD AT TRIPLE CROWN BLVD AND CEDARWOOD. (2012BOP)(ADM. BY KYTC)	PL					
				DN					
				RW	SNK	200,000			
				UT	SNK	120,000			
				CN	SNK		1,200,000	0	0
				Project Cost:		320,000	1,200,000	0	0
BOONE	966.06	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2018 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	0	5,400,000	0	0
				Project Cost:		0	5,400,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BOONE	966.07	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2019 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	0	0	7,000,000 7,000,000	0
			Project Cost:						
BOONE	966.08	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	0	0	0	7,000,000 7,000,000
			Project Cost:						
BOONE	8000.2	I-275	I-275/KY-212 INTERCHANGE AND KY-20 RECONSTRUCTION NEAR GREATER CINCINNATI AIRPORT. (2004BOPC)(KYTC SHARE @ 46.6%)	PL DN RW UT CN	STP	0	0	0	25,310,000 25,310,000
			Project Cost:						
BOONE	8001.21	KY-237	RECONSTRUCT AND WIDEN KY 237 FROM VALLEY VIEW DRIVE TO ROGERS LANE.	PL DN RW UT CN	STP	20,560,000 20,560,000	0	0	0
			Project Cost:						
BOONE	8851		REPLACEMENT OF CLOSED TIMBER BRIDGE ON RICHARDSON ROAD TO RE-OPEN CORRIDOR. (008C00036N)	PL DN RW UT CN	SP	1,500,000 1,500,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for BOONE county									
BOURBON	8705	US-460	RECONSTRUCT US 460 FROM RUSSELL CAVE ROAD TO US 27 BYPASS IN PARIS; MP 1.394 TO MP 7.696 (12CCN)	PL					
				DN					
				RW		3,840,000			
				UT		14,870,000			
				CN		58,260,000	75,750,000	7,100,000	32,410,000
						76,970,000	75,750,000	7,100,000	32,410,000
				Total Amounts:					
				PL					
				DN					
				RW					
				UT					
				CN	STP	27,700,000	0	0	0
				Project Cost:		27,700,000	0	0	0
				PL					
				DN					
				RW					
				UT					
				CN		27,700,000	0	0	0
				Total Amounts:		27,700,000	0	0	0
				PL					
BOYD	208.03	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2017. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN		1,200,000	0	0	0
				Project Cost:		1,200,000	0	0	0
				PL					
				DN					
				RW					
				UT					
BOYD	208.04	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2018. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SAH	0	1,200,000	0	0
				Project Cost:		0	1,200,000	0	0
				PL					
				DN					
				RW					
				UT					

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BOYD	208.05	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2019. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SAH	0	0	1,200,000	0
			Project Cost:					1,200,000	0
BOYD	208.06	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SAH	0	0	0	1,200,000
			Project Cost:					0	1,200,000
Total for BOYD county									
BRACKEN	355.19	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2017. (12CCR)	PL DN RW UT CN		1,200,000 1,200,000	1,200,000 1,200,000	1,200,000 1,200,000	1,200,000 1,200,000
			Total Amounts:						
			Project Cost:			190,000	0	0	0
BRACKEN	355.2	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2018. (12CCR)	PL DN RW UT CN	SPP	0	190,000	0	0
			Project Cost:			0	190,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BRACKEN	355.21	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2019. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			190,000	
				Project Cost:		0	0	190,000	0
BRACKEN	355.22	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				190,000
				Project Cost:		0	0	0	190,000
BRACKEN	1074	KY-8	REPLACE BRIDGE ON KY-8 (MP 4.221) OVER SNAG CREEK; 1 MI W OF JCT KY 1109; (STRUCTURALLY DEFICIENT, SR=48.3) 012B00005N	PL					
				DN					
				RW					
				UT					
				CN	BRO	4,310,000		0	0
				Project Cost:		4,310,000	0	0	0
Total for BRACKEN county									
BREATHITT	1105	CR-1165	REPLACE BRIDGE ON MARIE ROBERTS ROAD (CR 1165) OVER TROUBLESOME CREEK 0.1 MILE SW OF KY 15(SR 27.1) 013C00011N	PL					
				DN					
				RW					
				UT					
				CN	BRZ		1,510,000		0
				Project Cost:		0	1,510,000	0	0
Total Amounts:									
				CN		4,500,000	190,000	190,000	190,000
						4,500,000	190,000	190,000	190,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

1172

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BREATHITT	1110	KY-378	REPLACE BRIDGE OVER FROZEN CREEK ON KY 378 0.7 MI N OF KY 1812. (013B00050N)(SR=41)	PL DN RW UT CN	BRX			250,000	
Project Cost:						0	0	250,000	0
Total for BREATHITT county									
BRECKINRIDGE	394	US-60	ADD CENTER TURN LANE ALONG US 60 IN IRVINGTON (PHASE 1) FROM WEST OF IRVINGTON TO KY 2202. (12CCR)	PL DN RW UT CN			1,510,000 1,510,000	250,000	0
Total Amounts:						0		250,000	0
Project Cost:									
BRECKINRIDGE	1090	CR-1021	REPLACE BRIDGE OVER SINKING CREEK ON DENT'S BRIDGE ROAD (CR 1021) 1.4 MI W OF KY 333 (014C00003N)(SR=26)	PL DN RW UT CN	BRZ	100,000		30,000 50,000	500,000 500,000
Project Cost:						100,000	0	80,000	
Total for BRECKINRIDGE county									
Project Cost:									
Total Amounts:						2,930,000 2,930,000	0	0	0
Project Cost:									
Total Amounts:						2,930,000 3,030,000	0	80,000	500,000 500,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020				
BULLITT	8509	KY-245	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN)(10CCR)	PL									
				DN									
				RW									
				UT									
				CN	STP	10,510,000	0	0	0				
				Project Cost:					10,510,000				
				Total Amounts:					10,510,000	0	0	0	
				BUTLER	125.12	KY-269	OPERATION OF REED'S FERRY AT LOGANSFORT FOR FY 2017 (12CCR)	PL					
								DN					
								RW					
UT													
CN	SPP	157,200	0					0	0				
Project Cost:								157,200					
Total Amounts:								157,200	0	0	0		
BUTLER	125.13	KY-269	OPERATION OF REED'S FERRY AT LOGANSFORT FOR FY 2018 (12CCR)					PL					
								DN					
								RW					
				UT									
				CN	SPP	157,200	157,200	0	0				
				Project Cost:					0	157,200			
				Total Amounts:					0	157,200	0	0	
				BUTLER	125.14	KY-269	OPERATION OF REED'S FERRY AT LOGANSFORT FOR FY 2019 (12CCR)	PL					
								DN					
								RW					
UT													
CN	SPP	157,200	0					157,200	157,200				
Project Cost:								0	0	157,200	0		
Total Amounts:								0	0	157,200	0		
Total for BULLITT county													

2014-2020 HIGHWAY CONSTRUCTION PLAN

1174

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
BUTLER	125.15	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2020 (12CCR)	PL DN RW UT CN	SPP	0	0	0	157,200 157,200
			Project Cost:						
BUTLER	1072	KY-340	REPLACE BRIDGE ON KY-340 (MP 7.120) OVER BR OF E PRONG INDIAN CAMP CREEK; 1.0 MI NORTH OF JCT KY 79; (STRUCTURALLY DEFICIENT, SR=44.3) 016B00041N	PL DN RW UT CN	BRX	260,000 260,000	0	0	0
			Project Cost:						
BUTLER	8504.07	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2017 (12CCR)	PL DN RW UT CN	SPP	157,200 157,200	0	0	0
			Project Cost:						
BUTLER	8504.08	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2018 (12CCR)	PL DN RW UT CN	SPP	0	157,200 157,200	0	0
			Project Cost:						
BUTLER	8504.09	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2019 (12CCR)	PL DN RW UT CN	SPP	0	0	157,200 157,200	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
BUTLER	8504.1	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				157,200
				Project Cost:		0	0	0	157,200
				PL					
				DN					
				RW					
				UT					
CALDWELL	141	KY-139	RECONSTRUCT SUBSTANDARD CURVES AT ROCK SPRINGS HILL(10CCR)	CN		574,400	314,400	314,400	314,400
				Total Amounts:		574,400	314,400	314,400	314,400
				PL					
				DN					
				RW					
				UT					
				CN	SP	2,440,000	0	0	0
				Project Cost:		2,440,000	0	0	0
				PL					
				DN					
CALDWELL	153	-0	NEW CONNECTOR FROM HOPKINSVILLE ROAD (KY-91) TO WILSON WAREHOUSE ROAD (KY-293) NORTHEAST OF PRINCETON. (06CCR)(10CCR)(12CCR)	PL					
				DN					
				RW					
				UT	STP	2,060,000			
				CN	STP		13,470,000	0	0
				Project Cost:		2,060,000	13,470,000	0	0
				PL					
				DN					
				RW					
				UT		2,060,000			
CALDWELL				CN		2,440,000	13,470,000	0	0
				Total Amounts:		4,500,000	13,470,000	0	0
				PL					
				DN					
				RW					
				UT					
				CN					
				Total Amounts:					
				PL					
				DN					

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CALLOWAY	314.1	US-641	MAJOR WIDENING FROM TENN. STATE LINE TO MURRAY PRIORITY SECTION 1; FROM CLARKS RIVER BRIDGE, NORTH 1.0 MILE TO EXISTING 4-LANE (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	7,580,000	0	0	0
			Project Cost:			7,580,000			
CALLOWAY	1149	CR-1411	REPLACE BRIDGE ON CARLTON RD (CR 1411) OVER W FORK ROCKHOUSE CREEK 0.1 MILE W OF COLLINS RD (CR 1505)(SR 37.3)018C00110N	PL					
				DN					
				RW					
				UT					
				CN	BRZ	300,000	0	0	0
			Project Cost:			300,000			
CALLOWAY	8851	CS-1047	CONSTRUCT A NEW IMPROVEMENT ALLOWING FOR AN OVERPASS FOR PEDESTRIANS CROSSING 16TH STREET GOING TO THE OTHER SIDE OF CAMPUS. MURRAY STATE AND THE CITY ARE IN AGREEMENT WITH THE NEED OF THE	PL					
				DN					
				RW					
				UT	SPP	1,500,000	7,000,000		
				CN	SPP	1,500,000	7,000,000	0	0
			Project Cost:			1,500,000	7,000,000		
CALLOWAY	8852	US-641	NEW CONSTRUCTION OF 4-LANE ON US-641 SOUTH OF MURRAY FROM END OF CURRENT 5-LANE SECTION TO TENNESSEE STATE LINE.	PL					
				DN					
				RW	SP		7,500,000		
				UT	SP				7,500,000
				CN					
			Project Cost:			0	7,500,000	0	7,500,000
Total for CALLOWAY county				PL					
				DN					
				RW			7,500,000		
				UT		1,500,000			7,500,000
				CN		7,880,000	7,000,000		
Total Amounts:						9,380,000	14,500,000	0	7,500,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CAMPBELL	352	KY-536	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN) (12CCR)	PL					
				DN					
				RW					
				UT	SP	5,430,000			
				CN	SP		25,760,000		
			Project Cost			5,430,000	25,760,000	0	0
CAMPBELL	427	KY-1892	ROADWAY REHABILITATION ON CAROTHERS ROAD FROM MONMOUTH STREET (US 27) TO RIGHT TURN LANE INTO NEWPORT SHOPPING CENTER.	PL					
				DN					
				RW					
				UT					
				CN	SNK	1,005,052			
			Project Cost			1,005,052	0	0	0
CAMPBELL	1076	CS-1193	REPLACE BRIDGE ON CS-1193 (MP 0.783) OVER TAYLOR CREEK; 1.0 MI N. JCT KY 1120; (STRUCTURALLY DEFICIENT, SR=31.7) 019C00063N	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,130,000			
			Project Cost			1,130,000	0	0	0
CAMPBELL	1077	KY-10	REPLACE BRIDGE ON KY 10 OVER TWELVE MILE CREEK SE OF KY 1997 (SR 15.1) 019B00006N	PL					
				DN					
				RW					
				UT					
				CN	BRO	1,630,000			
			Project Cost			1,630,000	0	0	0
CAMPBELL	1085	KY-8	REPLACE BRIDGE OVER TWELVEMILE CREEK ON KY 8 0.1 MI N OF NEISES ROAD (CR 1009). (019B00003N)(SR=46.1)	PL					
				DN	BRX	150,000			
				RW	BRX			200,000	
				UT	BRX			100,000	
				CN	BRX				900,000
			Project Cost			150,000	0	300,000	900,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

1178

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CAMPBELL	8804		SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF DAYTON.	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	0
CAMPBELL	8805		SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF HIGHLAND HEIGHTS.	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	0
Total for CAMPBELL county									
CARTER	8506	KY-773	DESIGN BRIDGES IN CONJUNCTION WITH PROJECT 8-8312. (08CCN)	PL		150,000			
				DN					
				RW				200,000	
				UT		5,430,000			100,000
				CN		4,765,052	25,760,000		900,000
				Total Amounts:		10,345,052	25,760,000	300,000	900,000
				PL					
				DN					
				RW	SPP	560,000			
				UT	SPP	370,000			
CN	SPP		6,240,000						
Project Cost:		930,000	6,240,000	0	0				
CARTER				PL					
				DN					
				RW		560,000			
				UT		370,000			
				CN			6,240,000		
				Total Amounts:		930,000	6,240,000	0	0
Total for CARTER county									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CHRISTIAN	136	KY-1682	EXTEND KY-1682 FROM THE E.T. BREATHITT PARKWAY TO US-68/KY-80 EAST OF HOPKINSVILLE (HOPKINSVILLE NORTHEAST BYPASS).	PL					
				DN	STP	2,710,000			
				RW					
				UT					
				CN					
				Project Cost:		2,710,000	0	0	0
CHRISTIAN	227	KY-1007	RECONSTRUCT KY 1007 FROM US 68 TO SANDERSON ROAD IN HOPKINSVILLE. (12CCR)	PL					
				DN					
				RW					
				UT	SPP	3,250,000			
				CN	SPP		11,250,000		
				Project Cost:		3,250,000	11,250,000	0	0
CHRISTIAN	805	I-24	NEW INTERCHANGE AT KY 107 SOUTH OF HOPKINSVILLE. KYTC SHALL CONSIDER DESIGN-BUILD OPPORTUNITY.	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,500,000			
				Project Cost:		6,500,000	0	0	0
CHRISTIAN	1085	CR-1116	REPLACE BRIDGE ON SUB STATION RD (CR 1116) OVER CSX RR 0.04 MILE E OF US 41 (SR 34.4) 024C00034N	PL					
				DN					
				RW					
				UT					
				CN	BRZ	500,000			
				Project Cost:		500,000	0	0	0
CHRISTIAN	1089	US-41	REPLACE BRIDGE OVER CSX RR ON WALNUT STREET (US 41A) IN HOPKINSVILLE 475 FT NE OF EAST 21ST STREET (CS 1016) (024B00112N) (SR=47.4)	PL					
				DN	BRX		500,000		
				RW	BRX				100,000
				UT	BRX				350,000
				CN					
				Project Cost:		0	500,000	0	450,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CHRISTIAN	1094	CS-1262	REPLACE BRIDGE OVER N FORK LITTLE RIVER ON MILBROOKE DRIVE (CS 1262) 500 FT SW OF KAREN DRIVE (CS 1268) 024C00081NSR 21.4	PL DN RW UT CN	BRZ			225,000	
			Project Cost:			0	0	225,000	0
CHRISTIAN	8703	KY-107	WIDEN KY 107 TO THREE LANES FROM GREENWAY LANE TO KY 380. (12CCN)	PL DN RW UT CN	SPP	2,250,000 2,250,000	0	0	0
			Project Cost:						
Total for CHRISTIAN county									
CLARK	8506.01	I-64	RECONSTRUCT I-64/MOUNTAIN PARKWAY INTERCHANGE TO ADD NEW RAMPS TO AND FROM THE EAST. (12CCR)	PL DN RW UT CN		2,710,000 3,250,000 9,250,000 15,210,000	500,000 11,250,000 11,750,000	225,000	100,000 350,000 450,000
			Total Amounts:						
			Project Cost:			900,000	11,620,000	0	0
Total for CLARK county									
			Project Cost:			900,000	11,620,000	0	0
			Total Amounts:			900,000	11,620,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

CHAPTER 145

1181

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CLAY	1091	CR-1004	REPLACE BRIDGE ON BEECH CREEK RD (CR 1004) OVER GOOSE CREEK AT INTERSECTION WITH CHANDLER BRANCH RD (CR 1003)(SR 30.8) C00001N	PL DN RW UT CN	BRZ	0	2,000,000 2,000,000	0	0
			Project Cost:						
CLAY	1092	CR-1154	REPLACE BRIDGE ON MILL CREEK ROAD (CR 1154) OVER GOOSE CREEK AT JCT WITH KY 1524 (SR 47) 026C00025N	PL DN RW UT CN	BRZ	80,000 50,000 130,000	750,000 750,000	0	0
			Project Cost:						
CLAY	1099	CR-1160	REPLACE BRIDGE OVER OTTER CREEK ON OTTER CREEK ROAD (CR 1160) AT JUNCTION WITH MAY FORK ROAD (CR 1158)(026C00031N) (SR=2)	PL DN RW UT CN	BRZ	150,000	30,000 50,000 80,000		
			Project Cost:						
CLAY	8861	KY-638	IMPROVE SAFETY AND SIGHT DISTANCE ALONG KY 638 (MP 6.7 TO MP 7.1) AND ITS INTERSECTION WITH KY 3476.	PL DN RW UT CN	SPP	1,840,000 1,840,000	0	0	0
			Project Cost:						
CLAY	8864	CR-1286	IMPROVE GEOMETRICS ALONG URBAN CREEK ROAD (CR 1286) AND, INCLUDING INTERSECTIONS AT HAL ROGERS PARKWAY AND KY 687.	PL DN RW UT CN	SPP	6,100,000 6,100,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for CLAY county									
CLINTON	1062	KY-738	REPLACE BRIDGE OVER CLEAR FORK CREEK ON KY 738 0.2 MI S OF US 127X. (027B00011N) (SR=31.5)	PL					
				DN				150,000	
				RW		80,000			30,000
				UT		50,000			50,000
				CN		7,940,000	2,750,000		
				Total Amounts:		8,070,000	2,750,000	150,000	80,000
				PL					
				DN	BRX			250,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	250,000	0
CLINTON	8601.26	US-127	RECONSTRUCTION OF US 127 FROM APPROX 1.14 MI N OF INTERSECTION OF KY 3063 & OLD US 127, EXTENDING N TO KY 1730, LOCATED APPROX 0.36 MI E OF THE INTERSECTION OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL					
				DN					
				RW					
				UT					
				CN	NH	10,000,000			
				Project Cost:		10,000,000	0	0	0
				PL					
				DN					
				RW					
				UT					
				CN	NH		16,000,000		
				Project Cost:		0	16,000,000	0	0
CLINTON	8601.28	US-127	RECONSTRUCTION OF US 127 FROM APPROX 1.14 MI N OF INTERSECTION OF KY 3063 & OLD US 127, EXTENDING N TO KY 1730, LOCATED APPROX 0.36 MI E OF THE INTERSECTION OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL					
				DN					
				RW					
				UT					
				CN	NH				
				Project Cost:		0	0	20,500,000	20,500,000
				PL					
				DN					
				RW					
				UT					
				CN	NH				
				Project Cost:		0	0	20,500,000	20,500,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
CLINTON	8601.3	US-127	RECONSTRUCTION OF US 127 FROM APPROX 0.18 MI E OF THE INTERSECTION OF AARON RIDGE RD AND OLD US 127, EXTENDING N TO APPROX 1.14 MI N OF THE INTERSECTION OF KY 3063 AND OLD US 127. (SEE 8-108 AND 8-115)	PL					
				DN					
				RW					
				UT					
				CN	SP	0	0	20,000,000	0
			Project Cost:					20,000,000	
CLINTON	8601.31	US-127	RECONSTRUCTION OF US 127 FROM APPROX 0.18 MI E OF THE INTERSECTION OF AARON RIDGE RD AND OLD US 127, EXTENDING N TO APPROX 1.14 MI N OF THE INTERSECTION OF KY 3063 AND OLD US 127. (SEE 8-108 AND 8-115)	PL					
				DN					
				RW					
				UT					
				CN	SP	0	0	0	4,000,000
			Project Cost:					0	4,000,000
Total for CLINTON county									
CRITTENDEN	187.23	US-641	MARION TO FREDONIA; SURFACING AND INCIDENTAL GRADE AND DRAIN.(12CCR)	PL				250,000	
				DN					
				RW					
				UT					
				CN		10,000,000	16,000,000	40,500,000	4,000,000
			Total Amounts:			10,000,000	16,000,000	40,750,000	4,000,000
CRITTENDEN	326.14	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2017 (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	12,000,000	0	0	0
			Project Cost:			12,000,000	0	0	0
CRITTENDEN	326.14	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2017 (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	402,000	0	0	0
			Project Cost:			402,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CRITTENDEN	326.15	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2018 (12CCR)	PL					
				DN					
				RW					
				UT					
				CN		402,000			
				SPP		402,000		0	0
			Project Cost:			0			
CRITTENDEN	326.16	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2019 (12CCR)	PL					
				DN					
				RW					
				UT					
				CN			402,000		
				SPP			402,000		0
			Project Cost:			0			
CRITTENDEN	326.17	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020 (12CCR)	PL					
				DN					
				RW					
				UT					
				CN					402,000
				SPP				0	402,000
			Project Cost:			0			
Total for CRITTENDEN county									
CUMBERLAND	150	KY-61	SHOULDER TREATMENT ON KY 61 FROM JOE SCOTT RIDGE ROAD, NORTHERLY TO THE TENNESSEE LINE. (2006BOPC)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN		12,402,000	402,000	402,000	402,000
				SPP		12,402,000	402,000	402,000	402,000
			Total Amounts:						
CUMBERLAND	150	KY-61	SHOULDER TREATMENT ON KY 61 FROM JOE SCOTT RIDGE ROAD, NORTHERLY TO THE TENNESSEE LINE. (2006BOPC)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN		3,930,000	0	0	0
				SPP		3,930,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
CUMBERLAND	1060	KY-61	REPLACE BRIDGE OVER CUMBERLAND RIVER ON KY 61 0.1 MI N OF COLD SPRINGS ROAD (CR 1204).(029B00012N)(SR=32)	PL DN RW UT CN	BRX BRX BRX CN		500,000		50,000 50,000 100,000
			Project Cost:			0	500,000	0	
CUMBERLAND	8852	KY-90	RECONSTRUCT KY-90 FROM NORRIS BRANCH WESTERLY TO KY-48 NEAR MARROWBONE.	PL DN RW UT CN	SP SP SP SP SP	3,500,000			
			Project Cost:			3,500,000	5,000,000	22,000,000	0
Total for CUMBERLAND county									
DAVISS	229	KY-298	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR)	PL DN RW UT CN	SPP				
			Total Amounts:			3,500,000	5,500,000	22,000,000	100,000
			Project Cost:			3,500,000	0	0	0
DAVISS	8300	KY-54	WIDENING KY-54 FROM THE US-60 BYPASS TO WHITESVILLE FROM MILEPOST 4.51 TO MILEPOST 8.0. (06CCN)(10CCR)(12CCR)	PL DN RW UT CN	SPP SP				
			Project Cost:			17,040,000	35,540,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
DAVIESS	8801	KY-1456	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714	PL DN RW UT CN SPP		0	6,250,000 6,250,000	0	0
			Project Cost:						
DAVIESS	8813		GRAVES LANE BRIDGE REPLACEMENT -- 0.2 MI E JCT KY 405 (MM 1.005-1.009) OVER ALLGOOD DITCH.	PL DN RW UT CN SPP		75,000	350,000 350,000	0	0
			Project Cost:			75,000			
DAVIESS	8851	KY-81	EXTEND THE CURRENT 4 LANES TO THE ROUNDABOUT AT KY-56/KY-81	PL DN RW UT CN SPP		800,000 3,000,000 3,800,000	0	0	0
			Project Cost:						
DAVIESS	8854	KY-3143	WIDEN KY 3143 TO 3 LANES WITH CURB AND GUTTER FROM KY 3335 TO KY 54	PL DN RW UT CN SPP		2,475,000 3,000,000 4,000,000 5,475,000	0	0	0
			Project Cost:						
Total for DAVIESS county				PL DN RW UT CN Total Amounts:		2,475,000 20,915,000 6,500,000 29,890,000	46,140,000 46,140,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
EDMONSON	7030.1	KY-259	RECONSTRUCT KY-70/KY-259 FROM 0.36 MILE NORTH GREEN RIVER BRIDGE AT BROWNSVILLE TO 0.42 MILE NORTH OF THE KY-70/KY-259 INTERSECTION.(06CCR)(2004BOPC)(12CCR)	PL					
				DN					
				RW	SPP	1,540,000			
				UT	SPP	1,470,000			
				CN	SPP		5,480,000		
			Project Cost:			3,010,000	5,480,000	0	0
EDMONSON	7030.5	KY-259	RECONSTRUCT KY-259 FROM 0.42 MILE NORTH OF THE KY-70 INTERSECTION TO NORTH OF THE KYROCK ELEMENTARY SCHOOL (PRIORITY SECTION). (2004BOPC)	PL					
				DN					
				RW					
				UT					
				CN	SP	20,440,000	0	0	0
			Project Cost:			20,440,000	0	0	0
Total for EDMONSON county									
ELLIOTT	192.07	KY-32	RECONSTRUCT KY-32 FROM 0.408 MILES WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I) (06CCR) (08CCR) (10CCR)(12CCR)(ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW		1,540,000			
				UT		1,470,000			
				CN		20,440,000	5,480,000		
			Total Amounts:			23,450,000	5,480,000	0	0
				PL					
				DN					
				RW					
				UT					
				CN	STP	30,000,000	0	0	0
			Project Cost:			30,000,000	0	0	0
Total for ELLIOTT county									
				PL					
				DN					
				RW					
				UT					
				CN		30,000,000	0	0	0
			Total Amounts:			30,000,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1188

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ESTILL	8306	KY-89	SPOT IMPROVEMENTS ON KY-89/KY-82 FROM IRVINE TO THE MOUNTAIN PARKWAY. (06CCN) (10CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	1,770,000	0	0	0
			Project Cost:			1,770,000			
ESTILL	8306.1	KY-89	SPOT IMPROVEMENT ON KY 89: CORRECT SIGHT DISTANCE PROBLEM AT THE KY 89/DRY RIDGE ROAD INTERSECTION. (2006BOPC)(10CCR)(TO BE LET W/ 8306.2)	PL					
				DN					
				RW					
				UT					
				CN	SP	1,060,000	0	0	0
			Project Cost:			1,060,000			
ESTILL	8306.2	KY-89	SPOT IMPROVEMENT ON KY 89: CORRECT SIGHT DISTANCE PROBLEM ON KY 89 AT A COMMERCIAL ENTRANCE 0.495 MILE SOUTH JCT. KY 794. (2006BOPC)(10CCR)(TO BE LET W/ 8306.1)	PL					
				DN					
				RW					
				UT					
				CN	SP	600,000	0	0	0
			Project Cost:			600,000			
Total for ESTILL county									
FAYETTE	113.01	KY-4	NEW CIRCLE ROAD REHAB AND WIDENING FROM VERSAILLES ROAD TO LEESTOWN ROAD. (12CCR) (LET W/ 7-279)(ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,430,000	0	0	0
			Total Amounts:			3,430,000			
			Project Cost:						
						15,180,000	0	0	0
						15,180,000			

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FAYETTE	113.02	KY-4	NEW CIRCLE ROAD REHAB AND WIDENING FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD. (12CCR)	PL DN RW UT CN NH		0	0	18,000,000	0
			Project Cost:			690,000	0	18,000,000	0
FAYETTE	220	US-25	RICHMOND ROAD MULTIUSE PATH IN LEXINGTON BETWEEN EAGLE CREEK DRIVE AND JACOBSON PARK. (LOCAL MATCH) (ALL WORK BY LFUGG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN SLX		690,000	0	0	0
			Project Cost:			690,000	0	0	0
FAYETTE	224.1	CS-4174	CLAYS MILL ROAD; WIDEN FROM HARRODSBURG ROAD TO NEW CIRCLE ROAD (SECTION 1) (LFUGG T.I.P.) (LOCAL MATCH) (ALL WORK BY LFUGG) (CONSTRUCTION SEQU. 2) (SUBJECT TO FISCAL CONSTRAINT PENDING	PL DN RW UT CN SLX		11,735,000	0	0	0
			Project Cost:			11,735,000	0	0	0
FAYETTE	227.12	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2018. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN SLX		0	3,700,000	0	0
			Project Cost:			0	3,700,000	0	0
FAYETTE	227.13	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2019. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN SLX		0	0	6,300,000	0
			Project Cost:			0	0	6,300,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FAYETTE	227.14	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLX	0	0	0	6,300,000 6,300,000
			Project Cost:						
FAYETTE	229.2	-0	SOUTH ELKHORN TRAIL IN LEXINGTON (PRIORITY SECTION 2); FROM JOSEPH BRYAN WAY THROUGH NS RAILROAD TUNNEL TO WAVELAND HISTORIC SITE (ALL WORK BY LFUCG). (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SLX	400,000 400,000	0	0	0
			Project Cost:						
FAYETTE	229.3	-0	SOUTH ELKHORN TRAIL(PRIORITY SECTION 3); FROM LOCHDALE TERRACE, EXTENDING NORTHERLY UNDER MAN O' WAR BOULEVARD TO SHILLITO PARK.(LOCAL MATCH)(DESIGN BY LFUCG)(ALL WORK BY LFUCG)(2004BOPC)	PL DN RW UT CN	SLX	625,000 625,000	0	0	0
			Project Cost:						
FAYETTE	357.14	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2017.(12CCR)	PL DN RW UT CN	SPP	180,000 180,000	0	0	0
			Project Cost:						
FAYETTE	357.15	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2018.(12CCR)	PL DN RW UT CN	SPP	0	180,000 180,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FAYETTE	357.16	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN			180,000		
				Project Cost:		0	0	180,000	0
FAYETTE	357.17	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN					180,000
				Project Cost:		0	0	0	180,000
FAYETTE	412	US-27	REPLACE L&N RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY) (12CCR)	PL					
				DN					
				RW			2,440,000		
				UT			1,550,000		
				CN					
				Project Cost:		0	3,990,000	0	0
FAYETTE	415	KY-2335	IMPROVE ROADWAY TYPICAL SECTION AND PAVEMENT ON KY 2335 (WARE RD) FROM KY 57 (BRIAR HILL RD) TO NORTHERN ENTRANCE TO LEXINGTON BLUEGRASS ARMY DEPOT. (NOTE: DISTRICT IS ANTICIPATING EXPANSION OF	PL					
				DN					
				RW					
				UT					
				CN			5,000,000		
				Project Cost:		0	5,000,000	0	0
FAYETTE	593.2	-0	NEWTOWN PIKE EXTENSION - PRIORITY 3: FROM VERSAILLES ROAD TO BROADWAY. (PHASE II) (08CCR)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN			16,059,800		
				Project Cost:			16,059,800	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1192

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
FAYETTE	593.3	-0	NEWTOWN PIKE EXTENSION - PRIORITY 4: FROM EXISTING NEWTOWN PIKE & PATTERSON TO SOUTH LIMESTONE. (PHASE III - SCOTT STREET CONNECTOR)	PL DN RW UT CN	SP	0	10,755,200 10,755,200	0	0
			Project Cost:						
FAYETTE	1132	CS-3605	REPLACE BRIDGE ON MALABU DRIVE (CS 3605) OVER BRANCH HICKMAN CREEK AT JCT WITH TATES CREEK ROAD (KY 1974)(SR 40) 034C00038N	PL DN RW UT CN	BRZ	0	500,000 500,000	0	0
			Project Cost:						
FAYETTE	1141	CR-1001	REPLACE BRIDGE OVER BRANCH OF NORTH ELKHORN CREEK ON HUME ROAD (CR 1001) 0.7 MI NW OF US 60 (034C00001N)(SR=44.5)	PL DN RW UT CN	BRZ	0	0	0	300,000
			Project Cost:						
FAYETTE	8804	KY-4	SOUND BARRIERS ALONG INNER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND ALUMNI DRIVE.	PL DN RW UT CN	SP	5,000,000 5,000,000	0	0	0
			Project Cost:						
FAYETTE	8805	KY-4	SOUND BARRIERS ALONG INNER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD.	PL DN RW UT CN	SP	0	5,000,000 5,000,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FAYETTE	8806	KY-4	SOUND BARRIERS ALONG OUTER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND ALUMNI DRIVE.	PL DN RW UT CN SP		0	0	5,000,000 5,000,000	0
Project Cost:									
Total Amounts:									
Total for FAYETTE county									
FLEMING	1091	KY-111	REPLACE BRIDGE OVER ALLISON CREEK ON KY 111 1.2 MI N OF KY 156. (035B00016N)(SR=32.1) (EBRP)	PL DN RW UT CN		49,869,800 49,869,800	25,135,200 29,125,200	29,480,000 29,480,000	6,480,000 6,780,000
Project Cost:									
FLEMING	1092	CR-1240	REPLACE BRIDGE OVER FLEMING CREEK ON MCINTIRE ROAD (CR 1240) AT THE JCT WITH PIKE BLUFF (CR 1305)(035C00065N)(SR=24)	PL DN RW UT CN		350,000		75,000 50,000	600,000 600,000
Project Cost:									
FLEMING	8804	KY-111	RESTORATION OF GRANGE CITY COVERED BRIDGE LOCATED ON KY-111 BETWEEN FLEMINGSBURG AND GRANGE CITY	PL DN RW UT CN SPP		1,200,000 1,200,000	0	0	0
Project Cost:									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FLEMING	8815	KY-165	UPGRADE, WIDEN, AND PROVIDE SPOT IMPROVEMENTS ON KY-165 TO IMPROVE SAFETY FROM KY-32 TO US-68.	PL	SPP	900,000			
				DN	SPP	250,000			
				RW	SPP		250,000		
				UT	SPP		5,000,000		
				CN	SPP				
			Project Cost:			1,150,000	5,250,000	0	0
Total for FLEMING county									
				PL					
				DN		1,250,000			500,000
				RW		250,000		75,000	
				UT			250,000	50,000	
				CN			5,000,000		600,000
			Total Amounts:			1,200,000	5,250,000	125,000	1,100,000
						2,700,000			
FLOYD	1.2	KY-114	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG; WIDEN KY 114 TO 4 LANES FROM THE MAGOFFIN/FLOYD COUNTY LINE TO ADAMS CEMETERY ROAD (W JCT CR 1380). (SEE 12-1.01 FOR PE & ENV)	PL					
				DN	NH	1,900,000			
				RW	SP		9,200,000		
				UT	SP			1,200,000	
				CN					
			Project Cost:			1,900,000	9,200,000	1,200,000	0
FLOYD	1.3	KY-114	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG; WIDEN KY 114 TO 4 LANES FROM ADAMS CEMETERY ROAD (W JCT CR 1380) TO STEVE FITZPATRICK ROAD (W JCT CR 1388). (SEE 12-1.01 FOR PE & ENV)	PL					
				DN					
				RW	SP	10,200,000			
				UT	SP		1,300,000		
				CN					
			Project Cost:			10,200,000	1,300,000	0	0
FLOYD	1.4	KY-114	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG; WIDEN KY 114 TO 4 LANES FROM STEVE FITZPATRICK ROAD (W JCT CR 1388) TO KY 404 AT PRESTONSBURG. (SEE 12-1.01 FOR PE & ENV)	PL					
				DN					
				RW	SP		5,800,000		
				UT	SP			600,000	
				CN	SP				10,000,000
			Project Cost:			0	5,800,000	600,000	10,000,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FLOYD	195	KY-979	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL (12CCR)	PL					
				DN					
				RW					
				UT					
				CN		11,500,000			
				SPP					
			Project Cost:			0	11,500,000	0	0
FLOYD	1111	KY-1100	REPLACE BRIDGE ON KY 1100 OVER LITTLE PAINT CREEK NEAR FLOYD/JOHNSON COUNTY LINE (SR 47.1) 036B00002N	PL					
				DN					
				RW					
				UT					
				CN	900,000				
				BRO					
			Project Cost:			900,000	0	0	0
FLOYD	1119	KY-2557	REPLACE BRIDGE OVER LEVISA FORK ON KY 2557 AT JCT US 23 IN JUSTELL. (036B00040N) (SR=19.9)	PL					
				DN					
				BRX		750,000			300,000
				RW					500,000
				UT					
				BRX					
			Project Cost:			0	750,000	0	800,000
FLOYD	1121	KY-550	REPLACE BRIDGE OVER BRUSH CREEK ON KY 550 AT JCT WITH KY 850. (036B00015N) (SR=41.3)(EBRP)	PL					
				DN				300,000	
				RW					200,000
				BRX					300,000
				UT					1,000,000
				BRX					
			Project Cost:			0	0	300,000	1,500,000
Total for FLOYD county									
				PL					
				DN		1,900,000	750,000	300,000	
				RW		10,200,000	15,000,000		500,000
				UT			1,300,000	1,800,000	800,000
				CN		900,000	11,500,000		11,000,000
			Total Amounts:			13,000,000	28,550,000	2,100,000	12,300,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FRANKLIN	97.5	US-60	WIDEN US 60 FROM END OF TRUCK CLIMBING LANE JUST WEST OF SOUTH BENSON CREEK BRIDGE (B97) TO VICKY WAY (04CCN)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	7,600,000	0	0	0
			Project Cost:			7,600,000			
FRANKLIN	1065	US-460	REPLACE BRIDGE ON US 460 OVER SOUTH ELKHORN CREEK AT INTERSECTION OF US 460 AND N SCRUGGS LN(CR 1010)(SR 41.3)	PL					
				DN					
				RW	BRO	100,000			
				UT	BRO	200,000			
				CN	BRO		700,000		
			Project Cost:			300,000	0	700,000	0
FRANKLIN	1078	CR-1230	REPLACE BRIDGE OVER BENSON CREEK ON CRAB ORCHARD ROAD (CR 1230) 200 FT NW OF KY 151 NEAR I-64 EXIT 48 (037C00010N) (SR=33.1) (EBRP)	PL					
				DN	BRZ			350,000	
				RW	BRZ				10,000
				UT	BRZ				20,000
				CN	BRZ				875,000
			Project Cost:			0	0	350,000	905,000
FRANKLIN	8813		CONSTRUCTION AND SIDEWALK IMPROVEMENTS TO THE INTERSECTION OF SECOND STREET AND BRIDGE STREET INCLUDING THE SIDEWALK ALONG SECOND STREET TO EWING STREET	PL					
				DN					
				RW					
				UT					
				CN	TE	610,000			
			Project Cost:			610,000	0	0	0
Total for FRANKLIN county									
				PL					
				DN				350,000	
				RW		100,000			10,000
				UT		200,000			20,000
				CN		8,210,000		700,000	875,000
			Total Amounts:			8,510,000	0	1,050,000	905,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FULTON	25	JC-9003	RECONSTRUCT AND IMPROVE I-69 AT THE KENTUCKY/TENNESSEE STATE LINE TO US-51 INTERCHANGE AT FULTON. (I-69 CORRIDOR IMPROVEMENT)(2012BOP)	PL DN RW UT CN	NH NH NH NH CN	0	0	3,000,000	2,500,000
			Project Cost:			0	0	3,000,000	2,500,000
FULTON	26	JC-9003	RECONSTRUCT ELEMENTS OF THE EXISTING PURCHASE PARKWAY BETWEEN MP 1 AND MP 20 INCLUDING THE RECONSTRUCTION OF THE KY339 INTERCHANGE IN WINGO, KY. (I-69 CORRIDOR IMPROVEMENT) (2012BOP)	PL DN RW UT CN	NH NH NH NH CN	0	0	750,000	15,000,000
			Project Cost:			0	0	750,000	15,000,000
FULTON	320.14	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2017. (12CCR)	PL DN RW UT CN	PL DN RW UT SPP	126,000	0	0	0
			Project Cost:			126,000	0	0	0
FULTON	320.15	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2018. (12CCR)	PL DN RW UT CN	PL DN RW UT SPP	0	126,000	0	0
			Project Cost:			0	126,000	0	0
FULTON	320.16	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2019. (12CCR)	PL DN RW UT CN	PL DN RW UT SPP	0	0	126,000	0
			Project Cost:			0	0	126,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1198

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
FULTON	320.17	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				SPP					126,000
			Project Cost:			0	0	0	126,000
FULTON	8853	KY-1099	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125.	PL					
				DN					
				RW					
				UT		750,000			
				CN			1,400,000		
				SPP					
			Project Cost:			750,000	1,400,000	0	0
Total for FULTON county									
GARRARD	1138	KY-1972	REPLACE BRIDGE OVER GILBERTS CREEK ON KY 1972 1.4 MI E OF CRAB ORCHARD ROAD (CR 1226) AT SECL OF LANCASTER. (040B0024N) (SR=19.1)(EBRP)	PL					
				DN				3,000,000	
				RW				750,000	2,500,000
				UT		750,000			
				CN		126,000	1,526,000	126,000	15,126,000
				SPP		876,000	1,526,000	3,876,000	17,626,000
			Total Amounts:						
			Project Cost:			0	0	0	300,000
Total for GARRARD county									
				PL					
				DN					300,000
				RW					
				UT					
				CN					
				SPP					
			Total Amounts:			0	0	0	300,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
GRANT	411	KY-36	ROADWAY IMPROVEMENTS TO KY-36 FROM I-75 AT WILLIAMSTOWN TO APPROXIMATELY 1 MILE WEST OF HEEKIN CLARKS ROAD.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:	9,100,000		0		0
GRANT	8714	CR-1138	REPLACE BRIDGE ON SOUTH END OF BLANCHET ROAD 0.3 MILES NORTHEAST OF US 25.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:	1,000,000		0		0
GRANT	8715	CR-1138	REPLACE BRIDGE ON NORTH END OF BLANCHET ROAD 0.2 MILES SOUTHEAST OF THE JUNCTION WITH US 25.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:	1,000,000		0		0
Total for GRANT county									
GRAVES	181.5	KY-303	MURRAY-MAYFIELD RD; FROM KY 303 SOUTH OF MAYFIELD, NORTHWEST TO JULIAN M. CARROLL PARKWAY (PURCHASE PARKWAY). (EXTENSION OF 1-181.30)(00CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				Total Amounts:	11,100,000		0		0
GRAVES	181.5	KY-303	MURRAY-MAYFIELD RD; FROM KY 303 SOUTH OF MAYFIELD, NORTHWEST TO JULIAN M. CARROLL PARKWAY (PURCHASE PARKWAY). (EXTENSION OF 1-181.30)(00CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:			15,000,000		0
0 15,000,000									

2014-2020 HIGHWAY CONSTRUCTION PLAN

1200

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
GRAVES	1147	CR-1384	REPLACE BRIDGE ON RULE SHACK ROAD OVER IC RAILROAD 0.4 MILE E OF KY 339(SR29.3)042C00146N	PL					
				DN					
				RW					
				UT					
				CN	BRZ		1,500,000		
			Project Cost:			0	1,500,000	0	0
GRAVES	1157	CR-1088	REPLACE BRIDGE OVER PANTHER CREEK ON MCKENDREE CHURCH RD (CR 1088) 0.3 MI E OF KY 301 042C00010N SR 19.7	PL					
				DN	BRZ				250,000
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	250,000
Total for GRAVES county									
GRAYSON	122	KY-737	LEITCHFIELD-HARNED ROAD; BRIDGE DECK REPLACEMENT AT KY 737 AT ROUGH RIVER.	PL					
				DN					
				RW					
				UT					
				CN			16,500,000		250,000
			Total Amounts:			0	16,500,000	0	250,000
GRAYSON	8502	US-62	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)	PL					
				DN					
				RW					
				UT					
				CN	BRX	1,090,000			
			Project Cost:			1,090,000	0	0	0
GRAYSON	8502	US-62	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP	8,720,000			
			Project Cost:			8,720,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for GRAYSON county									
GREEN	8711	-0	CONSTRUCT NEW CONNECTOR FROM VAUGHN CURVE ON US-68 BYPASS EAST OF GREENSBURG CROSSING KY-61 AND KY-417 AND CONNECTING WITH KY-3535 NORTH OF GREENSBURG.(12CCN)	PL		9,810,000			
				DN					
				RW					
				UT					
				CN					
				Total Amounts:					
				PL			0	0	0
				DN					
				RW	SPP	3,000,000			
				UT	SPP		900,000		
GREEN	8712	KY-61	CONSTRUCT A TRUCK CLIMBING LANE, SHOULDERS, AND TURN LANE AT KY-323. (12CCN) (PROJECT MOVED FROM DISTRICT 8 UNDER ITEM NO.8-8712)	CN	SPP	3,000,000	900,000	25,000,000	0
				Project Cost:					
				PL					
				DN					
				RW					
				UT	SPP	3,120,000			
				CN	SPP		11,150,000	0	0
				Project Cost:					
				PL					
				DN					
GREEN	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM R. MILBY ROAD TO HUDSON ROAD. (MP 7.981-MP10.217)	RW	SPP	1,600,000			
				UT	SPP	900,000			
				CN	SPP		5,100,000		
				Project Cost:					
				PL		2,500,000	5,100,000	0	0
				DN					
				RW					
				UT					
				CN					
				Total Amounts:					
				PL					
Total for GREEN county				DN					
				RW		4,600,000	900,000		
				UT		4,020,000			
				CN			16,250,000	25,000,000	0
				Total Amounts:					
				PL		8,620,000	17,150,000	25,000,000	0
				DN					
				RW					
				UT					
				CN					

2014-2020 HIGHWAY CONSTRUCTION PLAN

1202

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
GREENUP	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)	PL DN RW UT CN	SPP 3,380,000	3,380,000	0	0	0
			Project Cost:			3,380,000	0	0	0
GREENUP	1073.01	KY-244	REPLACE BRIDGE ON KY-244 (MP 0.103) OVER CSX RAILROAD; .05 MI N.E. OF JCT US 23; (STRUCTURALLY DEFICIENT, SR=47.9) 045B00039N (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN		4,000,000 4,000,000	0	0	0
			Project Cost:			4,000,000	0	0	0
GREENUP	1073.02	KY-244	REPLACE BRIDGE ON KY-244 (MP 0.103) OVER CSX RAILROAD; .05 MI N.E. OF JCT US 23;(STRUCTURALLY DEFICIENT SR=47.9) 045B00039N (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN		4,370,000 4,370,000	0	0	0
			Project Cost:			4,370,000	0	0	0
GREENUP	1094	CS-4041	REPLACE BRIDGE OVER POND RUN ON WILLIAMS AVE (CS 4041) IN RACELAND 250 FT NW OF POND RUN ROAD (CS 4001) (045C00119N) (SR=27.3)	PL DN RW UT CN					350,000
			Project Cost:			0	0	0	350,000
GREENUP	8509	KY-207	CONSTRUCT A NEW CONNECTOR ROAD CONNECTING FLATWOODS AT KY-207 AND KY-693 AND THE INDUSTRIAL PARKWAY CONNECTOR BETWEEN I-64 AND US-60. (08CCN)	PL DN RW UT CN	SPP			5,790,000	
			Project Cost:			0	0	5,790,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for GREENUP county									
HANCOCK	226	US-60	MINOR WIDENING OF OLD TWO WESTBOUND LANES OF US 60 (12CCR)	PL					
				DN					
				RW					350,000
				UT				5,790,000	
				CN		3,380,000	4,370,000		
						4,000,000			
				Total Amounts:		7,380,000	4,370,000	5,790,000	350,000
				PL					
				DN					
				RW					
Total for HANCOCK county				UT					
				CN	SPP	5,200,000	0	0	0
				Project Cost:		5,200,000	0	0	0
				PL					
				DN					
				RW					
				UT					
				CN		5,200,000	0	0	0
				Total Amounts:		5,200,000	0	0	0
				PL					
HARDIN	18	I-65	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.6MI N OF OLD SONORA RD TO 0.7MI N OF KY 222; INCLUDES NOLIN RIVER BRIDGE. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				Total Amounts:					
				PL					
				DN					
				RW					
				UT	NH	110,000	10,000,000		
HARDIN	18.01	I-65	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.6MI N OF OLD SONORA RD TO 0.7MI N OF KY 222; INCLUDES NOLIN RIVER BRIDGE. (12CCR) (ADDITIONAL FUNDING FOR C PHASE)	CN	IM		10,000,000	0	0
				Project Cost:		110,000	10,000,000	0	0
				PL					
				DN					
				RW					
				UT					
				CN	IM		18,100,000	0	0
				Project Cost:		0	18,100,000	0	0
				PL					
				DN					

2014-2020 HIGHWAY CONSTRUCTION PLAN

1204

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
HARDIN	18.02	I-65	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.6MI N OF OLD SONORA RD TO 0.7MI N OF KY 222; INCLUDES NOLIN RIVER BRIDGE. (12CCR) (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN NH		0	22,100,000 22,100,000	0	0
			Project Cost:						
HARDIN	19	I-65	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.7MI N OF KY 222 TO WESTERN KENTUCKY PKWY. (12CCR)	PL DN RW UT CN STP		110,000	110,000 20,000,000 20,110,000	0	0
			Project Cost:			110,000			
HARDIN	19.01	I-65	HARDIN I-65; WIDEN I-65 TO 6 LANES FROM 0.7MI N OF KY 222 TO WESTERN KENTUCKY PKWY. (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN STP				16,600,000 16,600,000	0
			Project Cost:			0	0		
HARDIN	20.01	I-65	IMPROVE THE SAFETY AND INCREASE THE CAPACITY OF THE I-65/KY-222 INTERCHANGE BASED ON EXISTING AND FUTURE NEEDS OF THE AREA. (2006BOPC)(08CCR)(10CCR)	PL DN RW UT CN NH				32,450,000 32,450,000	0
			Project Cost:			0	0		
HARDIN	198	KY-3005	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65. (12CCR)	PL DN RW UT CN SPP					0
			Project Cost:			30,000,000 30,000,000	0	0	

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
HARDIN	199	US-31	REPLACE BRIDGE OVER P&L AND CSX RAILROADS (MP 36.4 TO 36.8 IN WEST POINT) (047B00007N).	PL					
				DN					
				RW					
				UT					
				CN	STP	9,230,000	0	0	0
			Project Cost:			9,230,000			
HARDIN	1077	US-62	REPLACE BRIDGE ON US 62 OVER UNNAMED STREAM 0.65 MILE SW OF KY 1375 (S LONG GROVE RD)(SR 48.5) 047B00052N	PL					
				DN					
				RW					
				UT					
				CN	BRO	490,000	0	0	0
			Project Cost:			490,000			
Total for HARDIN county									
HARLAN	1097	KY-219	REPLACE BRIDGE OVER WALLINS CREEK ON KY 219 3.0 MILE SOUTH OF SCL OF WALLINS CREEK. (048B00047N)(SR=43.8)	PL					
				DN					
				RW		110,000	110,000		
				UT		110,000			
				CN		39,720,000	70,200,000	49,050,000	
			Total Amounts:			39,940,000	70,310,000	49,050,000	0
HARLAN	8703	US-119	PROVIDE A PASSING BAY ON US 119 FROM MP 1.2 TO MP 2.2 IN HARLAN COUNTY.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN	NH	3,000,000	0	0	0
			Project Cost:			3,000,000			
HARLAN	8703	US-119	PROVIDE A PASSING BAY ON US 119 FROM MP 1.2 TO MP 2.2 IN HARLAN COUNTY.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN	NH	3,000,000	0	0	0
			Project Cost:			3,000,000			

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
HARLAN	8807	US-119	CONSTRUCT TURN LANES ONTO KY 840 FROM US 119	PL					
				DN	SPP	100,000			
				RW	SPP	25,000			
				UT	SPP		75,000		
				CN	SPP		1,300,000		
				Project Cost:		125,000	1,375,000	0	0
HARLAN	8808	US-119	CONSTRUCT A LEFT TURN LANE FROM S US 119 ONTO KY 3152	PL					
				DN	SPP	100,000			
				RW	SPP	25,000			
				UT	SPP		50,000		
				CN	SPP		1,100,000		
				Project Cost:		125,000	1,150,000	0	0
Total for HARLAN county									
HARRISON	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)	PL					
				DN		200,000			250,000
				RW		50,000			
				UT			125,000		
				CN		3,000,000	2,400,000		
				Total Amounts:		3,250,000	2,525,000	0	250,000
HARRISON	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,500,000			
				Project Cost:		5,500,000	0	0	0
Total for HARRISON county									
HARRISON	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)	PL					
				DN					
				RW					
				UT					
				CN		5,500,000			
				Total Amounts:		5,500,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
HENDERSON	79.02	US-60	PADUCAH-HENDERSON; RECONSTRUCT US-60 FROM THE CORYDON BYPASS (CORYDON-GENEVA ROAD) TO THE HENDERSON BYPASS (KY-425).(04CCR)	PL DN RW UT CN	SP	24,200,000 24,200,000	0	0	0
			Project Cost:						
HENDERSON	79.1	US-60	PADUCAH-HENDERSON; CONSTRUCT US-60 BYPASS OF CORYDON.(04CCR)(12CCR)	PL DN RW UT CN	SP	30,660,000 30,660,000	0	0	0
			Project Cost:						
HENDERSON	700.12	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2017. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SHN	600,000 600,000	0	0	0
			Project Cost:						
HENDERSON	700.13	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2018. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SHN	600,000 600,000	600,000 600,000	0	0
			Project Cost:						
HENDERSON	700.14	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2019. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	0	0	600,000 600,000	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1208

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
HENDERSON	700.15	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	0	0	0	600,000 600,000
			Project Cost:						
HENDERSON	1080.01	US-60	REPLACE BRIDGE ON US 60 OVER GREEN RIVER AT INTERSECTION WITH KY 1078 (SR 39)	PL DN RW UT CN		15,000,000 15,000,000	0	0	0
			051B00015N (ADDITIONAL FUNDING FOR C PHASE)						
			Project Cost:						
HENDERSON	1088	US-41	PE AND ENVIRONMENTAL FOR US-41 BRIDGE OVER THE OHIO RIVER BETWEEN HENDERSON AND EVANSVILLE (POSSIBLE INTERMEDIATE SOLUTION FOR FUTURE I-69).	PL DN RW UT CN	BRO	2,500,000			
			Project Cost:			0	2,500,000	0	0
Total for HENDERSON county									
			Total Amounts:			70,460,000 70,460,000	600,000 3,100,000	600,000 600,000	600,000 600,000
HENRY	8300.1	KY-146	MAJOR RECONSTRUCTION OF KY-146 BETWEEN NEW CASTLE AT US-421 AND PENDLETON AT KY-153. SEGMENT 2: LOST CREEK (1/2 MILE EAST OF SAFETY KLEEN ENTRANCE) TO MAIN STREET (US 421/KY 55). MILE POINT 6.8 TO MILE	PL DN RW UT CN					
			Project Cost:			7,400,000 7,400,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

CHAPTER 145

1209

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
HENRY	8853	KY-55	REALIGN & WIDEN KY 55 FROM KY 22 NORTH 1 MILE IN EMINENCE	PL	SPP	1,000,000			
				DN					
				RW					
				UT					
				CN					
				Project Cost:		1,000,000	0	0	0
	Total for HENRY county								
	1062	KY-1826	REPLACE BRIDGE AND APPROACHES ON KY-1826 OVER TOWN CREEK (B79) IN CLINTON. (SR=24.4): (053B00079N)	PL					
				DN		1,000,000			
				RW					
				UT					
				CN					
				Total Amounts:		7,400,000	0	0	0
1156	CR-1011			REPLACE BRIDGE OVER IC RR ON BALTIMORE RD (CR 1011) 0.3 MI NW OF HICKMAN/GRAVES CO LINE 053C00003N SR 24.5	PL				
		DN	BRZ				350,000		
		RW							
		UT							
		CN							
		Project Cost:			0	0	350,000	0	
Total for HICKMAN county									
			PL						
			DN				350,000		
			RW						
			UT						
			CN						
			Total Amounts:		0	2,710,000	350,000	0	

ACTS OF THE GENERAL ASSEMBLY

Page 51 of 132

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JACKSON	1090	US-421	REPLACE BRIDGE ON US 421 OVER PIGEON ROOST CREEK AT INTERSECTION WITH WATER STREET E(CS 1006)(SR 43.9) 055B00157N	PL DN RW UT CN	BRO	555,000 555,000	0	0	0
Project Cost:									
Total for JACKSON county									
				PL					
				DN		4,700,000	8,300,000		
				RW				5,000,000	
				UT					
				CN		555,000	8,300,000	5,000,000	0
Total Amounts:						5,255,000	8,300,000	5,000,000	0
JEFFERSON	21	I-265	SNYDER FREEWAY; RECONSTRUCT 2 RAMPS AT I-265/I-64 INTERCHANGE EAST OF LOUISVILLE (DESIGNED WITH 5-41.00)(2006BOPP)(12CCR)	PL DN RW UT CN					
Project Cost:						8,590,000	0	51,750,000	0
JEFFERSON	159	I-64	WIDEN I-64 WESTBOUND RAMP TO I-264 WESTBOUND FROM ONE TO TWO LANES FOR ENTIRE LENGTH AND OTHER NEEDED IMPROVEMENTS TO ADDRESS WEAVE ISSUES AT MERGE ON I-264. (2006BOPP)(12CCR)	PL DN RW UT CN					
Project Cost:						14,250,000	0	0	0
JEFFERSON	159.01	I-64	WIDEN I-64 WESTBOUND RAMP TO I-264 WESTBOUND FROM ONE TO TWO LANES FOR ENTIRE LENGTH AND OTHER NEEDED IMPROVEMENTS TO ADDRESS WEAVE ISSUES AT MERGE ON I-264. (ADDITIONAL FUNDING FOR	PL DN RW UT CN					
Project Cost:						0	15,000,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1212

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	344.01	KY-1747	WIDEN SOUTHBOUND HURSTBOURNE LANE TO 3 LANES FROM US-60 TO I-64. (06CCR)(03KYD) (2006BOPP)(SEE 5-344.02 FOR KYD C PHASE)	PL					
				DN					
				RW	SPP	2,320,000			
				UT	SPP	2,580,000			
				CN	SPP		5,410,000		
			Project Cost:			4,900,000	5,410,000	0	0
JEFFERSON	439.05	-0	REHABILITATION AND CONSTRUCTION OF VARIOUS SIDEWALK PROJECTS IN LOUISVILLE METRO. (2006BOPC) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SLO	100,000			
			Project Cost:			100,000	0	0	0
JEFFERSON	474	I-265	REDUCE CONGESTION AND IMPROVE SAFETY AT THE KY 3084 (OLD HENRY ROAD) INTERCHANGE. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	IM	5,090,000			
			Project Cost:			5,090,000	0	0	0
JEFFERSON	478.3	US-31	IMPROVE DIXIE HIGHWAY BETWEEN GREENWOOD ROAD (KY 1931) AND STONESTREET ROAD (CR 1003)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,800,000			
			Project Cost:			4,800,000	0	0	0
JEFFERSON	483	I-71	WIDEN PRIORITY SECTION OF I-71 BETWEEN I-265 AND CRESTWOOD.	PL					
				DN					
				RW					
				UT					
				CN	SPP			45,000,000	
			Project Cost:			0	0	45,000,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	485	US-60	RE-CURB US 60A (EASTERN PARKWAY) FROM KY 1631 (CRITTENDEN DRIVE) TO US 31E (BARDSTOWN ROAD).	PL DN RW UT CN	SLO	3,800,000 3,800,000	0	0	0
			Project Cost:						
JEFFERSON	487	-0	PRELIMINARY DESIGN & SCOPING STUDY TO DETERMINE LOCATION OF A MULTI-USE BICYCLE & PEDESTRIAN TRAIL PROJECT ALONG TAYLORSVILLE ROAD FROM DOWNTOWN JEFFERSONTOWN TO 21ST CENTURY PARK.	PL DN RW UT CN	SLO	189,000	0	0	0
			Project Cost:						
JEFFERSON	493	-0	MISCELLANEOUS SIDEWALKS AND HANDICAP RAMPS: CONSTRUCT AND REPLACE VARIOUS SIDEWALKS AND HANDICAP RAMPS THROUGHOUT THE CITY ON A REOCCURRING ANNUAL BASIS.	PL DN RW UT CN	SLO	37,800 37,800	0	0	0
			Project Cost:						
JEFFERSON	516.03	-0	VARIOUS SAFETY PROJECTS IN THE LOUISVILLE URBANIZED AREA.	PL DN RW UT CN	SLO	1,000,000 1,000,000	0	0	0
			Project Cost:						
JEFFERSON	519	CR-1004	CONSTRUCT A MULTI-USE BICYCLE AND PEDESTRIAN TRAIL ALONG WATTERSON TRAIL FROM MULBERRY ROW WAY TO MANSFIELD ESTATES DRIVE.	PL DN RW UT CN	SLO	656,640 656,640	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1214

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	594	I-264	RECONSTRUCT/WIDEN WATTERSON EXPRESSWAY FROM WESTPORT ROAD (KY 1447) TO I-71 (12CCR)	PL DN RW UT CN SPP		0	0	30,000,000	0
			Project Cost:			0	0	30,000,000	0
JEFFERSON	715.4	-0	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL IM FUNDING FOR FY 2017 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN IM		17,930,925 17,930,925	0	0	0
			Project Cost:			17,930,925	0	0	0
JEFFERSON	715.41	-0	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL NH FUNDING FOR FY 2017 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN NH		26,896,387 26,896,387	0	0	0
			Project Cost:			26,896,387	0	0	0
JEFFERSON	715.5	-0	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL IM FUNDING FOR FY 2018 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)	PL DN RW UT CN IM		0	50,000,000 50,000,000	0	0
			Project Cost:			0	50,000,000	0	0
JEFFERSON	804	I-264	RECONSTRUCT I-264 (WATTERSON EXPRESSWAY) US-42 INTERCHANGE AS A SPU. (12CCR)	PL DN RW UT CN STP				2,710,000	17,600,000
			Project Cost:			0	0	2,710,000	17,600,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	965.15	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2017 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	12,100,000 12,100,000	0	0	0
Project Cost:									
JEFFERSON	965.16	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2018 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	0 0	18,000,000 18,000,000	0	0
Project Cost:									
JEFFERSON	965.17	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2019 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	0 0	0 18,000,000	18,000,000 18,000,000	0
Project Cost:									
JEFFERSON	965.18	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2020 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLO	0 0	0 0	0 18,000,000	18,000,000 18,000,000
Project Cost:									
JEFFERSON	1064	US-60	REPLACE BRIDGE ON EASTERN PARKWAY (US 60A) OVER SOUTH FORK BEARGRASS CREEK 0.2 MILE NE OF POPLAR LEVEL RD (KY 864)(SR 43.6) 056B00139N	PL DN RW UT CN	BRO	800,000 800,000	0	0	0
Project Cost:									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	1067	US-150	REPLACE BRIDGE ON E BROADWAY (US 150) OVER SOUTH FORK BEARGRASS CREEK AT INTERSECTION WITH BRENT STREET (CS 1312G) (SR 38) 056B00348N	PL DN RW UT CN	BRO	850,000 850,000	0	0	0
			Project Cost:						
JEFFERSON	1070	CS-1017	REPLACE BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G)(SR 48.8) 056C00083N	PL DN RW UT CN	BRZ	10,000 100,000 110,000	600,000 600,000	0	0
			Project Cost:						
JEFFERSON	1074	I-264	REPLACE BRIDGE OVER NORTHWESTERN PKWY (KY 3064) ON I-264 IN LOUISVILLE. (056B00226R) (SR=48.0)	PL DN RW UT CN	BRX	450,000 1,600,000 1,600,000	0	0	0
			Project Cost:						
JEFFERSON	1077	CR-1001	REPLACE BRIDGE OVER NORTHERN DITCH ON GRADE LANE (CR 1001G) 0.34 MI S OF KY 1747 (FERN VALLEY ROAD) (056C00064N)(SR=25.4)	PL DN RW UT CN	BRZ	350,000 20,000 50,000 300,000	70,000	300,000	300,000
			Project Cost:						
JEFFERSON	1079	CR-1001	REPLACE BRIDGE OVER GOOSE CREEK ON RIVER ROAD (CR 1001B) 0.2 MI N OF LIME KILN ROAD (CR 1002B) (056C00130N)(SR=26.5)	PL DN RW UT CN	BRZ	450,000	0	0	450,000
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JEFFERSON	8801		WIDEN RANGELAND ROAD TO 3 LANES FOR 1.23 MILES	PL DN RW UT CN	SPP	3,080,000 3,080,000	0	0	0
			Project Cost:						
JEFFERSON	8807	I-264	NEW CONSTRUCTION - SOUNDWALL ALONG SOUTHWEST SIDE OF WATTERSON EXPRESSWAY FROM CRUMS LANE TO APPROXIMATELY 0.5 MILE WEST OF THE DIXIE HWY INTERCHANGE	PL DN RW UT CN	SPP	2,600,000 2,600,000	0	0	0
			Project Cost:						
JEFFERSON	8810	KY-1931	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD AND TURN LANES.	PL DN RW UT CN	STP	1,600,000 1,600,000	4,800,000 4,800,000	0	0
			Project Cost:						
JEFFERSON	8859	I-71	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE SOUTH SIDE OF I-71 FROM MP 7.5 TO MP 8.4 FOR APPROX. 4700 FEET.	PL DN RW UT CN	SPP	2,961,000 2,961,000	0	0	0
			Project Cost:						
JEFFERSON	8860	I-71	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTH SIDE OF I-71 FROM MP 7.5 TO MP 8.7 FOR APPROX. 6400 FEET.	PL DN RW UT CN	SPP	4,608,000 4,608,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for JEFFERSON county									
JESSAMINE	87.3	-0	EAST NICHOLASVILLE BYPASS SECTION 1B FROM 125 FEET NORTH OF KY 169 TO END OF PROJECT AT TIE-IN TO WEST BYPASS. THIS INCLUDES THE INTERCHANGE AT US 27 NORTH OF NICHOLASVILLE.	PL DN RW UT CN		189,000 800,000 8,840,000 6,360,000 101,560,752 117,749,752			450,000
			Total Amounts:				93,210,000 93,210,000	146,950,000 149,730,000	35,900,000 36,350,000
			PL						
			DN						
			RW					20,000	
			UT					2,760,000	
			CN					146,950,000	
			Project Cost:						
			CN	SP		38,000,000			
			Project Cost:			38,000,000	0	0	0
JESSAMINE	410	-0	NEW CONNECTOR BETWEEN US 27 NORTH OF NICHOLASVILLE AND I-75 AT THE KY 627 INTERCHANGE. (12CCR)	PL DN RW UT CN					
			PL						
			DN	SP		2,500,000			
			RW						
			UT						
			CN						
			Project Cost:			2,500,000	0	0	0
JESSAMINE	414	KY-1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR)	PL DN RW UT CN					
			PL						
			DN						
			RW						
			UT						
			CN	STP				12,000,000	
			Project Cost:			0	0	12,000,000	0
JESSAMINE	419	KY-169	RECONSTRUCT KY 169 JUST EAST OF KEENE TO ELIMINATE DROP OFFS	PL DN RW UT CN					
			PL						
			DN						
			RW	SPP		1,000,000			
			UT	SPP			1,000,000		
			CN	SPP				2,000,000	
			Project Cost:			1,000,000	1,000,000	2,000,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JESSAMINE	430	US-27	ACCESS MANAGEMENT ON NICHOLASVILLE ROAD BETWEEN NICHOLASVILLE AND MAN-O-WAR BLVD.	PL DN RW UT CN	SP	7,900,000 7,900,000	0	0	0
Project Cost:									
JESSAMINE	1136	KY-39	REPLACE BRIDGE OVER HICKMAN CREEK AT BLACK BRIDGE ON KY 39 1.3 MI N OF KY 1268. (057B00002N)(SR=49.5)(EBRP)	PL DN RW UT CN	BRX		350,000		100,000 200,000 1,650,000 1,950,000
Project Cost:						0	0	350,000	
JESSAMINE	8404	US-27	CONSTRUCT A NEW 4 LANE CONNECTOR BETWEEN US-27 AND I-75. (08CCN)(12CCR)	PL DN RW UT CN	STP	10,000,000	3,000,000		0
Project Cost:						10,000,000	3,000,000	0	0
JESSAMINE	8851	US-169	REPLACE RAILROAD BRIDGE ON US 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE.	PL DN RW UT CN	SP		1,500,000		0
Project Cost:						0	1,500,000	0	0
Total for JESSAMINE county						2,500,000 11,000,000 45,900,000 59,400,000	350,000 4,000,000 1,500,000 5,500,000	100,000 200,000 14,000,000 14,350,000	100,000 200,000 1,650,000 1,950,000
Total Amounts:									

2014-2020 HIGHWAY CONSTRUCTION PLAN

1220

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
JOHNSON	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD. (12CCR)	PL					
				DN					
				RW	SPP	496,000			
				UT	SPP	510,000			
				CN					
				Project Cost:		1,006,000	0	0	0
Total for JOHNSON county									
KENTON	162.01	KY-536	RECONSTRUCT KY-536 TO A 4 LANE URBAN SECTION FROM THE BOONE COUNTY LINE TO KY-17 (MP 0.0 TO MP 4.5). (00CCR)(04CCN) (06CCR)(2006BOPC)(PHASE I DESIGN SHOWN UNDER 6-162.00)(12CCR)	PL					
				DN					
				RW		496,000			
				UT		510,000			
				CN					
				Total Amounts:		1,006,000	0	0	0
KENTON	419	CR-1316	PHASE I MULTI-USE PATH ALONG BROMLEY CRESCENT SPRINGS RD FROM ANDERSON ROAD TO AMSTERDAM ROAD. (2012BOP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	3,080,000			
				Project Cost:		3,080,000	0	0	0
KENTON	8307.1	KY-1501	RECONSTRUCT HANDS PIKE (KY 1501) FROM KY 17 TO CRYSTAL LAKE DRIVE. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,060,000	0	0	0
				Project Cost:		6,060,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

CHAPTER 145

1221

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for KENTON county									
KNOTT	1116	CR-1008	REPLACE BRIDGE ON ROCKLICK BRANCH (CR 1008) OVER RIGHT FORK BEAVER CREEK AT JCT WITH SOUTH HIGHWAY 7 (KY 7)(SR 43.9) 060C00006N	PL					
				DN					
				RW					
				UT		4,160,000			
				CN		9,140,000			
				Total Amounts:		13,300,000	0	0	0
				PL					
				DN					
				RW					
				UT					
KNOTT	1124	CS-1016	REPLACE BRIDGE OVER RIGHT FORK TROUBLESOME CREEK ON FIELDWOOD DRIVE (CS1016) IN HINDMAN (060C000060N)(SR=21.9)	CN	BRZ	600,000			
				Project Cost:		600,000	0	0	0
				PL					
				DN	BRZ				300,000
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	300,000
				PL					
				DN					
KNOTT	8801	KY-899	RECONSTRUCT CURVE ON KY 899 IN KNOTT COUNTY BETWEEN MP 3.6 AND MP 3.7	PL					
				DN					
				RW					
				UT					
				CN	SAF	125,000			
				Project Cost:		125,000	0	0	0
				PL					
				DN					300,000
				RW					
				UT					
Total for KNOTT county				CN		725,000			
				Total Amounts:		725,000	0	0	300,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

1222

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
KNOX	188	US-25	MAJOR WIDENING - ADDRESS SAFETY AND CAPACITY ON US 25E FROM CORBIN BYPASS TO KNOX/LAUREL COUNTY LINE. IMPROVE SAFETY ALONG CORRIDOR BY PROVIDING IMPROVED ACCESS MANAGEMENT (12CCR)	PL DN RW UT CN	NH	7,000,000 7,000,000	0	0	0
			Project Cost:						
KNOX	8857	KY-3439	IMPROVE SAFETY NEAR INTERSECTION OF US 25E AND KY 3439 BY PROVIDING SIDEWALKS TO AN AREA FREQUENTED BY PEDESTRIANS. (MP 0.0-MP 0.9)	PL DN RW UT CN	SAF	2,000,000 2,000,000	0	0	0
			Project Cost:						
Total for KNOX county									
			Total Amounts:						
LARUE	17	I-65	TENN. STATE LINE-ELIZABETHTOWN, WIDEN TO 6 LANES FROM 0.7MI N OF KY 224 TO 0.6MI N OF OLD SONORA ROAD. (NH SHARE)(ARW)(U PHASE ADVANCE FROM 99-337.08)	PL DN RW UT CN		9,000,000 9,000,000	0	0	0
			Project Cost:						
LARUE	17.01	I-65	TENN. STATE LINE-ELIZABETHTOWN, WIDEN TO 6 LANES FROM 0.7MI N OF KY 224 TO 0.6MI N OF OLD SONORA ROAD. (NH SHARE)(ARW)(U PHASE ADVANCE FROM 99-337.08)	PL DN RW UT CN	IM	23,200,000 23,200,000	0	0	0
			Project Cost:						
			(ADDITIONAL FUNDING FOR C PHASE)(12CCR)						
			Project Cost:						
						34,800,000 34,800,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
LARUE	17.02	I-65	TENN. STATE LINE-ELIZABETHTOWN; WIDEN TO 6 LANES FROM 0.7MI N OF KY 224 TO 0.6MI N OF OLD SONORA ROAD. (NH SHARE)(ARW)(U PHASE ADVANCE FROM 99-337.08) (ADDITIONAL FUNDING FOR C PHASE). (12CCR)	PL DN RW UT CN	NH	20,000,000 20,000,000	0	0	0
			Project Cost:						
LARUE	1087	KY-61	REPLACE BRIDGE OVER SOUTH FORK BRANCH ON KY 61 0.5 MILE NORTH OF KY 1906 (062B00010N) (SR=49.8)	PL DN RW UT CN	BRX	100,000		50,000 100,000	235,000 235,000
			Project Cost:			100,000	0	150,000	
Total for LARUE county									
			Total Amounts:						
LAUREL	147.1	US-25	CONSTRUCT A BACK ENTRANCE TO SOUTH LAUREL HIGH SCHOOL WITH CONNECTIONS TO KY 192 AND KY 363. (06CCR)(2006BOPC). (10CCR)	PL DN RW UT CN		78,000,000 78,100,000	0	150,000	235,000 235,000
			Project Cost:			4,650,000 4,650,000	0	0	0
LAUREL	185	US-25	MAJOR WIDENING - ADDRESS SAFETY, CAPACITY, AND ACCESS MANAGEMENT ON US 25E FROM KNOX/LAUREL COUNTY LINE TO KY 770 (12CCR)	PL DN RW UT CN	NH	9,250,000 9,250,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1224

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
LAUREL	1086	I-75	REPLACE NORTHBOND BRIDGE ON I-75 OVER LAUREL RIVER 1.8 MILES N OF US 25E EXIT (SR 43-2) 063B00043R	PL					
				DN					
				RW					
				UT					
				CN	BRO		4,250,000		0
				Project Cost:		0	4,250,000		0
LAUREL	1094	CR-1862	REPLACE BRIDGE ON DOG BRANCH MAIL RD (CR 1862) OVER SINKING CREEK 0.56 MILE NW OF SINKING CREEK RD (FD 781)(SR 13-8) 063C00025N	PL					
				DN					
				RW					
				UT					
				CN	BRZ		1,000,000		0
				Project Cost:		1,000,000		0	
LAUREL	8851	KY-80	PROVIDE FRONTAGE ROADS ON BOTH SIDES OF KY 80 JUST WEST OF I-75 EXIT 41 (MP 9.9 TO MP 10.9) MAY INCLUDE RELOCATING EXISTING SIGNAL TO PROVIDE FOR ADEQUATE TURN LANE STORAGE AND IMPROVE CAPACITY.	PL					
				DN					
				RW					
				UT					
				CN	SPP		2,000,000		0
				Project Cost:		2,000,000		0	
Total for LAUREL county									
LAWRENCE	3	KY-3215	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN		16,900,000	4,250,000		0
				Total Amounts:		16,900,000	4,250,000		0
				PL					
				DN					
				RW					
				UT					
				CN	SPP				22,720,000
				Project Cost:		0	0		0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020		
LAWRENCE	1118	CR-1202	REPLACE BRIDGE ON MATTIE RD (CR 1202) OVER RIGHT FORK OF LITTLE BLAIN 0.38 MILE W OF ASH BRANCH RD (CR 1161)(SR 47) 064C00011N	PL							
				DN							
				RW							
				UT							
				CN	BRZ	350,000			0		
Project Cost:						350,000		0	0		
Total for LAWRENCE county											
LEE	292.1	KY-11	I-75 TO MOUNTAIN PARKWAY; RECONSTRUCT KY-11 FROM KY-30 AT LEVI IN OWSLEY COUNTY TO 0.5 MILE SOUTH OF KY-587 IN LEE COUNTY. (06CCR)(10CCR)	PL							
				DN							
				RW							
				UT							
				CN		350,000			22,720,000		
Total Amounts:					0	350,000		0	22,720,000		
Project Cost:											
LEE				CN	SP	22,620,000					
				Project Cost:				22,620,000	0		0
				PL							
				DN							
				RW							
LEE				UT							
				CN		22,620,000					
				Total Amounts:				22,620,000	0		0
				PL							
				DN							
LESUE	1078	US-421	REPLACE BRIDGE AND APPROACHES ON US-421 OVER STINNET CREEK (B08) 0.028 MILE SOUTH OF KY-406 NEAR STINNETT (SR=26.0) (10CCR)	RW							
				UT							
				BRO		180,000					
				CN	BRO			2,930,000			
				Project Cost:					180,000		2,930,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
LESLIE	1095	US-421	REPLACE BRIDGE OVER MUNCY CREEK ON US 421 0.5 MILE SOUTH OF TAYLOR MORGAN ROAD (CR 1090) (066B00006N)(SR=31.5)	PL					
				DN	BRX	350,000			
				RW	BRX			100,000	
				UT	BRX			75,000	
				CN	BRX				700,000
				Project Cost		350,000	0	175,000	700,000
LESLIE	1100	CR-1528	REPLACE BRIDGE OVER WOLF CREEK ON COON CREEK ROAD (CR 1528) AT JCT WITH KY 3427 (066C00039N) (SR=30.1) (EBRP)	PL					
				DN	BRZ				175,000
				RW					
				UT					
				CN					
				Project Cost		0	0	0	175,000
LESLIE	8708	KY-118	WIDEN KY 118 TO PROVIDE LEFT AND RIGHT TURN LANES ONTO DENTON ROAD.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,360,000			0
				Project Cost		1,360,000	0	0	0
Total for LESLIE county									
LETCHER	311.8	US-119	RECONSTRUCTION OF US-119 FROM 0.15 MILE WEST OF KY-806 TO KY-932. 2012BOP	PL					
				DN					
				RW	APD		2,500,000	300,000	34,000,000
				UT	APD				
				CN	APD				
				Project Cost		0	2,500,000	300,000	34,000,000
Total Amounts:						1,710,000	180,000	3,105,000	875,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
LETCHER	1113	KY-2034	REPLACE BRIDGE ON KY 2034C OVER N FORK KY RIVER 0.02 E OF US 119(SR 42.7) 067B00121N	PL					
				DN					
				RW					
				UT					
				CN	BRO	1,350,000	0	0	0
			Project Cost:			1,350,000			
LETCHER	1120	KY-3404	REPLACE BRIDGE OVER POOR FORK OF CUMBERLAND RIVER ON KY 3404 100 FT SOUTH OF US 119. (067B00114N)(SR=11.7)	PL					
				DN	BRX	275,000			
				RW	BRX			75,000	
				UT	BRX			75,000	
				CN	BRX				450,000
			Project Cost:			275,000	0	150,000	450,000
Total for LETCHER county									
LEWIS	1090	KY-1068	REPLACE BRIDGE OVER LAUREL FORK ON KY 1068 30 FT S OF DEEP HOLE BRANCH ROAD (CR 1125).(068B00057N)(SR=60.1)	PL					
				DN	BRX				
				RW					
				UT					
				CN					
			Total Amounts:			1,350,000	2,500,000	450,000	34,450,000
						1,625,000	2,500,000	450,000	34,450,000
LEWIS	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE	PL					
				DN					
				RW	STP	5,200,000			
				UT	STP		3,400,000		
				CN					
			Project Cost:			5,200,000	3,400,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for LEWIS county									
LINCOLN	196	US-27	WIDEN US-27 FROM KY-590 TO BELL STREET IN STANFORD (MP 18.2 TO MP 18.9). (INCLUDES NEW GOSHEN CUT-OFF ROAD)(2005HPP-KY115)	PL					
				DN				500,000	
				RW		5,200,000			
				UT			3,400,000		
				CN					
			Total Amounts:			5,200,000	3,400,000	500,000	0
				PL					
				DN					
				RW			1,400,000		
				UT				1,100,000	
				NH					6,500,000
				NH					6,500,000
			Project Cost:			0	1,400,000	1,100,000	
Total for LINCOLN county									
				PL					
				DN					
				RW			1,400,000		
				UT				1,100,000	
				CN					6,500,000
			Total Amounts:			0	1,400,000	1,100,000	6,500,000
LIVINGSTON	1142	US-60	REPLACE BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 (SR 32.7) 070B00017N.	PL					
				DN					
				RW					
				UT					
				CN					
			Total Amounts:			0	1,400,000	1,100,000	6,500,000
				PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:			0	0	22,000,000	0
Total for LINCOLN county									
				PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:			0	0	22,000,000	0
LIVINGSTON	1142.01	US-60	REPLACE BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 (SR 32.7) 070B00017N (ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	23,000,000
									23,000,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

CHAPTER 145

1229

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for LIVINGSTON county									
				PL					
				DN					
				RW					
				UT					
				CN					
			Total Amounts:			0	0	22,000,000	23,000,000
								22,000,000	23,000,000
LYON	187.5	US-641	RELOCATION OF PRIORITY SECTION OF US 641	PL					
			BETWEEN US 62 AND US 641 NORTH OF	DN					
			FREDONIA (06CCN)	RW	SPP		5,000,000		
				UT	SPP			2,500,000	
				CN	SPP				20,000,000
			Project Cost:			0	5,000,000	2,500,000	20,000,000
LYON	801	KY-93	UPGRADE KY 93/RIVERPORT ROAD	PL					
			INTERSECTION.	DN					
				RW					
				UT					
				CN	SPP	1,500,000	0	0	0
			Project Cost:			1,500,000	0	0	0
LYON	8803		CONNECTOR ROUTE BETWEEN CHESTNUT OAK	PL					
			CEMETERY ROAD/KY 1272/US 62.	DN					
				RW	SPP	3,000,000			
				UT	SPP	2,000,000			
				CN	SPP		4,000,000		
			Project Cost:			5,000,000	4,000,000	0	0
Total for LYON county									
				PL					
				DN					
				RW		3,000,000	5,000,000		
				UT		2,000,000		2,500,000	
				CN		1,500,000	4,000,000		20,000,000
			Total Amounts:			6,500,000	9,000,000	2,500,000	20,000,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MADISON	235	KY-52	RELOCATE AND/OR REALIGN KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)	PL DN RW UT CN	SPP SPP	15,840,000 33,870,000 33,870,000	0	0	0
			Project Cost:			15,840,000	33,870,000	0	0
MADISON	1137	KY-3376	REPLACE BRIDGE OVER TERRILL BRANCH ROAD ON KY 3376 IN BERE A 200 FT N OF PEACHTREE DRIVE (CS 2072).(076B00085N)(SR=46.5)	PL DN RW UT CN	BRX	300,000	0	0	0
			Project Cost:			0	0	300,000	0
MADISON	8403	KY-627	RECONSTRUCT AND WIDEN THE KY-627 BRIDGE OVER I-75 TO FIVE LANES TO IMPROVE TRAFFIC CONGESTION AND IMPROVE SAFETY. (INCLUDES 7-8400) (B40) (08CCN)(10CCR)	PL DN RW UT CN	STP	18,720,000 18,720,000	0	0	0
			Project Cost:			18,720,000	0	0	0
MADISON	8853		PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON ROAD TO THE MADISON COUNTY AIRPORT TO INCLUDE CALEST ROAD (KY 2881), JOHN BALLARD ROAD (KY 2877 & CR 1236) FROM MENELAUS TO AIRPORT ROAD,	PL DN RW UT CN	SP SP	2,700,000 9,000,000 9,000,000	0	0	0
			Project Cost:			2,700,000	9,000,000	0	0
Total for MADISON county				PL DN RW UT CN		18,540,000 18,720,000 37,260,000	42,870,000	300,000	0
			Total Amounts:			37,260,000	42,870,000	300,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MAGOFFIN	126.4	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.3 MI W OF KY 3047 (65.0) TO 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (69.6). (2012BOP)	PL DN RW STP UT CN - STP		2,400,000 750,000 3,150,000	0	22,400,000	0
			Project Cost:						
MAGOFFIN	126.41	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.3 MI W OF KY 3047 (65.0) TO 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (69.6). (2012BOP) (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN STP			0	0	25,000,000 25,000,000
			Project Cost:						
MAGOFFIN	126.5	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.4 MI E OF THE KY-134 JOHNSON CREEK BR TO 0.3 MI W OF KY 3047 - SECTION 5.	PL DN RW UT CN NH		15,000,000 15,000,000	0	0	0
			Project Cost:						
MAGOFFIN	126.51	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.4 MI E OF THE KY-134 JOHNSON CREEK BR TO 0.3 MI W OF KY 3047 - SECTION 5.(ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN STP			15,000,000 15,000,000	0	0
			Project Cost:						
MAGOFFIN	166	US-460	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY EXTENSION (KY 114/US 460) THROUGH THE CONGESTED AREA AT SALYERSVILLE FROM BURNING FORK BRIDGE TO KY 114	PL DN RW UT CN SP			1,500,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MAGOFFIN	166.1	US-460	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY EXTENSION (KY 114/US 460) THROUGH THE CONGESTED AREA AT SALYERSVILLE FROM BURNING FORK BRIDGE TO KY 114 (ADDITIONAL MONEY FOR 10-166.00)	PL DN RW UT CN	NH	5,250,000			
			Project Cost:			5,250,000	0	0	0
MAGOFFIN	167.2	KY-9009	MOUNTAIN PARKWAY CORRIDOR: NEW INTERCHANGE AT GIFFORD ROAD FROM 0.7 MI W OF MIDDLE FORK LICKING RIVER BRIDGE (MP 69.6) TO APPROXIMATELY 0.4 MI EAST OF KY 3050 OVERPASS(MP 71.0) (12CCR)	PL DN RW UT CN					
			Project Cost:		SPP	10,000,000	0	0	0
						10,000,000			
MAGOFFIN	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG: WIDEN KY 114 TO 4 LANES FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE. (SEE 12-1.01 FOR PE & ENV)	PL DN RW UT CN	NH SP SP CN	3,000,000	5,200,000	2,500,000	
			Project Cost:			3,000,000	5,200,000	2,500,000	0
MAGOFFIN	8801		BRIDGE NEAR NEW MAGOFFIN COUNTY HIGH SCHOOL NEAR OLD BURNING FORK ROAD.	PL DN RW UT CN					
			Project Cost:		SPP	256,370	0	0	0
						256,370			
Total for MAGOFFIN county				PL DN RW UT CN		3,000,000 7,650,000 750,000 25,256,370 36,656,370	5,200,000 1,500,000 15,000,000 21,700,000	2,500,000 22,400,000 24,900,000	25,000,000 25,000,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MARION	1091	CR-1060	REPLACE BRIDGE OVER GALLOWAY CREEK ON BEECH FORK LOOP (CR 1060) 0.6 MI E OF US 68 (078C00109N)(SR=33.5) (EBRP)	PL DN RW UT CN	BRZ BRZ BRZ BRZ	0	0	100,000	30,000 50,000 228,500 308,500
			Project Cost:			0	0	100,000	308,500
MARION	8707.01	KY-49	ROADWAY IMPROVEMENTS TO KY 49 FROM JUST SOUTH OF KY 84 EXTENDING NORTH THROUGH LORETTO TO KY 52 (MP 18.63 TO MP 27.54). (2012BOP)	PL DN RW UT CN			31,850,000	0	0
			Project Cost:			0	31,850,000	0	0
MARION	8714	-0	CONNECTOR FROM HENDRICKSON DRIVE TO CORPORATE DRIVE (12CCN)	PL DN RW UT CN					
			Project Cost:			500,000	5,000,000	0	0
MARION	8715	KY-49	KY 49 FROM RIVERSIDE BRIDGE (B76) TO KY 337 IN BRADFORDSVILLE (12CCN)	PL DN RW UT CN					
			Project Cost:			1,130,000	12,000,000	0	0
MARION	8802	KY-49	SPOT IMPROVEMENTS ON KY-49 (MP 20.900 TO MP 21.830) AS PER THE KY-49 PLANNING STUDY.	PL DN RW UT CN					
			Project Cost:			1,530,000	2,100,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1234

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MARION	8803	KY-49	SPOT IMPROVEMENTS ON KY-49 (MP 23.350 TO 24.980) AS PER THE KY-49 PLANNING STUDY.	PL DN RW UT CN	 SPP SPP SPP	 1,500,000 1,100,000 2,600,000	 3,600,000 3,600,000	 0 0	 0 0
			Project Cost:						
MARION	8805		NEW CONSTRUCTION - EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES.	PL DN RW UT CN	 SP	 10,100,000 10,100,000	 0 0	 0 0	 0 0
			Project Cost:						
MARION	8810		SAFETY IMPROVEMENTS TO KY-243 BETWEEN HWY 68 AND GRAVEL SWITCH (MP 1.751 TO MP 2.558)	PL DN RW UT CN	 SP 	 0	 0	 150,000 150,000	 750,000 750,000
			Project Cost:						
Total for MARION county									
			Total Amounts:						
MARTIN	154.21	KY-40	INEZ TO WARFIELD (SECTION 2-3); FROM KY-2031 TO KY-292 [STA. 382+00 TO STA. 427+00 (ENGLISH)] (2002BOP)	PL DN RW UT CN	 	 2,500,000 3,260,000 10,100,000 15,860,000	 250,000 54,550,000 54,550,000	 250,000 250,000	 780,000 50,000 228,500 1,058,500
			Project Cost:						
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MARTIN	154.3	KY-40	INEZ TO WARFIELD; BRIDGE OVER TUG FORK (SECTION III) (R & U IDENTIFIED IN SECTION II-ITEM NO. 154.10)	PL DN RW UT CN SP		0	0	17,080,000	0
			Project Cost:					17,080,000	0
MARTIN	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY 2031 AND KY 40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE CULVERT/SAFETY DESIGN TO INCREASE	PL DN RW UT CN SPP		1,150,000 1,150,000	0	0	0
			Project Cost:					0	0
Total for MARTIN county									
MASON	147.2	US-68	NEW FULLY CONTROLLED ACCESS ROUTE FROM US 68 NEAR WASHINGTON EAST TO KY 11 INCLUDING A NEW I-CHNG AT KY 11. (PRIORITY SECTION)(2004BOPC)(06CCCR)	PL DN RW UT CN		1,150,000 1,150,000	16,000,000 16,000,000	17,080,000 17,080,000	0
			Total Amounts:						
			Project Cost:			32,450,000 32,450,000	0	0	0
MASON	147.6	US-68	NEW FULLY CONTROLLED ACCESS ROUTE FROM KY 11 NORTHEAST TO KY 9 (AA HWY) INCLUDING NEW I-CHNG AT KY 9. (2004BOPC) (06CCCR)	PL DN RW UT CN SP			33,750,000 33,750,000	0	0
			Project Cost:			0		0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MASON	1088	CR-1206	REPLACE BRIDGE ON FLAT FORK RD (CR 1206) OVER FLAT FORK 0.24 MILE S OF FLEMINGSBURG MAYSLICK RD (KY 161)(SR 30) 081C00025N	PL DN RW UT	CN BRZ	375,000 375,000	0	0	0
			Project Cost:						
MASON	8809	US-68	ADDITION OF AN INTERCHANGE ON HEATHER FRENCH HENRY SOUTHERN LOOP (US 62 AND US 68).	PL DN RW UT	CN SP	0	0	0	10,000,000 10,000,000
			Project Cost:						
MASON	8810	US 62	RECONSTRUCT US 62 GOING TO SARDIS BETWEEN KY 324 AND SARDIS (BETWEEN TWIN BRIDGES).	PL DN RW UT CN	SP	300,000	0	0	0
			Project Cost:			300,000	0	0	0
MASON	8816	KY-9	CONSTRUCT RIGHT TURN LANE (SB) INTO CLARKSON SHERMAN ROAD (LANDFILL, 4.740) TO PROVIDE SAFETY FOR MOTORISTS TRAVELING ALONG THE AA HIGHWAY (MP 4.6 TO MP 4.9)	PL DN RW UT	CN SPP	300,000 300,000	0	0	0
			Project Cost:						
				PL DN RW UT		300,000			
Total for MASON county									
			Total Amounts:		CN	33,125,000	33,750,000	0	10,000,000
						33,425,000	33,750,000	0	10,000,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MCCRACKEN	115.1	US-60	PADUCAH-WICKLIFFE, 4-LANE US-60 FROM BETHEL CHURCH ROAD TO KY-1154 (MARTIN MARIETTA) (04CCR) (TO BE LET WITH 1-115 00). (10CCR)(12CCR)	PL DN RW UT CN	SPP SPP	2,210,000 2,710,000			
			Project Cost:			2,210,000	2,710,000	0	0
MCCRACKEN	154	US-60	CONSTRUCT A DOUBLE-CROSSOVER DIAMOND INTERCHANGE ON US 60 AT THE I-24 INTERCHANGE NEAR KENTUCKY OAKS MALL.	PL DN RW UT CN	NH	3,500,000 3,500,000	0	0	0
			Project Cost:						
MCCRACKEN	1115.1	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)	PL DN RW UT CN	STP		14,070,000 14,070,000	0	0
			Project Cost:			0			
MCCRACKEN	1115.2	US-62	RELOCATION OF US-62 FROM US-60 DEPARTURE TO KY-1887 (PARK ROAD).(10CCR) (12CCR)	PL DN RW UT CN	STP STP	3,380,000			12,170,000 12,170,000
			Project Cost:			3,380,000	0	0	
MCCRACKEN	1152	KY-1954	REPLACE BRIDGE OVER BOTTOM DITCH ON KY 1954 0.7 MILE NORTH OF KY 348 (073B000096N) (SR=8.3).	PL DN RW UT CN	BRX BRX BRX BRX	250,000		125,000 125,000	475,000 475,000
			Project Cost:			250,000	0	250,000	

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MCCRACKEN	1154	KY-994	REPLACE BRIDGE OVER BRANCH OF BOTTOM DITCH ON KY 994 0.8 MI NW OF KY 348 (070B00010N)(SR=35.3)(EBRP)	PL DN RW UT CN	BRX				190,000
			Project Cost:			0	0	0	190,000
MCCRACKEN	8003	I-24	I-24; CONSTRUCT NEW INTERCHANGE AT KY-994 (OLD MAYFIELD ROAD) SE OF PADUCAH. (00CCN)	PL DN RW UT CN	SP SP	3,940,000		30,420,000	0
			Project Cost:			3,940,000	0	30,420,000	0
MCCRACKEN	8702	KY-305	NEW ACCESS ROAD FROM KY-305 NEAR KY-998. EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE) (12CCN)	PL DN RW UT CN	SPP SPP SPP	4,000,000 3,000,000	15,000,000 15,000,000		0
			Project Cost:			7,000,000	15,000,000	0	0
Total for MCCRACKEN county									
				PL		250,000			190,000
				DN					
				RW		6,210,000		125,000	
				UT		10,320,000	2,710,000	125,000	
				CN		3,500,000	29,070,000	30,420,000	12,645,000
			Total Amounts:			20,280,000	31,780,000	30,670,000	12,835,000
MCCREARY	1065	CR-1239	BRIDGE OVER ROCK CREEK ON OLD FIDELITY-BELL FARM ROAD (CR 1239) 0.25 MI W OF ROCK CREEK ROAD (CR 1236) (074C00008N) (SR=22)	PL DN RW UT CN	BRZ BRZ BRZ			280,000	50,000 20,000
			Project Cost:			0	0	280,000	70,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for MCCREARY county									
MCLEAN	1090	KY-2385	REPLACE BRIDGE OVER BRANCH OF POND DRAIN CREEK ON KY 2385 0.9 MI SW OF KY 81 (075B00066N)(SR=26.3)	PL					
				DN				280,000	
				RW					50,000
				UT					20,000
				CN					
				Total Amounts:		0	0	280,000	70,000
				PL					
				DN	BRX			225,000	
				RW					
				UT					
Total for MCLEAN county				CN					
				Project Cost:		0	0	225,000	0
				PL					
				DN				225,000	
				RW					
				UT					
				CN					
				Total Amounts:		0	0	225,000	0
				PL					
				DN	BRX			125,000	
MEADE	1088	KY-823	REPLACE BRIDGE OVER UNNAMED STREAM ON KY 823 0.5 MILE WEST OF KY 2734. (082B00008N) (SR=45.2)	RW					
				UT					
				CN					
				Project Cost:		0	0	125,000	0
				PL					
				DN					
				RW					
				UT					
				CN					
				Total Amounts:		0	0	125,000	0
MEADE	8702	KY-79	RECONSTRUCT KY 79 FROM KY 428 TO KY 144. (12CCN)	PL					
				DN					
				RW	SPP			3,100,000	
				UT	SPP			1,700,000	
				CN	SPP				
				Project Cost:		4,800,000	9,500,000	0	0
				PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:		4,800,000	9,500,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1240

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MEADE	8703	KY-79	RECONSTRUCT KY 79 FROM KY 477 TO KY 428. (12CCN)	PL					
				DN					
				RW	SPP	3,500,000			
				UT	SPP	2,000,000			
				CN	SPP		10,000,000		
				Project Cost:		5,500,000	10,000,000	0	0
MEADE	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP		12,120,000		
				Project Cost:		2,000,000	12,120,000	0	0
Total for MEADE county									
MENIFEE	8802	US 460	IMPROVE SAFETY AND SUBSTANDARD GEOMETRICS FOR US 460 FROM MP 6.2 TO MP 8.5. RECONSTRUCTION FROM END OF ROTHWELL HILL RECONSTRUCTION TO BRIDGE OVER BEAVER CREEK.	PL					
				DN				125,000	
				RW		6,600,000			
				UT		5,700,000			
				CN			31,620,000		
				Total Amounts:		12,300,000	31,620,000	125,000	0
MENIFEE	8805	US-460	WIDEN EXISTING ROADWAY AND IMPROVE VERTICAL AND HORIZONTAL CURVES. NEW CONSTRUCTION. COMPLETES US 460 UPGRADES IN MENIFEE COUNTY BETWEEN FRENCHBURG AND MORGAN COUNTY LINE.	CN	SP	8,000,000	0	0	0
				Project Cost:		8,000,000			
				PL					
				DN	SPP	50,000			
				RW	SPP		750,000		
				UT					
CN									
Project Cost:			50,000	750,000	0	0			

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for MENIFEE county												
MERCER	416	US-68	IMPROVE SAFETY ON US 68 AT KY 152 INTERSECTION IN HARRODSBURG. (12CCR)	PL		50,000						
				DN								
				RW			750,000					
				UT								
				CN		8,000,000						
				Total Amounts:					8,050,000	750,000	0	0
				PL								
				DN								
				RW								
				UT	SPP	1,000,000						
MERCER	1116.01	KY-152	REPLACE BRIDGE AND APPROACHES ON KY-152 OVER HERRINGTON LAKE AT THE MERCER/GARRARD COUNTY LINE (B05). (SR=3.0)(084B00005N) (ADDITIONAL FUNDING FOR C PHASE)	CN	SPP	1,000,000						
				Project Cost:					1,000,000	0	0	0
				Project Cost:					2,000,000	0	0	0
				CN		7,500,000						
				Project Cost:					7,500,000	0	0	0
				PL								
				DN								
				RW								
				UT		1,000,000						
				CN		8,500,000						
Total Amounts:					9,500,000	0	0	0				
Total for MERCER county												
METCALFE	112.1	KY-90	SUMMER SHADE BYPASS. (06CCR)(2006BOPC) (08CCR)(12CCR)	PL								
				DN								
				RW	STP	2,000,000	1,500,000					
				UT	STP							
				CN	STP							
				Project Cost:					2,000,000	1,500,000	0	12,000,000
				Project Cost:					2,000,000	1,500,000	0	12,000,000
				PL								
				DN								
				RW								

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
METCALFE	1075	CS-1053	REPLACE BRIDGE ON CS-1053 (MP 0.327) OVER CLAY LICK CREEK, 0.4 MI SOUTH OF JCT US 68; (STRUCTURALLY DEFICIENT, SR=33.1) 085C00007N	PL DN RW UT CN	BRZ	850,000 850,000	0	0	0
			Project Cost:						
METCALFE	1087	KY-496	REPLACE BRIDGE OVER OIL WELL BRANCH ON KY 496 0.5 MILE SE OF KY 533 (085B00025N) (SR=48.2)(EBRP)	PL DN RW UT CN	BRX		250,000		75,000 100,000 235,000 410,000
			Project Cost:			0	0	250,000	
METCALFE	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON THE WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL ROAD (MP 10.0) SOUTH OF EDMONTON, CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE COURTHOUSE SQUARE, CN	PL DN RW UT CN	SP	11,945,000 11,945,000	0	0	0
			Project Cost:						
Total for METCALFE county				PL DN RW UT CN		2,000,000 2,000,000 12,795,000 14,795,000	1,500,000 1,500,000	250,000 250,000	75,000 100,000 12,235,000 12,410,000
			Total Amounts:						
MONROE	128.08	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2017. (12CCR)	PL DN RW UT CN	SPP	444,000 444,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MONROE	128.09	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2018. (12CCR)	PL DN RW UT CN	SPP	0	444,000 444,000	0	0
			Project Cost:						
MONROE	128.1	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2019.(12CCR)	PL DN RW UT CN	SPP	0	444,000 444,000	0	0
			Project Cost:						
MONROE	128.11	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP	0	0	444,000 444,000	0
			Project Cost:						
MONROE	1084	CR-1354	REPLACE BRIDGE ON NEW SALEM RD (CR 1354) OVER PETER CREEK 0.2 MILE E OF BETHLEHAM CHURCH RD (CR 1335)(SR 35.4) 086C00015N	PL DN RW UT CN	SPP	0	0	0	444,000 444,000
			Project Cost:						
MONROE	7020.17	-0	CONSTRUCT NEW ROUTE FOR THE EAST TOMPKINSVILLE BYPASS "SURFACING ONLY". (98CCN)02CCR) (2002BOPC)(DESIGN "STP" FUNDING SHALL BE SUPPLEMENTAL TO THE AUTHORIZED AMOUNT ALREADY EXPENDED ON	PL DN RW UT CN	BRZ	200,000 200,000	0	0	0
			Project Cost:						
						6,700,000 6,700,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for MONROE county												
MONTGOMERY	8810		WIDEN EXISTING PAVEMENT AND IMPROVE VERTICAL AND HORIZONTAL CURVES FROM EXISTING MOUNT STERLING BYPASS (KY 686) TO 500' WEST OF BENTBROOK SUBDIVISION. ADD FULL WIDTH SHOULDERS AND A CENTER	PL								
				DN								
				RW								
				UT								
				CN								
				Total Amounts:					7,344,000	444,000	444,000	444,000
									7,344,000	444,000	444,000	444,000
				UT	SP	1,500,000						
				CN	SP		8,000,000					
				Project Cost:					1,500,000	8,000,000	0	0
Total for MONTGOMERY county												
MORGAN	126.6	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM CR 1226 PARKWAY ROAD TUNNEL (MP 59.3) TO 0.4 MI EAST OF THE KY-134 JOHNSON CREEK BRIDGE - SECTION 6.(12CCR)	PL								
				DN								
				RW								
				UT		1,500,000						
				CN			8,000,000					
				Total Amounts:					1,500,000	8,000,000	0	0
									1,500,000	8,000,000	0	0
				UT	NH		11,000,000					
				CN			11,000,000					
				Project Cost:					0	11,000,000	0	0
MORGAN	126.61	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM CR 1226 PARKWAY ROAD TUNNEL (MP 59.3) TO 0.4 MI EAST OF THE KY-134 JOHNSON CREEK BRIDGE - SECTION 6.(12CCR)(ADDITIONAL	PL								
				DN								
				RW								
				UT								
				CN								
				Total Amounts:							15,000,000	
									0	0	15,000,000	
				UT	NH							
				CN								
				Project Cost:								

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MORGAN	126 62	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM CR 1226 PARKWAY ROAD TUNNEL (MP 59.3) TO 0.4 MI EAST OF THE KY-134 JOHNSON CREEK BRIDGE - SECTION 6 (12CCR)(ADDITIONAL	PL DN RW UT CN	NH	0	0	0	15,000,000 15,000,000
			Project Cost:						
MORGAN	1111	US-460	REPLACE BRIDGE OVER WHITE OAK CREEK ON US 460 0.5 MILE NW OF KY 1000. (088B00021N) (SR=35)	PL DN RW UT CN	BRX				300,000
			Project Cost:			0	0	0	300,000
MORGAN	8003	KY-172	IMPROVE ALIGNMENT ON KY 172 FROM MP 10.4 TO MP 13. (00CCN)(08CCR)(10CCR)	PL DN RW UT CN	SP	0	14,000,000 14,000,000	0	0
			Project Cost:						
Total for MORGAN county									
				PL					300,000
				DN					
				RW					
				UT					
				CN					
			Total Amounts:			0	25,000,000 25,000,000	15,000,000 15,000,000	15,000,000 15,300,000
MUHENBERG	8802	KY 181	WIDEN KY-181 BY FOUR FEET ON EACH SIDE FROM INTERSECTION 601 TO WENDELL FORD CENTER.	PL DN RW UT CN	SPP SPP				
			Project Cost:			1,750,000 1,750,000	2,500,000 2,500,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
MUHLENBERG	8803	KY 181	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP.	PL					
				DN					
				RW	SPP	500,000			
				UT	SPP		750,000		
				CN	SPP			1,000,000	
				Project Cost:		500,000	750,000	1,000,000	0
MUHLENBERG	8804	KY 246	LOWER THE ROAD AT THE INTERSECTION OF MERLE TRAVIS HIGHWAY (KY 246) AND KY 176 SO THAT THE INTERSECTION IS ON THE SAME LEVEL AS 176 AND MERLE TRAVIS HIGHWAY.	PL					
				DN	SP	250,000			
				RW	SP		100,000		
				UT	SP			150,000	
				CN	SP				800,000
				Project Cost:		250,000	100,000	150,000	800,000
Total for MUHLENBERG county									
NELSON	287.1	US-31	BARDSTOWN-LOUISVILLE; WIDENING AND ACCESS MANAGEMENT IMPROVEMENTS ON US-31E BETWEEN NAZARETH DRIVE AND KY-509. (2004BOPC)	PL					
				DN		250,000			
				RW		500,000	100,000		
				UT		1,750,000	750,000	150,000	
				CN			2,500,000	1,000,000	800,000
				Total Amounts:		2,500,000	3,350,000	1,150,000	800,000
NELSON	287.55	US-31	BARDSTOWN-LOUISVILLE; RELOCATION OF US-31E FROM JUST SOUTH OF WHITESIDES DRIVE IN NELSON COUNTY TO THE SALT RIVER BRIDGE IN SPENCER COUNTY. (2004BOPC) (10CCR)(12CCR)(ADDITIONAL FUNDING FOR C	PL					
				DN					
				RW					
				UT					
				CN	SP	25,510,000	0	0	0
				Project Cost:		25,510,000	0	0	0
NELSON	287.55	US-31	BARDSTOWN-LOUISVILLE; RELOCATION OF US-31E FROM JUST SOUTH OF WHITESIDES DRIVE IN NELSON COUNTY TO THE SALT RIVER BRIDGE IN SPENCER COUNTY. (2004BOPC) (10CCR)(12CCR)(ADDITIONAL FUNDING FOR C	PL					
				DN					
				RW					
				UT					
				CN	SP	16,000,000	0	0	0
				Project Cost:		16,000,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
NELSON	1092	CR-1215	REPLACE BRIDGE OVER DAVIS RUN ON HIGDON LOOP (CR 1215) 0.1 MI S OF US 31E NEAR SCL OF NEW HAVEN (090C00030N)(SR=27) (EBRP)	PL DN RW UT CN	BRZ				100,000
			Project Cost:			0	0	0	100,000
NELSON	8308.1	US-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN)	PL DN RW UT CN					
			Project Cost:			13,160,000	0	0	0
NELSON	8309.1	US-150	WIDEN US-150 FROM NEAR KY-245 THROUGH THE BLUEGRASS PARKWAY INTERCHANGE TO JUST PAST LESLIE BALLARD ROAD. (06CCN) (2006BOPC)(12CCR)	PL DN RW UT CN SP			50,000	2,630,000 940,000	27,050,000
			Project Cost:			0	50,000	3,570,000	27,050,000
Total for NELSON county									
				PL DN RW UT CN			50,000	2,630,000 940,000	100,000
			Total Amounts:			54,670,000	50,000	3,570,000	27,050,000
NICHOLAS	8812	KY-32	SAFETY IMPROVEMENTS ALONG KY 32 FROM LAKE ROAD (MP 9.5) TO SCRUBGRASS CREEK (MP 12.5) TO CORRECT HORIZONTAL, VERTICAL, PAVEMENT WITH DEFICIENCIES	PL DN RW UT CN	SPP			1,500,000	
			Project Cost:			2,000,000	1,500,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for NICHOLAS county												
OHIO	1091	US-62	REPLACE BRIDGE OVER THREECLICK FORK ON US 62 0.4 MILE E OF GREEN MEADOWS DRIVE (CS 6068) IN BEAVER DAM. (092B00033N) (SR=48)	PL								
				DN								
				RW		2,000,000	1,500,000					
				UT								
				CN								
				Total Amounts:					2,000,000	1,500,000	0	0
				PL								
				DN	BRX				225,000			
				RW								
				UT								
OHIO	8810	KY 69	WIDEN/RECONSTRUCT KY 69 FROM CENTERTOWN TO HARTFORD.	CN		0	0	0	225,000			
				Project Cost:								
				PL								
				DN								
				RW								
				UT								
				CN	SPP	15,250,000	0	0	0			
				Project Cost:					15,250,000			
				PL								
				DN								
OHIO	8812	KY 136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY 136 FROM MP 0.00 TO 22.618 IN MCLEAN COUNTY AND MP 0.00 TO 9.6 IN OHIO COUNTY.	RW								
				UT								
				CN	SPP	6,900,000	0	0	0			
				Project Cost:					6,900,000			
				PL								
				DN								
				RW								
				UT								
				CN								
				Total Amounts:					22,150,000	0	0	225,000
Total for OHIO county												

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
OLDHAM	304.1	KY-22	RECONSTRUCT KY-22 FROM KY-329 TO ABBOTT LANE. (2004BOPC)(08CCR)(10CCR) (12CCR)	PL					
				DN					
				RW	SP	2,560,000			
				UT	SP	2,540,000			
				CN	SP			12,340,000	
				Project Cost:		5,100,000	0	12,340,000	0
OLDHAM	304.2	KY-22	RECONSTRUCT KY-22 TO 5-LANES FROM ABBOTT LANE TO PROPOSED KY-393 INTERSECTION AND CONTINUING WITH 3-LANES TO EXISTING KY-393. (2004BOPC)	PL					
				DN					
				RW					
				UT					
				CN	SP	10,950,000			
				Project Cost:		10,950,000	0	0	0
OLDHAM	517.03	-0	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL					
				DN					
				RW					
				UT					
				CN	SLO	100,000			
				Project Cost:		100,000	0	0	0
OLDHAM	8852	KY-53	DESIGN FOR IMPROVING KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES)	PL					
				DN	STP	2,000,000			
				RW					
				UT					
				CN					
				Project Cost:		2,000,000	0	0	0
Total for OLDHAM county									
				PL					
				DN		2,000,000			
				RW		2,560,000			
				UT		2,540,000			
				CN		11,050,000		12,340,000	
				Total Amounts:		18,150,000	0	12,340,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1250

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
OWEN	198	KY-22	RECONSTRUCT KY-22 AT KY-227 AT END OF NEW CONSTRUCTION TO 0.4 MILE EAST OF KY 845 SOUTH. (06CCR)(08CCN)(12CCR)	PL					
				DN					
				RW	SPP	1,840,000			
				UT	SPP	1,250,000			
				CN	SPP		23,400,000		
			Project Cost:			3,090,000	23,400,000	0	0
OWEN	1088	CR-1214	REPLACE BRIDGE OVER CEDAR CREEK ON SAWDRIDGE CREEK W ROAD (CR 1214) 0.2 MI N OF US 127 (094C00011N)(SR=20.3)	PL					
				DN	BRZ	150,000			
				RW	BRZ			100,000	
				UT	BRZ			100,000	
				CN	BRZ				500,000
			Project Cost:			150,000	0	200,000	500,000
OWEN	8702	KY-22	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	31,000,000			
			Project Cost:			31,000,000	0	0	0
Total for OWEN county									
OWSLEY	279.6	KY-30	RECONSTRUCT KY 30 FROM KY 846 TO THE JACKSON COUNTY LINE.	PL					
				DN					
				RW		150,000			
				UT		1,840,000		100,000	
				CN		1,250,000		100,000	
			Total Amounts:			31,000,000	23,400,000		500,000
						34,240,000	23,400,000	200,000	500,000
				PL					
				DN					
				RW					
				UT					
				CN	STP		25,000,000		
			Project Cost:			0	25,000,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for OWSLEY county									
PENDLETON	1073	KY-159	REPLACE BRIDGE ON KY-159 (MP 3.639) OVER KINCAID CREEK; 2 MI. SOUTH OF JCT. KY 609; (STRUCTURALLY DEFICIENT, SR=24.4) 096B00004N	PL					
				DN					
				RW					
				UT					
				CN			25,000,000		
				Total Amounts:		0	25,000,000	0	0
				PL					
				DN					
				RW					
				UT					
PENDLETON	8706.1	US-27	RECONSTRUCT US-27 FROM BUTLER IN PENDLETON COUNTY TO SOUTH OF KY-154 IN CAMPBELL COUNTY (MP 17.9 PENDLETON COUNTY TO MP 1.9 CAMPBELL COUNTY). (12CCN) ADDITIONAL FUNDING FOR C PHASE	BRX		2,350,000			
				CN		2,350,000	0	0	0
				Project Cost:					
				PL					
				DN					
				RW					
				UT					
				CN		15,000,000	0	0	0
				Project Cost:		15,000,000			
PENDLETON	8706.2	US-27	RECONSTRUCT US-27 FROM BUTLER IN PENDLETON COUNTY TO SOUTH OF KY-154 IN CAMPBELL COUNTY (MP 17.9 PENDLETON COUNTY TO MP 1.9 CAMPBELL COUNTY). (12CCN) ADDITIONAL FUNDING FOR C PHASE	PL					
				DN					
				RW					
				UT					
				CN			13,290,000		
				Project Cost:		0	13,290,000	0	0
				PL					
				DN					
				RW					
				UT					
Total for PENDLETON county				CN		17,350,000	13,290,000	0	0
				Total Amounts:		17,350,000	13,290,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

1252

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
PERRY	158	KY-15	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 IN PERRY COUNTY FROM MORTON BOULEVARD TO KY 15 BYPASS	PL DN RW UT CN	NH	0	16,250,000 16,250,000	0	0
			Project Cost:						
PERRY	158.01	KY-15	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 IN PERRY COUNTY FROM MORTON BOULEVARD TO KY 15 BYPASS.(ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN	NH	0	0 20,000,000 20,000,000	0	0
			Project Cost:						
PERRY	158.02	KY-15	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 IN PERRY COUNTY FROM MORTON BOULEVARD TO KY 15 BYPASS. (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN	NH	0	0 0 20,000,000 20,000,000	0	0
			Project Cost:						
PERRY	269.15	KY-15	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 15 FROM MORTON BOULEVARD TO BONNYMAN. (12CCR) (PROJECT MOVED FROM 10-159)(D-PHASE UNDER 10-269.0)(ADDITIONAL FUNDING FOR C	PL DN RW UT CN	NH	15,160,000 15,160,000	0 0	0	0
			Project Cost:						
PERRY	269.2	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28	PL DN RW UT CN	SP				500,000 2,630,000 2,080,000 59,490,000 64,700,000
			Project Cost:			0	0	0	

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
PERRY	1102	KY-1146	REPLACE BRIDGE ON BULAN HINER RD (KY 1146) OVER TRACE FORK AT JCT WITH KENTUCKY HIGHWAY 476 (KY 476)(SR 25.5) 097B00103N	PL DN RW UT CN	BRO	550,000 550,000	0	0	0
Project Cost:									
PERRY	1103	KY-2021	REPLACE BRIDGE ON BIG WILLARD RD (KY 2021) OVER WILLARD CREEK AT INTERSECTION WITH BEECH NUT LN (CR 1213)(SR 44.6) 097B00027N	PL DN RW UT CN	BRO	450,000 450,000	0	0	0
Project Cost:									
PERRY	1112	PR-1056	REPLACE BRIDGE OVER CLOVER FORK ON ROAD TO LEATHERWOOD SCHOOL 50 FT N OF KY 699 (097C00052N) (SR= 14.6)	PL DN RW BRZ UT CN	BRZ	250,000		50,000 50,000	500,000 500,000
Project Cost:						250,000	0	100,000	
PERRY	1113	CR-1114	REPLACE BRIDGE OVER NORTH FORK KENTUCKY RIVER ON KENMONT ROAD (CR 1114) 380 FT SE OF KY 7 (097C00005N) (SR=48.6)	PL DN RW UT CN	BRZ				300,000
Project Cost:						0	0	0	300,000
PERRY	1114	CR-1140	REPLACE BRIDGE OVER STRAIGHT FORK ON LITTLE LEATHERWOOD CREEK ROAD (CR 1140) AT JCT WITH KY 3348 (097C00013N)(SR=38)	PL DN RW BRZ UT CN	BRZ			250,000	50,000 75,000
Project Cost:						0	0	250,000	125,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for PERRY county									
PIKE	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT	PL					
				DN		250,000		250,000	800,000
				RW				50,000	2,680,000
				UT				50,000	2,155,000
				CN		16,160,000	16,250,000	20,000,000	79,990,000
				Total Amounts:		16,410,000	16,250,000	20,350,000	85,625,000
				PL					
				DN					
				RW	SPP	2,000,000			
				UT	SPP	1,500,000			
PIKE	263.68	US-460	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM DUNLEARY HOLLOW TO KY-80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY. (ADDITIONAL FUNDING FOR C PHASE 12-263.67)	CN	SPP			12,500,000	
				Project Cost:		3,500,000	0	12,500,000	0
				PL					
				DN					
				RW					
				UT					
				CN	NH	24,200,000			
				Project Cost:		24,200,000	0	0	0
PIKE	263.69	US-460	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM KY-195 TO DUNLEARY HOLLOW. (SURFACING FOR SECTIONS 6A & 6B) (2000BOP)	PL					
				DN					
				RW					
				UT					
				CN	APD		21,500,000		
				Project Cost:		0	21,500,000	0	0
PIKE	263.74	US-460	PIKEVILLE TO VA. STATE LINE; US 460/KY 80 AT BEAVER CREEK NEAR BEAVER BOTTOM (SECTION 7A-2), RAMP 2, GRADE, DRAIN AND SURFACING.	PL					
				DN					
				RW					
				UT					
				CN	APD		17,000,000		
				Project Cost:		0	17,000,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
PIKE	263.89	US-460	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM KY-80 AT BEAVER CREEK TO VIRGINIA STATE LINE (SURFACING FOR SECTIONS 7A, 7B, 8 & 9V) (2000BOP)	PL					
				DN					
				RW					
				UT					
				CN	NH	29,100,000			
				Project Cost:		29,100,000	0	0	0
PIKE	1122	CR-1181	REPLACE BRIDGE OVER LEVISA FORK ON SOUTH RIVER ROAD CONNECTOR (CR 1181-70) AT JCT WITH US 460 NEAR VIRGINIA STATE LN (098C00088N)(SR=49)	PL					
				DN	BRZ	400,000			
				RW	BRZ			100,000	
				UT	BRZ			100,000	
				CN	BRZ				1,200,000
				Project Cost:		400,000	0	200,000	1,200,000
PIKE	1123	CR-1801	REPLACE BRIDGE OVER BLACKBERRY CREEK ON BIG BLUE SPRINGS ROAD (CR 1801) AT JCT WITH KY 1056 (098C00028N)(SR=15.2)	PL					
				DN	BRZ			300,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	300,000	0
PIKE	8704.1	CS-1192	NEW BRIDGE OVER THE LEVISA FORK OF THE BIG SANDY RIVER NEAR THE EXISTING SUSPENSION BRIDGE.	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	0
PIKE	8705	CS-1192	CONSTRUCT NEW CONNECTION FROM THOMPSON ROAD TO US 23 AT STONECOAL	PL					
				DN					
				RW					
				UT	SPP	600,000			
				CN	SPP		5,000,000		
				Project Cost:		600,000	5,000,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for PIKE county												
POWELL	163	KY-213	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 11 TO BOTTOM OF MOUNTAIN. (12CCR)	PL		400,000		300,000				
				DN		2,000,000		100,000				
				RW		2,100,000		100,000				
				UT		58,300,000	43,500,000	12,500,000	1,200,000			
				CN		62,800,000	43,500,000	13,000,000	1,200,000			
				Total Amounts:								
				SPP		10,130,000		0	0			
				CN		10,130,000		0	0			
Project Cost:												
					0	10,130,000		0	0			
Total for POWELL county												
PULASKI	5003	US-27	CORRECT ROCKFALL HAZARD @ MP 4.7 TO 5.05 (BOTH SIDES OF ROADWAY)(10CCR) (12CCR)	PL								
				DN								
				RW								
				UT								
				CN		10,130,000						
				Total Amounts:					0	10,130,000		0
				SP			4,160,000		0			
				CN		0	0	4,160,000	0			
Project Cost:												
					0							
Total for PULASKI county												
				PL								
				DN								
				RW								
				UT								
				CN				4,160,000				
				Total Amounts:					0	0	4,160,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ROBERTSON	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	0
ROBERTSON	8810	KY-1504	SHOULDER IMPROVEMENTS ALONG KY 1504.	PL					
				DN					
				RW					
				UT					
				CN	SPP	50,000			
				Project Cost:		50,000	0	0	0
Total for ROBERTSON county									
ROWAN	204	KY-32	FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN		5,050,000			
				Total Amounts:		5,050,000	0	0	0
ROWAN	1093	CR-1140	REPLACE BRIDGE OVER BULL FORK ON HORSEMAN CEMETERY ROAD (CR 1140) AT JCT WITH BULLFORK ROAD (CR 1222) (103C00108N) (SR=32.5)(EBRP)	PL					
				DN					
				RW	BRZ			350,000	50,000
				UT	BRZ				50,000
				CN	BRZ				400,000
				Project Cost:		0	18,036,000	350,000	500,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ROWAN	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES, FLATTER	PL DN RW UT CN	SPP	5,500,000 5,500,000	0	0	0
Project Cost:									
Total Amounts:									
Total for ROWAN county									
RUSSELL	8601.21	US-127	RECONSTRUCT US 127 FR APPROX .36 MILE OF INTERSECTION KY 1730 & MANINTOWN RD EXTENDING N TO N BANK OF CUMBERLAND RIVER INCLUDING NEW BRIDGE OVER LAKE CUMBERLAND FR CLINTON CO TO RUSSELL	PL DN RW UT CN	NH	23,000,000 23,000,000	0	0	0
Project Cost:									
Total Amounts:									
Total for RUSSELL county									
SCOTT	102.5	-0	GEORGETOWN NORTHWEST BYPASS; FROM KY-32, EAST TO I-75. (04CCR)(2004BOPC)(SEE 7-102.01 FOR "HPP" COMPONENT)(10CCR) (12CCR)	PL DN RW UT CN	STP	23,000,000 23,000,000	0	0	0
Project Cost:									
Total Amounts:									
Total for SCOTT county									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
SCOTT	1139	CR-1022	REPLACE BRIDGE OVER NS (CNO&TP)RR ON FIELDS ROAD (CR 1022) AT SCOTT/HARRISON CO LINE (105R00607N)(SR=28.8) (EBRP)	PL					
				DN	BRZ		300,000		
				RW	BRZ			100,000	
				UT	BRZ			250,000	
				CN	BRZ			1,250,000	
				Project Cost:		0	300,000	1,600,000	0
Total for SCOTT county									
SHELBY	1069	CR-1036	REPLACE BRIDGE ON SCRABBLE RD (CR 1036) OVER BACKBONE CREEK 0.47 MILE E OF CEDARMORE RD (KY 1922)(SR 44.2) 106C00055N	PL					
				DN					
				RW					
				UT					
				CN	BRZ		350,000		0
				Project Cost:		0	350,000		0
SHELBY	8511	KY-53	WIDEN KY-53 TO FOUR LANES FROM I-64 TO US-60. (08CCN)(10CCN)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	15,800,000			0
				Project Cost:		15,800,000			0
SHELBY	8713	US-60	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,170,000	0	0	0
				Project Cost:		2,170,000			0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for SHELBY county									
SIMPSON	319	KY-100	IMPROVEMENTS TO KY 100: RECONSTRUCT KY 100 FROM KY 622 TO EAST OF SULPHUR FORK CREEK. (12CCR)	PL		17,970,000	350,000		
				DN					
				RW					
				UT					
				CN			350,000		
				Total Amounts:		17,970,000	350,000	0	0
				PL					
				DN					
				RW					
				UT					
SIMPSON	8808	KY 1008	MAJOR WIDENING OF KY 1008 TO 3 LANES WITH URBAN SECTION FROM KY 73 TO NORTH STREET IN FRANKLIN TO INCREASE CAPACITY AND FUNCTION OF THE EXISTING FRANKLIN BYPASS. MP 3.688-4.333.	CN	SPP		9,600,000		
				Project Cost:		0	9,600,000	0	0
				PL					
				DN					
				RW	SPP	1,700,000			
				UT	SP		2,600,000		
				CN	SP			2,500,000	
				Project Cost:		1,700,000	2,600,000	2,500,000	0
				PL					
				DN					
SIMPSON	8855	KY-1008	MAJOR WIDENING TO 3-LANES WITH URBAN SECTION FROM KY-73 TO NORTH FRANKLIN STREET.	RW					
				UT	SPP	2,600,000			
				CN	SPP		2,500,000		
				Project Cost:		2,600,000	2,500,000	0	0
				PL					
				DN					
				RW					
				UT					
				SP		3,000,000			
				CN	SP		9,000,000		
SIMPSON	8856	US-31	MAJOR WIDENING TO 5-LANES WITH URBAN SECTION FROM KY-1008 TO KY-621.	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:		3,000,000	9,000,000	0	0
				PL					
				DN					
				RW					
				UT					

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
Total for SIMPSON county									
SPENCER	1076	KY-1169	REPLACE BRIDGE OVER BUCK CREEK ON KY 1169 75 FT EAST OF YODER TIPTON ROAD (CR 1142) (108B00022N)(SR=45.6)(EBRP)	PL					
				DN					
				RW		1,700,000			
				UT		5,600,000	2,600,000		
				CN			21,100,000	2,500,000	
				Total Amounts:		7,300,000	23,700,000	2,500,000	0
				PL					
				DN	BRX				350,000
				RW					
				UT					
TAYLOR	142.2	KY-555	CONSTRUCTION SECTION 1 - CAMPBELLSVILLE BYPASS FROM KY-55 TO KY-70. (2010BOP)	CN		0	0	0	350,000
				Project Cost:		0	0	0	350,000
				PL					
				DN					350,000
				RW					
				UT					
				CN		0	0	0	350,000
				Total Amounts:		0	0	0	350,000
				PL					
				DN					
TAYLOR	142.3	KY-555	CONSTRUCTION SECTION 2 - CAMPBELLSVILLE BYPASS FROM KY-70 TO US-68. (2010BOP)	RW					
				UT		1,000,000			
				CN			13,400,000		
				Project Cost:		1,000,000	13,400,000	0	0
				PL					
				DN					
				RW	SPP		8,000,000		
				UT	SPP			200,000	
				CN	SPP				10,500,000
				Project Cost:		0	8,000,000	200,000	10,500,000

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020			
Total for TAYLOR county												
TODD	8811	KY-181	RECONSTRUCT KY-181 (ELTON ROAD) FROM US-79 (MP 0.000) TO NORTH OF INTERSECTION WITH US-41 (MP 0.214) TO INCLUDE A NEW INTERSECTION WITH KY-294. (MP 0.000-0.400)	PL								
				DN								
				RW			8,000,000					
				UT		1,000,000		200,000				
				CN			13,400,000		10,500,000			
				Total Amounts:					1,000,000	21,400,000	200,000	10,500,000
				SPP		670,000						
				CN			2,600,000					
				Project Cost:						0		
						670,000	2,600,000	0	0			
Total for TODD county												
UNION	122.01	US-60	PADUCAH-HENDERSON; MORGANFIELD BYPASS TO WAVERLY (08CCR)(12CCR)	PL								
				DN								
				RW								
				UT		670,000						
				CN			2,600,000					
				Total Amounts:					670,000	2,600,000	0	0
				CN		24,980,000						
				Project Cost:						0		
						24,980,000	0	0	0			
UNION	123.01	US-60	PADUCAH-HENDERSON; WAVERLY BYPASS. (12CCR)	PL								
				DN								
				RW								
				UT		1,360,000						
				CN			18,260,000					
				Project Cost:					1,360,000	18,260,000	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
UNION	310.2	KY-56	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAWNEETOWN BRIDGE.	PL DN RW UT CN	SP	14,500,000 14,500,000	0	0	0
Project Cost:									
Total Amounts:									
WARREN	110	KY-185	RECONSTRUCT KY-185 FROM NORTH OF THE JUNCTION WITH KY-263 NEAR RICHARDSVILLE (MP 6.29) TO THE BUTLER COUNTY LINE (MP 11.913). (02CCR)(04CCR)(06CCR)(10CCR)	PL DN RW UT CN		1,360,000 39,480,000 40,840,000	18,260,000 18,260,000	0	0
Project Cost:									
WARREN	110.1	KY-185	RECONSTRUCT KY-185 FROM NORTH OF THE JUNCTION WITH KY-263 NEAR RICHARDSVILLE (MP 6.29) TO THE BUTLER COUNTY LINE (MP 11.913). (02CCR)(04CCR)(06CCR)(10CCR) (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN	SPP	0 9,000,000 9,000,000	0	9,000,000 9,000,000	0
Project Cost:									
WARREN	110.2	KY-185	RECONSTRUCT KY-185 FROM NORTH OF THE JUNCTION WITH KY-263 NEAR RICHARDSVILLE (MP 6.29) TO THE BUTLER COUNTY LINE (MP 11.913). (02CCR)(04CCR)(06CCR)(10CCR) (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN	SPP	0	0	0	8,810,000 8,810,000
Project Cost:									

Total for UNION county

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
WARREN	199	US-31	WIDEN TO 5 LANES FROM 1.0 MILE SOUTH OF KY 242 (MP 4.1) TO DILLARD ROAD (MP 6.7). (12CCR)	PL DN RW UT CN	SPP	11,250,000 11,250,000	0	0	0
			Project Cost:						
WARREN	202	WN-9007	RECONSTRUCT THE EXISTING NATCHER PARKWAY/US 231 INTERCHANGE ON WEST SIDE OF BOWLING GREEN. (12CCR)	PL DN RW UT CN	NH	1,000,000 700,000	1,500,000		5,000,000 5,000,000
			Project Cost:			1,000,000	700,000	1,500,000	
WARREN	1077	KY-234	REPLACE BRIDGE ON KY-234 OVER DRAKES CREEK 0.097 E OF SHAKER MILL RD (CR-1131) (SR 42.8) 114B00012N.	PL DN RW UT CN	BRO		2,000,000 2,000,000	0	0
			Project Cost:			0			
WARREN	1077.01	KY-234	REPLACE BRIDGE ON KY-234 OVER DRAKES CREEK 0.097 E OF SHAKER MILL RD (CR-1131) (SR 42.8) 114B00012N. (ADDITIONAL FUNDING FOR C PHASE)	PL DN RW UT CN	BRO			3,850,000 3,850,000	0
			Project Cost:			0	0		
WARREN	8707	WN-9007	CONSTRUCT A NEW INTERCHANGE ON THE NATCHER PARKWAY AT ELROD ROAD IN BOWLING GREEN (MP 3.4 TO MP 4.0). (12CCN)	PL DN RW UT CN	NH	2,000,000 950,000		6,300,000 6,300,000	0
			Project Cost:			2,950,000	0	6,300,000	

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
WARREN	8818		THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY.	PL DN RW UT CN	SPP	6,700,000 6,700,000	0	0	0
			Project Cost:						
WARREN	8851	KY-884	IMPROVE SAFETY AND MOBILITY ON KY-884 FROM THE NATCHER PARKWAY OVERPASS TO FLEALAND (MP 7.4 TO MP 8.7). ADD ADDITIONAL LANES, CAPACITY, AND TURNING LANE.	PL DN RW UT CN	SPP	4,000,000 2,800,000 6,700,000 6,700,000			0
			Project Cost:						
WARREN	8852	KY-884	RECONSTRUCT KY-884 FROM LONG ROAD TO THE NATCHER PARKWAY (MP5.516 TO MP 7.438) INCLUDING A BRIDGE OVER THE NATCHER PARKWAY.	PL DN RW UT CN	SPP	1,000,000 2,000,000 5,300,000 5,300,000			0
			Project Cost:						
WARREN	8853	US-31	MINOR WIDENING (2 + 1 CONCEPT) FROM SOUTH OF THE KY-240 INTERSECTION NORTH TO BUCHANON PARK (MP 1.464 TO MP 4.258).	PL DN RW UT CN	SPP	1,800,000 2,000,000 13,500,000 13,500,000			
			Project Cost:						
WARREN	8854	KY-234	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).	PL DN RW UT CN	SP	750,000 2,000,000 2,500,000 5,500,000 5,500,000			
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
WARREN	8857	US-31	MAJOR WIDENING/RECONSTRUCTION FROM CAMPBELL LANE (US 231) TO UNIVERSITY BOULEVARD (US 231X). MP 10.567 TO MP 11.805	PL					
				DN	SP	800,000			
				RW	SP			1,750,000	
				UT	SP				2,000,000
				CN	SP				4,250,000
				Project Cost:		800,000	0	1,750,000	6,250,000
WARREN	8858	CS-1540	EXTEND SHIVE LANE TO LOVERS LANE (KY 880) IN BOWLING GREEN.	PL					
				DN	SP	139,000			
				RW	SP		324,000		
				UT	SP		434,000		
				CN	SP			2,923,000	
				Project Cost:		139,000	758,000	2,923,000	0
Total for WARREN county									
WAYNE	394	KY-92	RAISE GRADE TO PREVENT FLOODING FROM 0.5 MI W OF VALLEY VIEW DRIVE TO 0.7 MI W OF KY 1258. (12CCR)	PL		2,689,000			
				DN		7,000,000	4,824,000	1,750,000	
				RW		950,000	5,234,000	6,000,000	2,000,000
				UT		17,950,000	11,000,000	34,073,000	37,060,000
				CN		28,589,000	21,058,000	41,823,000	39,060,000
				Total Amounts:					
			RAISE GRADE TO PREVENT FLOODING FROM 0.5 MI W OF VALLEY VIEW DRIVE TO 0.7 MI W OF KY 1258. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:		9,000,000	0	0	0
Total for WAYNE county									
				PL					
				DN					
				RW					
				UT					
				CN					
				Total Amounts:		9,000,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020				
WEBSTER	143	US-41	RECONSTRUCT US-41A BETWEEN PROVIDENCE AND DIXON (04CCN)(08CCR)(10CCR)(12CCR)	PL									
				DN									
				RW									
				UT									
				CN	SP	32,030,000							
				Project Cost:		32,030,000	0	0	0				
				Total Amounts:					32,030,000	0	0	0	
				WHITLEY	184.1	KY-92	RECONSTRUCT KY-92 FROM 500 FT WEST OF THE WHITLEY/MCCREARY COUNTY LINE TO 1200 FT EAST OF OLD JELICO CREEK ROAD. (SECTION 1)	PL					
								DN					
								RW					
UT													
CN		32,030,000											
Project Cost:		32,030,000	0					0	0				
PL													
DN													
RW													
UT													
WHITLEY	186	US-25	MAJOR WIDENING, ADDRESSES CONGESTION, FREIGHT MOVEMENT, AND ACCESS ALONG 25W FROM KY 727 TO KY 3041. (12CCR)	PL									
				DN									
				RW									
				UT									
				CN	STP	9,000,000							
				Project Cost:		9,000,000	0	0	0				
				PL									
				DN									
				RW									
				UT									
WHITLEY	186	US-25	MAJOR WIDENING, ADDRESSES CONGESTION, FREIGHT MOVEMENT, AND ACCESS ALONG 25W FROM KY 727 TO KY 3041. (12CCR)	PL									
				DN									
				RW									
				UT									
				CN		1,800,000							
				Project Cost:		31,000,000	0	0	0				
				PL									
				DN									
				RW									
				UT									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
WOLFE	126.7	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE	PL					
			MOUNTAIN PARKWAY TO 4 LANES FROM 0.45 MI	DN					
			W OF KY 205 (MP 56.8) TO CR 1226 PARKWAY	RW					
			ROAD TUNNEL (MP 59.30). (2012BOP)	UT					
				CN	STP	0	20,000,000	0	0
			Project Cost:				20,000,000		
WOLFE	126.71	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE	PL					
			MOUNTAIN PARKWAY TO 4 LANES FROM 0.45 MI	DN					
			W OF KY 205 (MP 56.8) TO CR 1226 PARKWAY	RW					
			ROAD TUNNEL (MP 59.30). (2012BOP)	UT					
			(ADDITIONAL FUNDING FOR C PHASE)	CN	STP	0	21,000,000	21,000,000	0
			Project Cost:				21,000,000		
WOLFE	162	KY-9000	RECONSTRUCT TO CURRENT STANDARDS THE	PL					
			CURVE FROM THE KY 15 OVERPASS TO 2700	DN					
			EAST OF KY 15 OVERPASS. (12CCR)	RW					
				UT					
				CN	SPP	2,990,000	0	0	0
			Project Cost:			2,990,000			
WOLFE	168	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE	PL					
			MTN PKY TO 4 LANES FROM 0.6 MI W OF KY 191	DN					
			OVERPASS TO 0.45 MI W OF KY 205	RW			6,000,000		
			INTERCHANGE. (SEE 10-126.03 FOR PE & ENVIR	UT				2,250,000	
			FUNDS)(2012BOP)	CN	SP				10,000,000
			Project Cost:			0	6,000,000	2,250,000	10,000,000
WOLFE	168.1	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE	PL					
			MTN PKY TO 4 LANES FROM 0.6 MI W OF KY 191	DN		5,000,000			
			OVERPASS TO 0.45 MI W OF KY 205	RW				5,000,000	
			INTERCHANGE. (SEE 10-126.03 FOR PE & ENVIR	UT					
			FUNDS)(2012BOP)(ADDITIONAL FUNDS FOR	CN					
			Project Cost:			5,000,000	0	5,000,000	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
WOLFE	8803	KY-715	RECONSTRUCTION OF KY-715 & KY-2016 INTERSECTION MP 2.548 - MP 2.748	PL					
				DN					
				RW					
				UT					
				CN		300,000			
				SPP		300,000			
				Project Cost:			0	0	0
				PL					
				DN		5,000,000			
				RW			6,000,000	5,000,000	
WOODFORD	345	-0	NORTHWEST VERSAILLES MOBILITY CORRIDOR. (06CCR)(10CCN)(12CCN)	UT				2,250,000	
				CN		3,290,000	20,000,000	21,000,000	10,000,000
				Total Amounts:		8,290,000	26,000,000	28,250,000	10,000,000
				PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:			0	0	0
				SP		30,000,000			
WOODFORD	1140	CR-1217	REPLACE BRIDGE OVER GRIER CREEK ON GRIER CREEK ROAD (CR 1217) 0.8 MI W OF SCOTTS FERRY ROAD (CR 1215) (120C00017N) (SR=31.5)	PL					
				DN				325,000	
				RW					50,000
				UT					100,000
				CN					
				Project Cost:		0	0	325,000	150,000
				PL					
				DN				325,000	50,000
				RW					100,000
				UT					
WOODFORD				CN		30,000,000			
				Total Amounts:		30,000,000	0	325,000	150,000
				PL					
				DN					
				RW					
				UT					
				CN					
				Project Cost:			0	325,000	150,000
				PL					
				DN					

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	65.14	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2017. (2009BOPP)	PL DN RW UT CN	IM	3,700,000 3,700,000	0	0	0
			Project Cost:						
ZVARIOUS	65.15	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2018. (2009BOPP)	PL DN RW UT CN	IM	0	3,800,000 3,800,000	0	0
			Project Cost:						
ZVARIOUS	65.16	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2019.	PL DN RW UT CN	IM	0	0	3,800,000 3,800,000	0
			Project Cost:						
ZVARIOUS	65.17	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2020.	PL DN RW UT CN	IM	0	0	0	3,800,000 3,800,000
			Project Cost:						
ZVARIOUS	66.12	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2017.	PL DN RW UT CN	NH	2,000,000 2,000,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

CHAPTER 145

1271

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	66.13	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2018.	PL DN RW UT CN NH		0 2,000,000 2,000,000	0	0	0
			Project Cost:						
ZVARIOUS	66.14	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2019.	PL DN RW UT CN NH		0 2,000,000 2,000,000	2,000,000 2,000,000	0	0
			Project Cost:						
ZVARIOUS	66.15	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL DN RW UT CN NH		0 0 0	0	2,000,000 2,000,000	2,000,000 2,000,000
			Project Cost:						
ZVARIOUS	195.19	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2017.	PL DN RW UT CN TE		8,950,000 8,950,000	0	0	0
			Project Cost:						
ZVARIOUS	195.2	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2018.	PL DN RW UT CN TE		0 9,600,000 9,600,000	9,600,000 9,600,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1272

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	195.21	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2019.	PL DN RW UT CN TE		0	0	9,600,000 9,600,000	0
			Project Cost:						
ZVARIOUS	195.22	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020.	PL DN RW UT CN TE					9,600,000 9,600,000
			Project Cost:						
ZVARIOUS	219.15	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2017.	PL DN RW UT CN CM		13,100,000 13,100,000	0	0	0
			Project Cost:						
ZVARIOUS	219.16	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2018.	PL DN RW UT CN CM			13,100,000 13,100,000	0	0
			Project Cost:						
ZVARIOUS	219.17	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2019.	PL DN RW UT CN CM				13,100,000 13,100,000	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	219.18	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL DN RW UT CN	CM	0	0	0	13,100,000 13,100,000
			Project Cost:						
ZVARIOUS	224.12	-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2019.	PL DN RW UT CN	STP	0	0	20,000,000 20,000,000	0
			Project Cost:						
ZVARIOUS	224.13	-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2020.	PL DN RW UT CN	STP	0	0	0	10,000,000 10,000,000
			Project Cost:						
ZVARIOUS	327.13	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2017	PL DN RW UT CN	BRO	2,500,000 2,500,000	0	0	0
			Project Cost:						
ZVARIOUS	327.14	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2018.	PL DN RW UT CN	BRO	0	2,600,000 2,600,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1274

ACTS OF THE GENERAL ASSEMBLY

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	327.15	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:	BRO		0	0	2,600,000	0
								2,600,000	
								2,600,000	
ZVARIOUS	327.16	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:	BRO		0	0	0	2,600,000
									2,600,000
ZVARIOUS	333.13	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2017.	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:	FH		1,641,000	0	0	0
						1,641,000			
ZVARIOUS	333.14	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2018.	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:	FH		0	1,641,000	0	0
							1,641,000		
ZVARIOUS	333.15	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN					
			Project Cost:	FH		0	0	1,641,000	0
								1,641,000	
								1,641,000	

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	333.16	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2020.	PL DN RW UT CN FH		0	0	0	1,641,000 1,641,000
Project Cost:									
ZVARIOUS	337.12	-0	STATEWIDE I-STATE ROUTES FOR FY 2017. (12CCR)	PL DN RW UT CN IM		25,000,000 25,000,000	0	0	0
Project Cost:									
ZVARIOUS	337.13	-0	STATEWIDE I-STATE ROUTES FOR FY 2018. (12CCR)	PL DN RW UT CN IM		0	20,000,000 20,000,000	0	0
Project Cost:									
ZVARIOUS	337.14	-0	STATEWIDE I-STATE ROUTES FOR FY 2019.	PL DN RW UT CN IM		0	0	13,000,000 13,000,000	0
Project Cost:									
ZVARIOUS	337.15	-0	STATEWIDE I-STATE ROUTES FOR FY 2020.	PL DN RW UT CN IM		0	0	0	43,400,000 43,400,000
Project Cost:									

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	346.13	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2017	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,000,000			
			Project Cost:			1,000,000	0	0	0
ZVARIOUS	346.14	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2018	PL					
				DN					
				RW					
				UT					
				CN	BRZ		1,100,000		
			Project Cost:			0	1,100,000	0	0
ZVARIOUS	346.15	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	BRZ			1,100,000	
			Project Cost:			0	0	1,100,000	0
ZVARIOUS	346.16	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BRZ				1,100,000
			Project Cost:			0	0	0	1,100,000
ZVARIOUS	352.13	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2017.	PL					
				DN					
				RW					
				UT					
				CN	RRP	3,600,000			
			Project Cost:			3,600,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	352.14	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2018.	PL DN RW UT CN	RRP	0	3,600,000 3,600,000	0	0
			Project Cost:						
ZVARIOUS	352.15	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2019.	PL DN RW UT CN	RRP	0	3,600,000 3,600,000	0	0
			Project Cost:						
ZVARIOUS	352.16	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	RRP	0	0	3,600,000 3,600,000	0
			Project Cost:						
ZVARIOUS	369.08	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2018.	PL DN RW UT CN	RRP	0	0	0	3,600,000 3,600,000
			Project Cost:						
ZVARIOUS	369.1	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL DN RW UT CN	NH	0	10,000,000 10,000,000	0	0
			Project Cost:						
ZVARIOUS	369.1	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL DN RW UT CN	NH	0	0	0	10,000,000 10,000,000
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	383.09	-0	REPLACE TYPE 7/TEXAS TWIST GUARDRAIL ON INTERSTATES AND PARKWAYS FOR FY 2018.	PL DN RW UT CN NH		0	2,000,000 2,000,000	0	0
			Project Cost:						
ZVARIOUS	383.11	-0	REPLACE TYPE 7/TEXAS TWIST GUARDRAIL ON INTERSTATES AND PARKWAYS FOR FY 2020.	PL DN RW UT CN NH		0	0	0	2,000,000 2,000,000
			Project Cost:						
ZVARIOUS	388.07	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2017.	PL DN RW UT CN BRO		1,500,000 1,500,000	0	0	0
			Project Cost:						
ZVARIOUS	388.08	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2018. (12CCR)	PL DN RW UT CN BRO		0	1,600,000 1,600,000	0	0
			Project Cost:						
ZVARIOUS	388.09	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2019.	PL DN RW UT CN BRO		0	0	1,600,000 1,600,000	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	388.1	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BRO	0	0	0	1,600,000 1,600,000
			Project Cost:						
ZVARIOUS	391.04	-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES. (12CCR)	PL DN RW UT CN	STP		5,000,000		
			Project Cost:			0	5,000,000	0	0
ZVARIOUS	391.05	-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	STP			5,000,000	
			Project Cost:			0	0	5,000,000	0
ZVARIOUS	391.06	-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	STP				5,000,000
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	395.05	-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2017. (12CCR)	PL DN RW UT CN	SPP				
			Project Cost:			7,500,000 7,500,000	0	0	0

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	395.07	-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2019 (12CCR)	PL DN RW UT CN	SPP	0	0	7,500,000 7,500,000	0
			Project Cost:						
ZVARIOUS	397.04	-0	PAVEMENT REHABILITATION FOR FY 2017(12CCR)	PL DN RW UT CN	SPP	10,000,000 10,000,000	0	0	0
			Project Cost:						
ZVARIOUS	397.05	-0	PAVEMENT REHABILITATION FOR FY 2018(12CCR)	PL DN RW UT CN	SPP	0	10,000,000 10,000,000	0	0
			Project Cost:						
ZVARIOUS	397.06	-0	PAVEMENT REHABILITATION FOR FY 2019. (12CCR)	PL DN RW UT CN	SPP	0	0	10,000,000 10,000,000	0
			Project Cost:						
ZVARIOUS	397.07	-0	PAVEMENT REHABILITATION FOR FY 2020. (12CCR)	PL DN RW UT CN	SPP	0	0	0	10,000,000 10,000,000
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	400.04	-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL DN RW UT CN	SPP	2,000,000 2,000,000	0	0	0
Project Cost:									
ZVARIOUS	911.06	-0	STATEWIDE SAFETY PROGRAM FOR FY 2017. (HSIP)	PL DN RW UT CN	SAF	38,375,000 38,375,000	0	0	0
Project Cost:									
ZVARIOUS	911.07	-0	STATEWIDE SAFETY PROGRAM FOR FY 2018. (HSIP)	PL DN RW UT CN	SAF	38,500,000 38,500,000	0	0	0
Project Cost:									
ZVARIOUS	911.08	-0	STATEWIDE SAFETY PROGRAM FOR FY 2019. (HSIP)	PL DN RW UT CN	SAF	38,500,000 38,500,000	38,500,000 38,500,000	0	0
Project Cost:									
ZVARIOUS	911.09	-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	38,500,000 38,500,000	38,500,000 38,500,000	0	0
Project Cost:									

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	1063.13	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2017	PL DN RW UT CN	BRX	500,000 500,000	0	0	0
			Project Cost:						
ZVARIOUS	1063.14	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2018	PL DN RW UT CN	BRX		500,000 500,000	0	0
			Project Cost:						
ZVARIOUS	1063.15	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2019.	PL DN RW UT CN	BRX			500,000 500,000	0
			Project Cost:						
ZVARIOUS	1063.16	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BRX				500,000 500,000
			Project Cost:						
ZVARIOUS	1071.05	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES	PL DN RW UT CN	BRO	1,500,000 1,500,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	1071.06	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES	PL DN RW UT CN	BRO	0	1,500,000 1,500,000	0	0
			Project Cost:						
ZVARIOUS	1071.07	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL DN RW UT CN	BRO	0	0	1,500,000 1,500,000	0
			Project Cost:						
ZVARIOUS	1071.08	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL DN RW UT CN	BRO	0	0	0	1,500,000 1,500,000
			Project Cost:						
ZVARIOUS	1073.05	-0	STATEWIDE "BRO" FUNDS.	PL DN RW UT CN	BRO	0	1,000,000 1,000,000	0	0
			Project Cost:						
ZVARIOUS	1074.06	-0	STATEWIDE OFF SYSTEM BRIDGE REPLACEMENT PROJECTS.	PL DN RW UT CN	BRZ	0	4,000,000 4,000,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

1284

ACTS OF THE GENERAL ASSEMBLY

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	1074.07	-0	STATEWIDE OFF SYSTEM BRIDGE REPLACEMENT PROJECTS.	PL DN RW UT CN	BRZ	0	0	0	4,000,000 4,000,000
			Project Cost:						
ZVARIOUS	2700.07	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2017.(12CCR)	PL DN RW UT CN	SPP	5,000,000 5,000,000	0	0	0
			Project Cost:						
ZVARIOUS	2700.08	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2018.(12CCR)	PL DN RW UT CN	SPP	0	5,000,000 5,000,000	0	0
			Project Cost:						
ZVARIOUS	2700.09	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2019.(12CCR)	PL DN RW UT CN	SPP	0	0	5,000,000 5,000,000	0
			Project Cost:						
ZVARIOUS	2700.1	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP	0	0	0	5,000,000 5,000,000
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	8500.1	-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	SPP	5,000,000 5,000,000	0	0	0
			Project Cost:						
ZVARIOUS	8500.15	-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	SPP		0	5,000,000 5,000,000	0
			Project Cost:			0	0		0
ZVARIOUS	9050.06	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2017. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	17,400,000 17,400,000	0	0	0
			Project Cost:						
ZVARIOUS	9050.07	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2017. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	26,200,000 26,200,000	0	0	0
			Project Cost:						
ZVARIOUS	9050.08	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2018. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM		17,400,000 17,400,000	0	0
			Project Cost:			0			

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	9050.09	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2018. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	26,200,000 26,200,000	0	0
			Project Cost:						
ZVARIOUS	9050.1	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2019. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	17,300,000 17,300,000	0	0
			Project Cost:						
ZVARIOUS	9050.11	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2019. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	26,200,000 26,200,000	0	0
			Project Cost:						
ZVARIOUS	9050.12	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2020. (JM03-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	17,300,000 17,300,000	0	0
			Project Cost:						
ZVARIOUS	9050.13	-0	GARVEE BOND DEBT SERVICE FOR I-65, I-75; AND I-64 FOR FY 2020. (JM03-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	26,200,000 26,200,000	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	9068.02	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (BRO) FOR FY 2017. (079B00023N, 111B00020N)	PL DN RW UT CN	BRO	23,000,000 23,000,000	0	0	0
			Project Cost:						
ZVARIOUS	9068.03	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (BRO) FOR FY 2018. (079B00023N, 111B00020N)	PL DN RW UT CN	BRO	0 23,000,000	23,000,000 23,000,000	0	0
			Project Cost:						
ZVARIOUS	9068.05	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (BRO) FOR FY 2019. (079B00023N, 111B00020N)	PL DN RW UT CN	BRO	0 0	0 23,000,000	23,000,000 23,000,000	0
			Project Cost:						
ZVARIOUS	9068.61	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2020. (12CCR)	PL DN RW UT CN	BRO	0 0	0 0	0 23,000,000	23,000,000 23,000,000
			Project Cost:						
ZVARIOUS	9068.63	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2017.	PL DN RW UT CN	STP	23,000,000 23,000,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2017	FY 2018	FY 2019	FY 2020
ZVARIOUS	9068.64	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2018.	PL DN RW UT CN	STP	0	23,000,000 23,000,000	0	0
			Project Cost:						
ZVARIOUS	9068.65	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2019.	PL DN RW UT CN	STP	0	0	23,000,000 23,000,000	0
			Project Cost:						
ZVARIOUS	9068.66	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2020.	PL DN RW UT CN	STP	0	0	0	23,000,000 23,000,000
			Project Cost:						
ZVARIOUS	9659.15	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2017. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	5,900,000 5,900,000	0	0	0
			Project Cost:						
ZVARIOUS	9659.16	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2017. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	8,800,000 8,800,000	0	0	0
			Project Cost:						

2014-2020 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
ZVARIOUS	9659.18	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2018. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	13,500,000 13,500,000	0	0
			Project Cost:						
ZVARIOUS	9659.19	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2018. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	20,300,000 20,300,000	0	0
			Project Cost:						
ZVARIOUS	9659.21	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2019. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	0	13,500,000 13,500,000	0
			Project Cost:						
ZVARIOUS	9659.22	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2019. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	NH	0	0	20,300,000 20,300,000	0
			Project Cost:						
ZVARIOUS	9659.23	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "IM" COMPONENT)	PL DN RW UT CN	IM	0	0	0	13,500,000 13,500,000
			Project Cost:						