Table of Contents
2016 Regular Session

CHAPTER 1 (SB 4, Seum and others) 1
CHAPTER 2 (HB 175, Meredith and Harris) 1
CHAPTER 3 (HB 237, Horlander and others) 1
CHAPTER 4 (SCR 9, Buford and others) 3
CHAPTER 5 (HB 204, Couch and others) 4
CHAPTER 6 (HB 570, Yonts and others) 7
CHAPTER 7 (SB 178, Harris and others) 14
CHAPTER 8 (SB 74, Higdon and Robinson) 15
CHAPTER 9 (HB 187, Yonts and others) 16
CHAPTER 10 (SB 193, Alvarado) 20
CHAPTER 11 (SB 122, Buford) 28
CHAPTER 12 (SB 113, Bowen) 32
CHAPTER 13 (HB 16, Simpson and others) 44
CHAPTER 14 (HB 83, McKee and others) 44
CHAPTER 15 (SB 43, Buford and Embry Jr.) 47
CHAPTER 16 (HCR 13, Riggs and others) 49
CHAPTER 17 (SB 168, Girdler and West) 50
CHAPTER 18 (SB 185, Alvarado and Adams) 53
CHAPTER 19 (SB 84, Harris) 56
CHAPTER 20 (HCR 139, Hoover and others) 58
CHAPTER 21 (SB 195, Turner and others) 59
CHAPTER 22 (SB 167, Wilson) 61
CHAPTER 23 (HB 340, Stewart III and others) 64
CHAPTER 24 (SB 128, Robinson and Embry Jr.) 80
CHAPTER 25 (HB 153, Denham and Miller) 81
CHAPTER 26 (HB 434, Rader and others) 93
CHAPTER 27 (HB 271, Simpson and others) 95
CHAPTER 28 (HB 272, Palumbo and others) 96
CHAPTER 29 (HJR 152, Denham) 96
CHAPTER 30 (HB 208, Riggs and others) 97
CHAPTER 31 (SB 46, Bowen and others) 97
CHAPTER 32 (SB 155, Alvarado and Wise) 118
CHAPTER 33 (SB 120, Buford) 128
CHAPTER 34 (SB 64, Harper Angel and others) 128
CHAPTER 35 (SB 179, Alvarado and others) 129
CHAPTER 36 (SB 182, Hornback and others) 131
CHAPTER 37 (HB 38, Riner and others) 134

CHAPTER 38 (HB 497, Yonts and others) 135
CHAPTER 39 (HB 529, Adkins and others) 143
CHAPTER 40 (SB 188, Turner and Carpenter) 146
CHAPTER 41 (SB 225, Neal and others) 154
CHAPTER 42 (HB 115, DeWeese and others) 158
CHAPTER 43 (HB 149, Riggs and others) 159
CHAPTER 44 (HB 106, Riner and others) 161
CHAPTER 45 (SB 211, Kerr and Embry Jr.) 163
CHAPTER 46 (SB 214, Higdon) 163
CHAPTER 47 (SB 256, Parrett and others) 164
CHAPTER 48 (SB 269, Harper Angel and others) 165
CHAPTER 49 (HCR 187, Adkins) 167
CHAPTER 50 (HB 261, Thompson and others) 168
CHAPTER 51 (HB 354, Denham) 177
CHAPTER 52 (SB 16, Parrett and others) 178
CHAPTER 53 (SB 17, Thayer and Alvarado) 178
CHAPTER 54 (SB 19, Alvarado) 179
CHAPTER 55 (SB 20, Thayer and others) 179
CHAPTER 56 (SB 54, Buford) 183
CHAPTER 57 (SB 58, Harris) 184
CHAPTER 58 (SB 63, Harper Angel and others) 188
CHAPTER 59 (SB 103, Jones II and others) 197
CHAPTER 60 (SB 140, Neal and others) 203
CHAPTER 61 (SB 141, Carroll) 204
CHAPTER 62 (SB 169, Robinson) 206
CHAPTER 63 (SB 170, Bowen) 216
CHAPTER 64 (HB 428, Richards and others) 218
CHAPTER 65 (HB 381, Rader and others) 219
CHAPTER 66 (HB 489, DeWeese and Wuchner) 220
CHAPTER 67 (HB 309, Richards and others) 222
CHAPTER 68 (HB 281, Richards and DeCesare) 243
CHAPTER 69 (HB 499, Rand) 248
CHAPTER 70 (SB 33, Buford and others) 250
CHAPTER 71 (SCR 135, Neal and others) 251
CHAPTER 72 (HB 487, Moore and others) 252
CHAPTER 73 (SB 134, Thomas and Alvarado) 252
CHAPTER 74 (SB 90, Harris) 255
CHAPTER 75 (SB 217, Robinson and others) 257
CHAPTER 76 (SB 40, Schickel and others) 267
CHAPTER 77 (SB 238, Westerfield) 269

CHAPTER 78 (SB 206, Carroll and Schroder) 276
CHAPTER 79 (SB 117, Higdon and others) 281
CHAPTER 80 (SB 11, Buford and others) 288
CHAPTER 81 (SB 228, Ridley and others) 314
CHAPTER 82 (SB 129, Harris) 315
CHAPTER 83 (SB 60, Westerfield and Carroll) 344
CHAPTER 84 (SB 293, Humphries) 345
CHAPTER 85 (SB 56, Parrett and others) 349
CHAPTER 86 (HB 422, Koenig and others) 356
CHAPTER 87 (SB 114, Hornback and Thomas) 368
CHAPTER 88 (SB 154, Buford and others) 374
CHAPTER 89 (SB 118, Carpenter) 376
CHAPTER 90 (HB 382, Riggs and others) 377
CHAPTER 91 (SB 249, Robinson and Embry Jr.) 378
CHAPTER 92 (HB 189, McKee and Hale) 382
CHAPTER 93 (HB 402, Denham) 383
CHAPTER 94 (HB 40, Riggs and others) 388
CHAPTER 95 (HB 124, Keene and Koenig) 392
CHAPTER 96 (HJR 5, Glenn and others) 393
CHAPTER 97 (HB 276, Riner and others) 399
CHAPTER 98 (HB 250, Riggs and others) 399
CHAPTER 99 (HB 162, Koenig) 400
CHAPTER 100 (HB 183, Richards and others) 401
CHAPTER 101 (HB 132, Watkins) 402
CHAPTER 102 (HB 100, Hoover and Bunch) 404
CHAPTER 103 (HB 562, Riggs and Richards) 404
CHAPTER 104 (HB 184, Riggs and others) 422
CHAPTER 105 (HB 527, Burch and others) 431
CHAPTER 106 (HB 314, Riggs and others) 434
CHAPTER 107 (HB 420, Kerr and others) 435
CHAPTER 108 (HB 431, Adkins) 438
CHAPTER 109 (HB 535, Adkins and others) 440
CHAPTER 110 (HB 52, McKee and Denham) 456
CHAPTER 111 (HB 585, McKee and others) 469
CHAPTER 112 (HB 473, Riggs and Meredith) 493
CHAPTER 113 (SB 209, Bowen) 501
CHAPTER 114 (SB 203, Hornback and McGarvey) 509
CHAPTER 115 (SB 174, Adams) 511
CHAPTER 116 (SB 242, Givens) 523
CHAPTER 117 (HB 343, Denham and Brown Jr.) 532
CHAPTER 118 (HB 352, Richards and Greer) 536

CHAPTER 119 (HCR 117, DeCesare and others) 539
CHAPTER 120 (SB 186, Wise) 540
CHAPTER 121 (HJR 164, Adkins and others) 542
CHAPTER 122 (HB 148, Watkins and others) 542
CHAPTER 123 (HB 216, Riggs and others) 545
CHAPTER 124 (HCR 101, Denham and others) 547
CHAPTER 125 (HB 111, Marzian and others) 548
CHAPTER 126 (HB 95, Burch and others) 552
CHAPTER 127 (SB 230, Seum and others) 553
CHAPTER 128 (HB 87, Bratcher and others) 565
CHAPTER 129 (SB 97, Carpenter and Alvarado) 566
CHAPTER 130 (HB 563, Richards and others) 576
CHAPTER 131 (HJR 197, Palumbo and others) 577
CHAPTER 132 (SB 216, McGarvey) 578
CHAPTER 133 (HB 238, Richards and Yonts) 579
CHAPTER 134 (HB 306, Rand) 586
CHAPTER 135 (HB 4, Adkins and others) 590
CHAPTER 136 (HB 15, Graham and others) 606
CHAPTER 137 (HB 55, Wayne) 626
CHAPTER 138 (HB 80, Riner and others) 627
CHAPTER 139 (HB 158, Palumbo and Brown Jr.) 645
CHAPTER 140 (HB 384, Riner) 646
CHAPTER 141 (HB 609, Harris) 647
CHAPTER 142 (SB 191, Hornback) 649
CHAPTER 143 (SB 18, Alvarado) 653
CHAPTER 144 (HCR 185, Nelson and Koenig) 656
CHAPTER 145 (HJR 160, Mills and others) 658
CHAPTER 146 (HB 10, Richards and Yonts) 799
CHAPTER 147 (HB 129, Crimm and Belcher) 799
CHAPTER 148 (HB 304, Rand) 1032
CHAPTER 149 (HB 303, Rand) 1039
CHAPTER 150 (SB 296, McDaniel) 1144

CHAPTER 1

(SB 4)

AN ACT relating to full disclosure in public safety.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

If a section of the Kentucky Revised Statutes uses the phrase "individual, private setting" to describe the conditions under which informed consent must be given to a medical procedure, then the informed consent offered in accordance with that section shall be considered valid only if a physician or a licensed nurse, physician assistant, or social worker to whom the responsibility has been delegated by the physician has a face-to-face meeting with the patient and both parties are physically located in the same room or are participating in real-time visual telehealth services initiated by the physician or by the patient.

Signed by Governor February 4, 2016.

CHAPTER 2

(HB 175)

AN ACT relating to peace officers.

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

➔Section 1. KRS 61.365 is amended to read as follows:

The following persons who are employed by the federal government as law enforcement or investigative officers who have the power of arrest and who are residents of the Commonwealth of Kentucky shall be deemed peace officers and shall have the same powers and duties of any other peace officer in the Commonwealth, except that they shall not be required to serve process unless permitted to do so by their respective agencies:

(1) Federal Bureau of Investigation special agents;

(2) United States Secret Service special agents;

(3) United States Marshal's service deputies;

(4) Drug Enforcement Administration special agents;

(5) Bureau of Alcohol, Tobacco,~~[and]~~ Firearms***, and Explosives*** special agents;

(6) United States Forest Service special agents and law enforcement officers;

(7) Special agents and law enforcement officers of the Office of the Inspector General of the United States Department of Agriculture;

(8) United States ***Immigration and*** Customs ***Enforcement***~~[Service]~~ special agents; and

(9) United States National Park Service law enforcement rangers.

Signed by Governor March 7, 2016.

CHAPTER 3

(HB 237)

AN ACT relating to local property tax exemptions for data centers.

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

➔Section 1. KRS 91.260 is amended to read as follows:

(1) Each city of the first class shall raise a revenue from ad valorem taxes and from taxes based on income, licenses and franchises. The board of aldermen may each year, by ordinance, levy an ad valorem tax on all real and personal property subject to taxation for city purposes, at a rate within the limits prescribed in the Constitution, and may provide for taxation, for city purposes, on personal property based on income, licenses or franchises in lieu of an ad valorem tax thereon, but may not omit the imposition of an ad valorem tax on the taxable personal property of any steam, railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company, and may not levy or collect an income tax.

(2) The board of aldermen shall provide for the collection of all taxes imposed under this section.

(3) ***(a)*** The board of aldermen may by ordinance exempt manufacturing establishments***, including qualified data centers,*** from city taxation for a period not exceeding five (5) years, as an inducement to their location within the city limits.

(b) As used in this subsection:

1. "Data center" means a structure or portion of a structure that is predominantly used to house and continuously operate computer servers and associated telecommunications, electronic data processing or storage, or other similar components;

2. "Overall tier rating" means the overall tier rating of a data center according to the TIA-942 Telecommunications Infrastructure Standard for Data Centers established by the Telecommunications Industry Association and published in April 2005, exclusive of any amendments made subsequent to that date; and

3. "Qualified data center" means a data center having an overall tier rating of three (3) or four (4) on the assessment date of a given taxable year, as established by the owner thereof.

➔Section 2. KRS 92.300 is amended to read as follows:

(1) ***(a)*** The legislative body of an urban-county government and any city of the home rule class may by ordinance exempt manufacturing establishments***, including qualified data centers,*** from city taxation for a period not exceeding five (5) years as an inducement to their location in the urban-county government, or city.

(b) As used in this subsection:

1. "Data center" means a structure or portion of a structure that is predominantly used to house and continuously operate computer servers and associated telecommunications, electronic data processing or storage, or other similar components;

2. "Overall tier rating" means the overall tier rating of a data center according to the TIA-942 Telecommunications Infrastructure Standard for Data Centers established by the Telecommunications Industry Association and published in April 2005, exclusive of any amendments made subsequent to that date; and

3. "Qualified data center" means a data center having an overall tier rating of three (3) or four (4) on the assessment date of a given taxable year, as established by the owner thereof.

(2) (a) No city of the home rule 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 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) 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 3. The amendments made in Sections 1 and 2 of this Act shall apply only to new manufacturing establishments that locate in an applicable city or urban-county on or after the effective date of this Act.

Signed by Governor March 14, 2016.

CHAPTER 4

(SCR 9)

A CONCURRENT RESOLUTION recognizing the importance of removing barriers to breastfeeding in the Commonwealth.

WHEREAS, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, the Academy of Breastfeeding Medicine, and the World Health Organization recommend that babies be exclusively breastfed for the first six months of an infant’s life and continue to be breastfed until 12 months of age or longer as mutually desired; and

WHEREAS, only 31 percent of Kentucky infants are still breastfeeding at six months of age, giving the Commonwealth the ranking 42 out of 50 for breastfeeding rates among all states; and

WHEREAS, Kentucky’s rates of breastfeeding initiation, duration, exclusivity and worksite support fall well below both the national baseline and the Healthy People 2020 goal to increase the proportion of infants who are ever breastfed to 82 percent; and

WHEREAS, in January 2011, the United States Surgeon General announced a "Call to Action to Support Breastfeeding" that identifies barriers to optimal breastfeeding in health care practices, employment, communities, research, public health infrastructure, and social networks, and also recommended methods in which families, communities, employers, and health care professionals could help eliminate those barriers to improve breastfeeding rates and increase support for breastfeeding; and

WHEREAS, children fed mainly breastmilk for the first six months of life are 22 percent less likely to be overweight by age fourteen and according to the 2014 Robert Wood Johnson's Trust for America's Health Report, Kentucky ranks number one in the nation for high school students that are obese; and

WHEREAS, research shows that human milk and breastfeeding provide advantages with regard to general health, growth, and development while significantly decreasing the risk of a large number of acute and chronic diseases such as Sudden Infant Death Syndrome, asthma, allergies, diabetes, viral and bacterial infections, childhood obesity, childhood leukemia, necrotizing enterocolitis, and infant mortality; and

WHEREAS, mothers who breastfeed have a decreased risk of breast, uterine and ovarian cancer, postpartum depression, and osteoporosis later in life; and

WHEREAS, the nutrients exclusive to human milk are vital to the growth, development, and maintenance of the human brain and cannot be manufactured; and

WHEREAS, the United States Department of Agriculture's Economic Research Service estimates that at least 3.6 billion dollars in medical expenses could be saved each year if the number of children breastfed for at least six months increased to fifty percent; and

WHEREAS, breastfeeding has positive economic impacts on families by decreasing the need to pay for medical care for a sick infant and eliminating the need to purchase infant formula; and

WHEREAS, the health benefits to breastfed children and their mothers results in lower health care costs for employers, less employee time off to care for sick children, and higher productivity and employee loyalty; and

WHEREAS, employers, employees, and society benefit by supporting a mother's decision to breastfeed and by helping to reduce the obstacles to initiating and continuing breastfeeding;

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 Senate recognizes the unique health, economic, and societal benefits that breastfeeding provides to babies, mothers, families, and the community as a whole and affirms that the Commonwealth of Kentucky should work to ensure that barriers to initiation and continuation of breastfeeding are removed.

➔Section 2. The Senate encourages employers to strongly support and encourage breastfeeding by striving to provide accommodations of appropriate space and time to allow employees to express their milk.

➔Section 3. The Senate strongly encourages all state agencies that administer programs providing maternal or child health services to provide information about breastfeeding to program participants, and to encourage and support program participants' choices to breastfeed.

➔Section 4. The Clerk of the Senate is hereby directed to transmit copies of this Resolution to Senator Reginald Thomas for distribution.

Signed by Governor March 14, 2016.

CHAPTER 5

(HB 204)

AN ACT relating to certification of law enforcement personnel and declaring an emergency.

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

➔Section 1. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

(1) Be a citizen of the United States;

(2) Be at least twenty-one (21) years of age;

(3) ***(a)*** Be a high school graduate***, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;*** ~~[or]~~

(b) Have successfully completed a General Education Development (G.E.D.) examination; ***or***

(c) Have received a high school diploma through participation in the external diploma program;

(4) Possess a valid license to operate a motor vehicle;

(5) Be fingerprinted for a criminal background check;

(6) Not have been convicted of any felony;

(7) Not be prohibited by federal or state law from possessing a firearm;

(8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;

(9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;

(10) Have passed a medical examination as defined by the council by administrative regulation to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(13) Have been interviewed by the employing agency;

(14) Not have had certification as a peace officer permanently revoked in another state;

(15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.315 to 15.510; and

(17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.315 to 15.510.

➔Section 2. KRS 15.3971 is amended to read as follows:

(1) A person certified as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

(a) Be a citizen of the United States;

(b) Be at least twenty-one (21) years of age;

(c) ***1.*** Be a high school graduate***, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;*** ~~[or]~~

2. Have successfully completed a General Educational Development (GED) examination; ***or***

3. Have received a high school diploma through participation in the external diploma program;

(d) Possess a valid license to operate a motor vehicle;

(e) Be fingerprinted for a criminal background check;

(f) Not have been convicted of any felony;

(g) Not be prohibited by federal or state law from possessing a firearm;

(h) Have received and read the Kentucky Law Enforcement Officers Code of Ethics, as established by the council;

(i) Have not received a dishonorable discharge, a bad conduct discharge, or general discharge under other than honorable conditions if he or she served in any branch of the Armed Forces of the United States;

(j) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.380 to 15.404;

(k) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a court security officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.380 to 15.404;

(l) Have been interviewed by the employing agency;

(m) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform court security officer duties; and

(n) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his or her suitability to perform court security officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a court security officer to the council, which shall accept them as complying with KRS 15.380 to 15.404.

(2) A court security officer employed on or before June 26, 2007, shall comply with the requirements of subsection (1) of this section within six (6) months of June 26, 2007.

(3) A peace officer who has previously attended law enforcement basic training and met the certification requirements of KRS 15.380 and 15.382 shall not be required to meet the requirements of this section to be appointed a court security officer, but shall meet the requirements of KRS 15.386(3).

➔Section 3. KRS 15.540 is amended to read as follows:

(1) An agency hiring a telecommunicator after July 15, 2006, shall certify to the Department of Criminal Justice Training before admission to the telecommunicator training program that the telecommunicator:

(a) Is a citizen of the United States and has reached the age of majority;

(b) ***1.*** Is a high school graduate***, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;*** ~~[or]~~

2. Has received a general equivalency diploma (GED); ***or***

3. Has received a high school diploma through participation in the external diploma program;

(c) Has not been convicted of a felony or other crimes involving moral turpitude as determined by submission of each applicant's fingerprints to the information systems section of the Department of Kentucky State Police and to the Federal Bureau of Investigation identification division, and by such other investigations as required by the hiring agency;

(d) Has taken a psychological suitability screening administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own suitability screening shall certify the results to the department;

(e) Has taken a polygraph examination administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own polygraph examination shall certify the results to the department; and

(f) Has passed a drug screening administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening if the results are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own screening shall certify passing results to the department.

(2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary notwithstanding, the applicant's home address, telephone number, date of birth, Social Security number, and results of any background investigation, psychological suitability screening, and polygraph examination conducted under this section shall not be subject to disclosure.

➔Section 4. KRS 95.951 is amended to read as follows:

As of July 14, 1992, no person shall be originally appointed or employed as a police officer or an auxiliary police officer by a city, urban-county, or charter county government in the Commonwealth unless he:

(1) Is at least twenty-one (21) years of age; and

(2) ***(a)*** Is a high school graduate, ***regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;***

(b) Has received a general equivalency diploma (G.E.D.)***;*** ~~[,]~~ or

(c) Has received a high school diploma through participation in the external diploma program.

➔Section 5. Whereas public safety depends on the effectiveness of law enforcement, 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 March 18, 2016.

CHAPTER 6

(HB 570)

AN ACT relating to Kentucky State Police and declaring an emergency.

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

➔Section 1. KRS 16.055 is amended to read as follows:

(1) Promotions to sergeant within the department shall be on the following terms and conditions:

(a) The applicant must have served six (6) years of continuous service as a commissioned State Police officer to be eligible for promotion to sergeant;

(b) Promotions shall be based on cumulative scores computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination ***on which the applicant achieved at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board***;

(c) The promotional list shall be valid for one (1) year, shall consist of the numerical scores and rankings of each applicant, and promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. When two (2) or more applicants receive the same numerical score, the order of placement on the list shall be determined by seniority of service. Upon the determination of a new numerical ranking following a new examination, all previous rankings shall be null and void;

(d) The written examination shall be prepared and administered by an individual designated by the commissioner. The materials and textbooks will be selected by the commissioner and his or her staff. The commissioner will inform all applicants at least three (3) months prior to the examination date of the exact material from which test questions will be taken ***and the minimum score required to be eligible for placement on the promotional list***;

(e) The written test shall be administered to all applicants at the same time. Immediately upon completion of the written test the applicant will receive his or her numerical score. Such numerical score shall remain

valid for a period of two (2) years following the date of examination unless the source material upon which the test is based is changed by more than thirty percent (30%)***, provided that the numerical score meets or exceeds the minimum score set in paragraph (d) of this subsection for the current year's promotional list***;

(f) The job simulation examination shall be evaluated by boards designated by the commissioner consisting of the commissioner or his or her designated appointee not lower than rank of captain, an officer from another police agency of the rank equal to the position for which the applicant is competing, an instructor from an accredited law enforcement education program, a personnel director from private industry, and an officer from the Kentucky State Police of the rank equal to the position for which the applicant is competing;

(g) The designated job simulation examination boards will perform all evaluations under guidelines developed and approved by the commissioner; and

(h) Personnel evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner.

(2) Promotions from sergeant to lieutenant within the department shall be on the same terms and conditions as promotions to sergeant. In addition, any applicant for lieutenant must have completed at least one (1) year of continuous service in grade as sergeant.

(3) Promotions from lieutenant to captain within the department shall be on the same terms and conditions as promotions to lieutenant. In addition, any applicant for captain must have completed at least one (1) year of continuous service in grade as lieutenant.

(4) The department will develop and administer only one (1) test for each of the above ranks. All eligible applicants will be permitted to participate in the promotional process to the next highest position of responsibility wherever a vacancy exists.

(5) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a probationary period for one (1) year of continuous service from the effective date of their promotions, and may be reverted to their previous rank with or without cause at any time during this period.

(6) The provisions of KRS 16.140 to the contrary notwithstanding, all ranks above the grade of captain are temporary and shall not be subject to the provisions for selection and promotion as required herein. All officers in such temporary positions shall serve at the pleasure of the commissioner and shall revert to their previous permanent rank upon the termination of their temporary appointment.

(7) The total number of supervisory officers of all classifications shall be limited to a ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers.

(8) No officer of the department, other than temporary positions above the rank of captain, shall be promoted to the next highest rank without competing with other officers as prescribed by this promotional procedure.

(9) There shall be no discrimination based on race, sex, age, national origin, color, religion, creed, or political affiliation with respect to the department promotional system. All personnel actions are to be based solely on merit.

➔Section 2. KRS 16.187 is amended to read as follows:

(1) The following positions shall be created within the Department of Kentucky State Police:

(a) Commercial vehicle enforcement officers;

(b) Commercial vehicle enforcement officers R Class;

(c) Arson investigator officers;

(d) Hazardous devices investigator officers;~~[and]~~

(e) Facilities security officers***; and***

(f) Legislative security specialists.

(2) These positions shall be appointed pursuant to KRS 16.188 and shall be utilized by the commissioner to enforce the laws of the Commonwealth and to comply with federal and state mandates.

➔Section 3. KRS 16.188 is amended to read as follows:

(1) The following officers shall be appointed by the commissioner:

(a) Commercial vehicle enforcement officers;

(b) Commercial vehicle enforcement officers R Class;

(c) Arson investigator officers;~~[and]~~

(d) Hazardous devices investigator officers***; and***

(e) Legislative security specialists.

(2) Facilities security officers shall be appointed by the secretary as special law enforcement officers under KRS 61.902.

➔Section 4. KRS 16.189 is amended to read as follows:

The powers and duties of officers in the positions established by KRS 16.187 shall be as follows:

(1) Commercial vehicle enforcement officers and commercial vehicle enforcement officers R class shall enforce:

(a) Commercial vehicle licensure, operator, traffic, and criminal violations;

(b) Motor vehicle operator, traffic, and criminal law violations on a highway; and

(c) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;

(2) Arson investigator officers shall enforce:

(a) All criminal laws pertaining to arson; and

(b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;

(3) Hazardous devices investigator officers shall enforce:

(a) All criminal laws pertaining to hazardous devices; and

(b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;~~[and]~~

(4) Facilities security officers shall have the jurisdiction and duties established pursuant to KRS 61.900 to 61.930***; and***

(5) Legislative security specialists shall:

(a) Provide protection and security for the personnel, property, and facilities of the General Assembly and the Legislative Research Commission and make arrests for unlawful activity; and

(b) Enforce all the laws and all of the administrative regulations promulgated as required and in accordance with KRS Chapter 13A at the direction of the commissioner.

➔Section 5. KRS 16.1901 is amended to read as follows:

(1) At the time of appointment by the department or the secretary, officers shall meet the minimum requirements established by this subsection:

(a) Commercial vehicle enforcement officers shall:

1. Meet at least one (1) of the following education or experience requirements:

a. Have completed at least fifty-four (54) semester hours with a college or university;

b. Possess at least two (2) years experience as a commercial vehicle inspector under the North American Standard Requirements;

c. Possess at least two (2) years experience as a full-time sworn law enforcement officer; or

d. Possess at least two (2) years experience in military duty;

2. Be of good moral character and capable of successfully meeting the physical fitness standards established by the commissioner; and

3. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382;

(b) Arson investigator officers shall:

1. Possess at least one (1) year of law enforcement, police, criminal, fire, or arson investigation experience; and

2. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382;

(c) Hazardous devices investigator officers shall:

1. Possess at least five (5) years of experience involving explosives or hazardous devices used in the areas of law enforcement, the military, or firefighting; and

2. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382; and

(d) Facilities security officers shall be commissioned as special law enforcement officers under KRS 61.900 to 61.930.

(e) Legislative security specialists shall:

1. Possess at least five (5) years of experience as a full-time sworn law enforcement officer; and

2. Meet the minimum qualifications for a certified peace officer as provided in KRS 15.382.

(2) Upon completion of a probationary period of one (1) year:

(a) Commercial vehicle enforcement officers, arson investigator officers,~~[and]~~ hazardous devices investigator officers***, and legislative security specialists*** shall have successfully completed the Peace Officer Professional Standards (POPS) certification process through the Kentucky State Police Academy or through the Department of Criminal Justice Training; and

(b) Commercial vehicle enforcement officers shall successfully complete and pass a certified course in General Hazardous Materials and North American Standard Driver/Vehicle Inspection.

➔Section 6. KRS 16.191 is amended to read as follows:

(1) Commercial vehicle enforcement officers shall be promoted according to the terms and conditions established by this subsection:

(a) Promotions to commercial vehicle enforcement sergeant within the department shall be on the following terms and conditions:

1. In order to be eligible for the promotion, the applicant shall have served as a commissioned commercial vehicle enforcement officer for at least six (6) years;

2. Promotions made by the department for this position shall be based upon the applicant's cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination;

3. A promotional list shall be established and shall remain valid for one (1) year. The promotional list shall consist of the numerical scores and rankings of each applicant as provided by subparagraph 2. of this paragraph. Promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. If two (2) or more applicants receive the same numerical score, the order of placement on the list shall be determined by seniority of service. Upon the determination of a new numerical ranking following a new examination, all previous rankings shall be null and void;

4. The written examination for the applicant's cumulative score shall be prepared and administered by an individual designated by the commissioner. Materials and textbooks for the examination shall be selected by the commissioner and his or her staff. At least three (3) months prior to the examination date, the commissioner shall inform all applicants of the exact material and textbooks from which test questions will be taken ***and the minimum score required to be eligible for placement on the promotional list***. The written examination shall be administered to all applicants at the same time and the applicant shall receive his or her numerical score immediately upon completion of the written examination. An applicant's numerical score shall remain valid for a period of two (2) years following the date of the examination unless the source material used as

the basis for the test changes by more than thirty percent (30%)***, provided the numerical score meets or exceeds the minimum score set in paragraph (d) of subsection (2) of this section***;

5. The job simulation examination shall be evaluated by boards designated by the commissioner that shall consist of:

   a. The commissioner or his or her designee. The designee shall have a rank no lower than commercial vehicle enforcement captain;

   b. An officer from another police agency of the rank equal to the position for which the applicant is competing;

   c. An instructor from an accredited law enforcement education program;

   d. A personnel director from private industry; and

   e. A commercial vehicle enforcement officer of the rank equal to the position for which the applicant is competing;

6. The designated job simulation examination boards shall perform all evaluations under guidelines developed and approved by the commissioner; and

7. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner;

(b) Promotions from commercial vehicle enforcement sergeant to commercial vehicle enforcement lieutenant within the department shall be on the same terms and conditions as promotions to sergeant. In addition, any applicant for lieutenant shall have completed at least one (1) year of continuous service in grade as a sergeant;

(c) Promotions from commercial vehicle enforcement lieutenant to commercial vehicle enforcement captain within the department shall be on the same terms and conditions as promotions to lieutenant. In addition, any applicant for captain shall have completed at least one (1) year of continuous service in grade as a lieutenant;

(d) The department shall develop and administer only one (1) test for each of the ranks established by this subsection. All eligible applicants shall be permitted to participate in the promotional process to the next highest position of responsibility wherever a vacancy exists;

(e) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a probationary period for one (1) year of continuous service from the effective date of their promotions, and may be reverted to their previous rank with or without cause at any time during this period;

(f) Promotions to the rank of commercial vehicle enforcement major are temporary and shall not be subject to the provisions for selection and promotion as required by this subsection. All officers in such temporary positions shall serve at the pleasure of the commissioner and shall revert to their previous permanent rank upon the termination of their temporary appointment;

(g) The total number of supervisory officers of all classifications established by this subsection shall be limited to a ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers; and

(h) No officer of the department, other than temporary positions above the rank of captain, shall be promoted to the next highest rank without competing with other officers as prescribed by the promotional procedure established by this subsection.

(2) Promotions from hazardous devices investigator officer to hazardous devices supervisor shall be on the following terms and conditions:

(a) The applicant shall have at least seven (7) years of experience involving explosives or hazardous devices used in the areas of law enforcement, the military, or firefighting;

(b) The applicant shall ***hold a current certification as a hazardous devices technician issued by a national hazardous devices school***~~[demonstrate proficiency on specialized explosive disposal equipment and disposal operations through a job simulation examination]~~;

(c) ***When there is a single applicant for a position, the applicant shall:***

1. For a written examination, complete and achieve at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board;

2. For a job simulation exercise, complete and achieve at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board;

3. For a personnel performance evaluation, achieve a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board; and

4. Submit to an oral interview before a board of supervisory personnel designated by the commissioner.

(d) When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination ***on which the applicant achieved at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board***. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by department's human resources branch;

(e) ~~[(d)]~~Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and

(f) ~~[(e)]~~The commissioner may appoint a hazardous devices supervisor from outside of the department if the applicant meets the minimum requirements for promotion from hazardous devices investigator to hazardous devices supervisor as provided by this subsection.

(3) Facilities security officers shall be promoted according to the terms and conditions established by this subsection:

(a) Promotions to facilities security sergeant within the department shall be on the following terms and conditions:

1. The applicant shall have served as either a facilities security officer for at least two (2) years or possess at least two (2) years of other law enforcement or security services experience;

2. The applicant shall complete and pass a written examination established by the department;

3. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and

4. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and

(b) Promotions or appointments to facilities security lieutenant within the department shall be on the following terms and conditions:

1. The applicant shall have served as either a facilities security officer for at least three (3) years or possess at least three (3) years of other law enforcement or security services experience;

2. The applicant shall have at least two (2) years previous supervisory experience in a law enforcement or security services position;

3. The applicant shall complete and pass a written examination established by the department;

4. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and

5. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner.

(4) There shall be no discrimination based on race, sex, age, national origin, color, religion, creed, or political affiliation with respect to the department promotional system. All personnel actions are to be based solely on merit.

➔Section 7. KRS 16.194 is amended to read as follows:

Notwithstanding any other provision to the contrary, officers governed by KRS 16.186 to 16.195 shall participate in the following retirement systems:

(1) Commercial vehicle enforcement officers, arson investigator officers,~~[and]~~ hazardous devices investigator officers***, and legislative security specialists*** shall participate in the Kentucky Employees Retirement System under hazardous duty coverage; and

(2) Facilities security officers shall participate in the Kentucky Employees Retirement System under nonhazardous coverage.

➔Section 8. KRS 16.198 is amended to read as follows:

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be as follows:

(1) The commissioner may appoint Trooper R Class employees and commercial vehicle enforcement officer R class. Trooper R Class employees and commercial vehicle enforcement officer R class shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than ***nine (9)***~~[four (4)]~~ additional one (1) year terms.

(2) The compensation for Trooper R Class employees and commercial vehicle enforcement officer R class shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.

(3) (a) All appointments of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be based upon agency need as determined by the commissioner.

(b) Work stations for individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by agency need with consideration given to the applicant's stated preference.

(c) Merit of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by the applicant's work performance history.

(d) Fitness of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.

(4) The number of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class by the department shall not:

(a) Exceed one hundred (100); or

(b) Be counted in the total employee cap for the department.

(5) All individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions or special work assignments.

(6) Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:

(a) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;

(b) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and

(c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class.

(7) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.

(8) The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R class or commercial vehicle enforcement officer R class.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

The commissioner may appoint a deputy commissioner. The appointee shall have peace officer authority only if that appointee is a current or honorably retired member of the Kentucky State Police.

➔Section 10. Whereas the administrative duties of the commissioner have increased, an emergency is declared to exist, and Section 9 of this Act takes effect upon its passage and approval by the Governor or upon it's otherwise becoming a law.

Signed by Governor March 30, 2016.

CHAPTER 7

(SB 178)

AN ACT relating to establishing Welcome Home Vietnam Veterans Day in Kentucky.

WHEREAS, there are over 125,000 Kentucky Vietnam veterans in the Commonwealth, and they have contributed greatly to business, art, medicine, science, technology, and government service; and

WHEREAS, more than 58,000 members of the United States Armed Forces, including 1,103 from the Commonwealth of Kentucky, lost their lives in Vietnam, and more than 300,000 members of the Armed Forces were wounded; and

WHEREAS, the Kentucky Vietnam Veterans Memorial was dedicated in the city of Frankfort, Kentucky, to honor the 125,000 Kentuckians who served this nation so courageously and unselfishly during the Vietnam era; and

WHEREAS, the Vietnam War was an extremely divisive issue among the people of the United States, and the crossfire of debate about the country's involvement in the war prevented many members of the Armed Forces from receiving the honor and respect they deserve; and

WHEREAS, although civil discourse in the political affairs of the United States should be encouraged, it is never too late to say "I am sorry" and "thank you" to our Vietnam veterans; and

WHEREAS, the establishment of Welcome Home Vietnam Veterans Day is an appropriate way to express appreciation and honor the members of the United States Armed Forces, as well as the members of service organizations who bravely served the country and their fellow citizens during the Vietnam War; and

WHEREAS, on March 30, 2009, the 111th Congress proclaimed a national Welcome Home Vietnam Veterans Day, encouraging the people of the United States to observe this day with ceremonies and activities that promote awareness of the numerous contributions of veterans who served in Vietnam and the importance of helping all of America's veterans return home and achieve happy, healthy, and productive lives;

NOW, THEREFORE,

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:

The thirtieth day of March each year is designated as Welcome Home Vietnam Veterans Day in the Commonwealth of Kentucky.

➔Section 2. The Governor shall issue a proclamation each year designating March 30 as Welcome Home Vietnam Veterans Day in the Commonwealth of Kentucky and direct the executive branch to acknowledge the day in commemoration of the numerous contributions of veterans who served in Vietnam.

Signed by Governor March 30, 2016.

CHAPTER 8

(SB 74)

AN ACT relating to security interests.

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

➔Section 1. KRS 186.045 is amended to read as follows:

(1) A perfected security interest in a motor vehicle that has been satisfied by payment in full shall be deemed to have been discharged if one (1) or both of the following events has occurred:

(a) The funds to pay in full and discharge the security interest have been provided to the secured party in the form of a cashier's check, certified check, or wire transfer; or

(b) The debt has been paid to a secured party who is no longer in existence or has failed to file the necessary documents to discharge the lien.

(2) If payment in full has been made under subsection (1)(a) of this section, the discharge of the lien shall be made not later than ten (10) days from the receipt of the payment.

(3) When a security interest has been paid in full and a termination statement or discharge has not been filed, the debtor may petition the Circuit Court in the county of the debtor's residence to order the discharge of the security interest. The debtor shall present written evidence to the Circuit Court that the security interest has been paid in full. If the evidence presented to the Circuit Court proves to the court's satisfaction that the security interest has been paid in full, the court shall order the county clerk to note the termination on the title and to remove the lien from the Automated Vehicle Information System (AVIS). A copy of the court's order shall immediately be sent to the county clerk in the county where the security interest was originally filed and the county clerk shall discharge the security interest and remove the lien information from AVIS in accordance with the provisions of this section.

(4) Whenever a security interest has been discharged, other than by proceedings under Part 6 of Article 9 of KRS Chapter 355 or similar proceedings, the secured party shall***:***

(a) Deliver an authenticated termination statement in the manner required by KRS 355.9-513 and 186A.195 to the county clerk of the county in which the title lien statement was submitted***; or***

(b) Have a county clerk from another county submit by fax or other form of electronic communication available and acceptable to both sender and recipient, and verified verbally or by electronically assigned identification, as being from the sending clerk, and which is able to be copied to an electronic or paper file, on that county clerk's letterhead, an authenticated termination statement in the manner required by KRS 355.9-513 and 186A.195 to the county clerk of the county in which the title lien statement was submitted. The county clerk, upon receipt of the authenticated termination statement in the manner prescribed under this paragraph, shall verify the legitimacy of the document.

The secured party shall also deliver a copy of the termination statement to the debtor or the debtor's transferee. For failure to file the termination statement within the allowable time, the secured party shall be subject to the penalty provided in KRS 186.990(1). Except as provided in subsection (3) of this section, within five (5) days after the receipt of such documents, the county clerk shall note the filing in the index, in language prescribed by the cabinet, that the termination statement has been filed. Upon presentation of the owner's title showing a security interest to the county clerk where the termination statement was submitted, and with the copy of the termination statement submitted by the secured party, the clerk shall discharge the security interest by noting on the title that the termination statement has been filed and place the seal of the county clerk thereon. The clerk shall return the owner's title to the owner. The county clerk shall then file the termination statement in the place from which the title lien statement was removed. Termination statements shall be retained in the clerk's files for a period of two (2) years subsequent to the date of filing a statement, at which time they may be destroyed. The fee for these services are included in the provisions of KRS 186A.190.

(5) Upon presentation of an owner's title showing a security interest to the county clerk of a county where the termination statement was not delivered, the county clerk shall access the automated system to determine whether a record of termination of the security interest has been entered into the automated system by the county clerk where the termination statement was delivered by the secured party as provided in KRS 186A.210. If a

record of termination has been entered into the automated system, the county clerk of the county where the termination statement was not delivered, shall note the discharge of the security interest on the certificate of title by noting that the termination statement has been delivered, the county where it was delivered, and placing the seal of the county clerk thereon and may rely on the automated system to do so. If a record of termination has not been entered into the automated system, the county clerk of the county other than where the termination statement was delivered shall not make any notation upon the certificate of title that the security interest has been discharged or that a termination statement has been delivered to the county where the title lien statement was submitted.

(6) Whenever any secured party repossesses a vehicle titled in Kentucky, for which a security interest is in existence at the time of repossession, and disposes of the vehicle pursuant to the provisions of KRS Chapter 355, the secured party shall present, within fifteen (15) days after such disposition, the vehicle's license plate if the plate has not been retained by the previous owner, an affidavit in a form prescribed by the department, proof of notification of all interested parties pursuant to KRS 186A.190 and 355.9-611, and a termination statement or proof that a termination statement has been filed. The new owner shall pay to the county clerk all applicable fees for titling and transferring the vehicle into his or her name. Upon receipt of such documents, the county clerk who issued the lien shall then omit from the title he makes application for any information relating to the security interest under which the vehicle was repossessed or any security interest subordinate thereto. However, any security interest, as shown by such title which is superior to the one under which the vehicle was repossessed, shall be shown on the title issued by the clerk unless the prior secured party has discharged the security interest in the clerk's office or proof of termination is submitted, if the prior security interest was discharged in another clerk's office.

(7) Whenever any vehicle brought into Kentucky is required to be titled and the vehicle is then subject to a security interest in another state as shown by the out-of-state documents presented to the clerk, the county clerk is prohibited from processing the application for title on the vehicle unless the owner obtains from the secured party a financing statement or title lien statement and presents same to the clerk along with the fees required in KRS 186A.190. The clerk shall note the out-of-state security interest on the certificate of title. This provision does not apply to vehicles required to be registered in Kentucky under forced registration provisions under KRS 186.145.

(8) The fees provided for in this section are in addition to any state fee provided for by law.

(9) Any person violating any provision of this section or any person refusing to surrender a certificate of title registration and ownership or transfer certificate upon request of any person entitled thereto, is subject to the penalties provided in subsection (1) of KRS 186.990.

(10) The county clerk is prohibited from noting any security interest on a certificate of title on any vehicle subject to the provisions of KRS Chapter 186A if a certificate of title therefor is presented to him which has all the spaces provided thereon for noting security interests fully exhausted. The owner is responsible for ensuring that a discharge is noted on the certificate of title for each security interest and then a duplicate title as provided for in KRS 186A.180 shall be obtained from the clerk by the owner of the vehicle.

(11) Security interests in vehicles sold to or owned by residents of other states shall be perfected in the state of the nonresident and repossession of the vehicle shall be taken pursuant to the laws of that state, unless:

(a) The vehicle is principally operated in Kentucky;

(b) The vehicle is properly titled in Kentucky under KRS Chapter 186A; and

(c) The security interest is authorized to be noted on the certificate of title by the county clerk under KRS Chapter 186A.

(12) A county clerk who accepts an authenticated termination statement and complies with the verification requirements of subsection (4)(b) of this section shall be held harmless from any liability arising from fraudulent termination statements.

Signed by Governor April 1, 2016.

CHAPTER 9

(HB 187)

AN ACT relating to petroleum storage tanks.

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

➔Section 1. KRS 224.60-142 is amended to read as follows:

(1) To be eligible to participate in the fund, the owner of any petroleum storage tank containing motor fuels installed and placed in operation after July 15, 2004, shall register the petroleum storage tank with the cabinet as required by KRS 224.60-105 prior to applying for participation in the financial responsibility account.

(2) The owner of any petroleum storage tank containing motor fuels currently existing, or removed from the ground after January 1, 1974, shall register the petroleum storage tank containing motor fuels with the cabinet prior to applying to the fund, and shall register the petroleum storage tank containing motor fuels by July 15, ***2021*** ~~[2016]~~. Owners or operators may submit affidavits and applications relevant to current petroleum storage tank accounts through July 15, ***2021*** ~~[2016]~~.

➔Section 2. KRS 224.60-130 is amended to read as follows:

(1) The Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management, shall:

(a) Establish by administrative regulation the policy, guidelines, and procedures to administer the financial responsibility and petroleum storage tank accounts of the petroleum storage tank environmental assurance fund. In adopting administrative regulations to carry out this section, the division may distinguish between types, classes, and ages of petroleum storage tanks. The division may establish a range of amounts to be paid from the fund, or may base payments on methods such as pay for performance, task order, or firm fixed pricing, which are designed to provide incentives for contractors to more tightly control corrective action costs, and shall establish criteria to be met by persons who contract to perform corrective action to be eligible for reimbursement from the fund. The criteria may include the certification of individuals, partnerships, and companies. Criteria shall be established to certify laboratories that contract to perform analytical testing related to the underground storage tank program. Owners and operators shall have all required analytical testing performed by a certified laboratory to be eligible for fund participation. Persons who contract with petroleum storage tank owners or operators shall not be paid more than the amount authorized by the division for reimbursement from the fund for the performance of corrective action. At a minimum, the division shall promulgate administrative regulations that will insure an unobligated balance in the fund adequate to meet financial assurance requirements and corrective action requirements of KRS 224.60-135(2) and (4). If the unobligated balance in the fund is not adequate to meet the requirements of this paragraph, the division shall obligate funds necessary to meet these requirements;

(b) Establish by administrative regulation the criteria to be met to be eligible to participate in the financial responsibility and petroleum storage tank accounts and to receive reimbursement from these accounts. The division may establish eligibility criteria for the petroleum storage tank account based upon the financial ability of the petroleum storage tank owner or operator. Owners or operators seeking coverage under the petroleum storage tank account shall file for eligibility and for financial assistance with the division. To ensure cost effectiveness, the division shall promulgate administrative regulations specifying the circumstances under which prior approval of corrective action costs shall be required for those costs to be eligible for reimbursement from the fund. In promulgating administrative regulations to carry out this section, the division may distinguish between types, classes, and ages of petroleum storage tanks and the degree of compliance of the facility with any administrative regulations of the cabinet promulgated pursuant to KRS 224.60-105 or applicable federal regulations;

(c) Establish a financial responsibility account within the fund which may be used by petroleum storage tank owners and operators to demonstrate financial responsibility as required by administrative regulations of the cabinet or the federal regulations applicable to petroleum storage tanks, consistent with the intent of the General Assembly as set forth in KRS 224.60-120(5). The account shall receive four-tenths of one cent ($0.004) from the one and four-tenths cent ($0.014) paid on each gallon of gasoline and special fuels received in this state pursuant to KRS 224.60-145. To be eligible to use this account to demonstrate compliance with financial responsibility requirements of the cabinet or federal regulations, or to receive reimbursement from this account for taking corrective action and for compensating third parties for bodily injury and property damage, the petroleum storage tank owner or operator shall meet the eligibility requirements established by administrative regulation promulgated by the division;

(d) Establish a small operator assistance account within the fund which may be used by the division to make or participate in the making of loans, to purchase or participate in the purchase of the loans, which purchase may be from eligible lenders, or to insure loans made by eligible lenders;

(e) Establish a petroleum storage tank account within the fund to be used to pay the costs of corrective action due to a release from a petroleum storage tank not eligible for reimbursement from the financial responsibility account. Reimbursements of corrective action projects performed under the petroleum storage tank account shall be carried out on or before July 15, ***2024*** ~~[2019]~~. Any corrective action costs incurred after this date shall not be eligible for reimbursement under the petroleum storage tank account. The account shall receive one cent ($0.01) from the one and four-tenths cent ($0.014) paid on each gallon of gasoline and special fuels received in this state pursuant to KRS 224.60-145. This account shall not be used to compensate third parties for bodily injury and property damage. Within three (3) months after July 15, 2004, the division shall develop a plan to address the payment of claims and completion of corrective action at facilities eligible for reimbursement from this account. The division shall establish a ranking system to be used for the distribution of amounts from this account for the purpose of corrective action. In promulgating administrative regulations to carry out this section, the division shall consider the financial ability of the petroleum storage tank owner or operator to perform corrective action and the extent of damage caused by a release into the environment from a petroleum storage tank;

(f) Hear complaints brought before the division regarding the payment of claims from the fund in accordance with KRS 224.10-410 to 224.10-470;

(g) Establish and maintain necessary offices within this state, appoint employees and agents as necessary, and prescribe their duties and compensation;

(h) Employ, in accordance with the procedures found in KRS 45A.690 to 45A.725 for awarding personal service contracts, a qualified actuary to perform actuarial studies, as directed by the division, for determining an appropriate reserve in the financial responsibility account and the petroleum storage tank account sufficient to satisfy the obligations in each account for all eligible facilities and to satisfy future liabilities and expenses necessary to operate each account. The division shall, by administrative regulation, set the entry level for participation in the fund;

(i) Authorize expenditures from the fund to carry out the purpose of KRS 224.60-105 to 224.60-160, including reasonable costs of administering the fund, the procurement of legal services, and the procurement of analytical testing services when necessary to confirm the accuracy of analytical testing results obtained by a petroleum storage tank owner or operator. The expenditures shall be paid from the appropriate account;

(j) Establish a small operators' tank removal account within the fund to reimburse the reasonable cost of tank system removal for small owners and operators. The account shall not be used when an owner or operator is removing the tank with the intention of replacing or upgrading the tank. In promulgating administrative regulations to carry out this paragraph, the division may distinguish among owners and operators based on income and types and classes of tanks. The division shall not place a limit on the number of tanks that an owner or operator has in order to be eligible to participate in the program and receive reimbursement under this paragraph;

(k) Establish by administrative regulation the policy, guidelines, and procedures to perform financial audits of any petroleum storage tank owner or operator receiving reimbursement from the fund or any entity contracting or subcontracting to provide corrective action services for facilities eligible for fund reimbursement. Financial audits shall be limited to those files, records, computer records, receipts, and other documents related to corrective action performed at a facility where the costs of corrective action have been reimbursed by the fund. Files, records, computer records, receipts, and other documents related to corrective action reimbursed by the fund shall be subject to a financial audit for a period of three (3) years after the date of final reimbursement from the fund. Results of the audits shall be protected from disclosure as allowed by KRS 61.878(1)(c). Financial auditing services may be contracted for or personnel may be employed as needed to implement the requirements of this paragraph;

(l) Be authorized to enter and inspect any facility intending to seek reimbursement for the cost of corrective action to determine the reasonableness and necessity of the cost of corrective action. The division may collect soil or water samples or require storage tank owners or operators to split samples with the division for analytical testing. Refusal to allow entry and inspection of a facility or refusal to allow the division to collect or split samples shall make the facility ineligible for fund participation;

(m) Have inspectors on site at all tank system removals. Failure to comply with this provision shall make the facility ineligible for fund participation. A petroleum storage tank owner or operator may request through certified mail that the division schedule an inspector to be present at an upcoming tank removal. If the request is made at least two (2) weeks before the time for the removal and an inspector fails to be present at the time scheduled, the tank removal may proceed without making the facility ineligible for fund participation unless the owner is notified by the division no later than ten (10) days prior to the proposed date that an inspector is not available on the proposed date, in which event a representative of the division shall contact the operator and schedule a new date. If no inspector is present at the rescheduled date, the removal may then proceed without penalty; and

(n) Establish that the deadline for submission of final reimbursement requests under the petroleum storage tank account is two (2) years after receipt of a no further action letter.

(2) The division may advise the cabinet on the promulgation of administrative regulations concerning petroleum storage tanks.

(3) The division may sue and be sued in its own name.

(4) The division may transfer funds from the petroleum storage tank account to the small operator tank removal account as needed to satisfy the obligations, future liabilities, and expenses necessary to operate that account. The division may transfer funds to the financial responsibility account as needed to maintain within that account sufficient funds to demonstrate financial responsibility and to ensure payment of claims as provided in subsection (1)(c) of this section.

➔Section 3. KRS 224.60-145 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is established a petroleum environmental assurance fee to be paid by dealers on each gallon of gasoline and special fuels received in this state.

(2) All deductions detailed in KRS 138.240(2) and all credits detailed in KRS 138.358 are exempt from the fee. If a dealer has on file, pursuant to KRS Chapter 138, a statement supporting a claimed exemption, an additional statement shall not be required for claiming exemption from the fee.

(3) The fee shall be reported and paid to the Department of Revenue at the same time and in the same manner as is required for the reporting and payment of the gasoline and special fuels taxes as provided by law.

(4) The petroleum environmental assurance fee shall be set at one and four-tenths cent ($0.014) for each gallon. Four-tenths of a cent ($0.004) per gallon shall be deposited in the financial responsibility account and one cent ($0.01) shall be deposited in the petroleum storage tank account.

(5) Within thirty (30) days of the close of fiscal year 2001-2002 and each fiscal year thereafter, the state budget director shall review the balance of each account to determine if a surplus exists. "Surplus" means funds in excess of the amounts necessary to satisfy the obligations in each account for all eligible facilities, to satisfy future liabilities and expenses necessary to operate each account, and to maintain an appropriate reserve in the financial responsibility account to demonstrate financial responsibility and compensate for third-party claims. The state budget director shall report the determination to the Interim Joint Committee on Appropriations and Revenue. After a determination that a surplus exists, the surplus shall be transferred to a restricted account and retained until appropriated by the General Assembly.

(6) All provisions of law related to the Department of Revenue's administration and enforcement of the gasoline and special fuels tax and all other powers generally conveyed to the Department of Revenue by the Kentucky Revised Statutes for the assessment and collection of taxes shall apply with regard to the fee levied by KRS 224.60-105 to 224.60-160.

(7) The Department of Revenue shall refund the fee imposed by KRS 224.60-145(1) to any person who paid the fee provided they are entitled to a refund of motor fuel tax under KRS 138.344 to KRS 138.355 and to any person who paid the fee on transactions exempted under KRS 224.60-145(2).

(8) Notwithstanding any other provisions of KRS 65.180, 65.182, 68.600 to 68.606, 139.470, 183.165, 224.60-115, 224.60-130, 224.60-137, 224.60-140, 224.60-142, and this section to the contrary, the small operator assistance account and small operator tank removal account established under KRS 224.60-130 shall continue in effect until July 15, ***2021*** ~~[2016]~~, and thereafter until all eligible claims related to tanks registered by that date are resolved, and sufficient money shall be allocated to and maintained in that account to assure prompt payment of all eligible claims, and to provide for removal of tanks for eligible owners and operators as directed by this chapter.

Signed by Governor April 1, 2016.

CHAPTER 10

(SB 193)

AN ACT relating to health benefit coverage of amino acid-based elemental formula and declaring an emergency.

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

➔Section 1. KRS 205.560 is amended to read as follows:

(1) The scope of medical care for which the Cabinet for Health and Family Services undertakes to pay shall be designated and limited by regulations promulgated by the cabinet, pursuant to the provisions in this section. Within the limitations of any appropriation therefor, the provision of complete upper and lower dentures to recipients of Medical Assistance Program benefits who have their teeth removed by a dentist resulting in the total absence of teeth shall be a mandatory class in the scope of medical care. Payment to a dentist of any Medical Assistance Program benefits for complete upper and lower dentures shall only be provided on the condition of a preauthorized agreement between an authorized representative of the Medical Assistance Program and the dentist prior to the removal of the teeth. The selection of another class or other classes of medical care shall be recommended by the council to the secretary for health and family services after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of recipients, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available, including but not limited to the following categories, except where the aid is for the purpose of obtaining an abortion:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing-home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician, dentist, or podiatrist;

(c) Drugs, nursing care, medical supplies, and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician, dentist, or podiatrist. For purposes of this paragraph, drugs shall include products for the treatment of inborn errors of metabolism or genetic***,*** ***gastrointestinal, and food allergic*** conditions, consisting of therapeutic food, formulas, supplements, ***amino acid-based elemental formula,*** or low-protein modified food products that are medically indicated for therapeutic treatment and are administered under the direction of a physician, and include but are not limited to the following conditions:

1. Phenylketonuria;
2. Hyperphenylalaninemia;
3. Tyrosinemia (types I, II, and III);
4. Maple syrup urine disease;
5. A-ketoacid dehydrogenase deficiency;
6. Isovaleryl-CoA dehydrogenase deficiency;
7. 3-methylcrotonyl-CoA carboxylase deficiency;
8. 3-methylglutaconyl-CoA hydratase deficiency;
9. 3-hydroxy-3-methylglutaryl-CoA lyase deficiency (HMG-CoA lyase deficiency);
10. B-ketothiolase deficiency;
11. Homocystinuria;
12. Glutaric aciduria (types I and II);
13. Lysinuric protein intolerance;

14. Non-ketotic hyperglycinemia;

15. Propionic acidemia;

16. Gyrate atrophy;

17. Hyperornithinemia/hyperammonemia/homocitrullinuria syndrome;

18. Carbamoyl phosphate synthetase deficiency;

19. Ornithine carbamoyl transferase deficiency;

20. Citrullinemia;

21. Arginosuccinic aciduria;

22. Methylmalonic acidemia;~~[and]~~

23. Argininemia;

24. Food protein allergies;

25. Food protein-induced enterocolitis syndrome;

26. Eosinophilic disorders; and

27. Short-bowel syndrome;

(d) Physician, podiatric, and dental services;

(e) Optometric services for all age groups shall be limited to prescription services, services to frames and lenses, and diagnostic services provided by an optometrist, to the extent the optometrist is licensed to perform the services and to the extent the services are covered in the ophthalmologist portion of the physician's program. Eyeglasses shall be provided only to children under age twenty-one (21);

(f) Drugs on the prescription of a physician used to prevent the rejection of transplanted organs if the patient is indigent;

(g) Nonprofit neighborhood health organizations or clinics where some or all of the medical services are provided by licensed registered nurses or by advanced medical students presently enrolled in a medical school accredited by the Association of American Medical Colleges and where the students or licensed registered nurses are under the direct supervision of a licensed physician who rotates his services in this supervisory capacity between two (2) or more of the nonprofit neighborhood health organizations or clinics specified in this paragraph;

(h) Services provided by health-care delivery networks as defined in KRS 216.900;

(i) Services provided by midlevel health-care practitioners as defined in KRS 216.900; and

(j) Smoking cessation treatment interventions or programs prescribed by a physician, advanced practice registered nurse, physician assistant, or dentist, including but not limited to counseling, telephone counseling through a quitline, recommendations to the recipient that smoking should be discontinued, and prescription and over-the-counter medications and nicotine replacement therapy approved by the United States Food and Drug Administration for smoking cessation.

(2) Payments for hospital care, nursing-home care, and drugs or other medical, ophthalmic, podiatric, and dental supplies shall be on bases which relate the amount of the payment to the cost of providing the services or supplies. It shall be one (1) of the functions of the council to make recommendations to the Cabinet for Health and Family Services with respect to the bases for payment. In determining the rates of reimbursement for long-term-care facilities participating in the Medical Assistance Program, the Cabinet for Health and Family Services shall, to the extent permitted by federal law, not allow the following items to be considered as a cost to the facility for purposes of reimbursement:

(a) Motor vehicles that are not owned by the facility, including motor vehicles that are registered or owned by the facility but used primarily by the owner or family members thereof;

(b) The cost of motor vehicles, including vans or trucks, used for facility business shall be allowed up to fifteen thousand dollars ($15,000) per facility, adjusted annually for inflation according to the increase in the consumer price index-u for the most recent twelve (12) month period, as determined by the United States Department of Labor. Medically equipped motor vehicles, vans, or trucks shall be exempt from the

fifteen thousand dollar ($15,000) limitation. Costs exceeding this limit shall not be reimbursable and shall be borne by the facility. Costs for additional motor vehicles, not to exceed a total of three (3) per facility, may be approved by the Cabinet for Health and Family Services if the facility demonstrates that each additional vehicle is necessary for the operation of the facility as required by regulations of the cabinet;

(c) Salaries paid to immediate family members of the owner or administrator, or both, of a facility, to the extent that services are not actually performed and are not a necessary function as required by regulation of the cabinet for the operation of the facility. The facility shall keep a record of all work actually performed by family members;

(d) The cost of contracts, loans, or other payments made by the facility to owners, administrators, or both, unless the payments are for services which would otherwise be necessary to the operation of the facility and the services are required by regulations of the Cabinet for Health and Family Services. Any other payments shall be deemed part of the owner's compensation in accordance with maximum limits established by regulations of the Cabinet for Health and Family Services. Interest paid to the facility for loans made to a third party may be used to offset allowable interest claimed by the facility;

(e) Private club memberships for owners or administrators, travel expenses for trips outside the state for owners or administrators, and other indirect payments made to the owner, unless the payments are deemed part of the owner's compensation in accordance with maximum limits established by regulations of the Cabinet for Health and Family Services; and

(f) Payments made to related organizations supplying the facility with goods or services shall be limited to the actual cost of the goods or services to the related organization, unless it can be demonstrated that no relationship between the facility and the supplier exists. A relationship shall be considered to exist when an individual, including brothers, sisters, father, mother, aunts, uncles, and in-laws, possesses a total of five percent (5%) or more of ownership equity in the facility and the supplying business. An exception to the relationship shall exist if fifty-one percent (51%) or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The rules and regulations of the Cabinet for Health and Family Services shall require that a written statement, including the required opinion of a physician, shall accompany any claim for reimbursement for induced premature births. This statement shall indicate the procedures used in providing the medical services.

(5) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Social Security Act and federal regulations. It shall not be necessary that the amount of payments for units of services be uniform for the entire state but amounts may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in each locale and other local economic and geographic conditions, except that insofar as allowed by applicable federal law and regulation, the maximum amounts reimbursable for similar services rendered by physicians within the same specialty of medical practice shall not vary according to the physician's place of residence or place of practice, as long as the place of practice is within the boundaries of the state.

(6) Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.

(7) To the extent permitted by federal law, no medical assistance recipient shall be recertified as qualifying for a level of long-term care below the recipient's current level, unless the recertification includes a physical examination conducted by a physician licensed pursuant to KRS Chapter 311 or by an advanced practice registered nurse licensed pursuant to KRS Chapter 314 and acting under the physician's supervision.

(8) If payments made to community mental health centers, established pursuant to KRS Chapter 210, for services provided to the intellectually disabled exceed the actual cost of providing the service, the balance of the payments shall be used solely for the provision of other services to the intellectually disabled through community mental health centers.

(9) No long-term-care facility, as defined in KRS 216.510, providing inpatient care to recipients of medical assistance under Title XIX of the Social Security Act on July 15, 1986, shall deny admission of a person to a

bed certified for reimbursement under the provisions of the Medical Assistance Program solely on the basis of the person's paying status as a Medicaid recipient. No person shall be removed or discharged from any facility solely because they became eligible for participation in the Medical Assistance Program, unless the facility can demonstrate the resident or the resident's responsible party was fully notified in writing that the resident was being admitted to a bed not certified for Medicaid reimbursement. No facility may decertify a bed occupied by a Medicaid recipient or may decertify a bed that is occupied by a resident who has made application for medical assistance.

(10) Family-practice physicians practicing in geographic areas with no more than one (1) primary-care physician per five thousand (5,000) population, as reported by the United States Department of Health and Human Services, shall be reimbursed one hundred twenty-five percent (125%) of the standard reimbursement rate for physician services.

(11) The Cabinet for Health and Family Services shall make payments under the Medical Assistance program for services which are within the lawful scope of practice of a chiropractor licensed pursuant to KRS Chapter 312, to the extent the Medical Assistance Program pays for the same services provided by a physician.

(12) (a) The Medical Assistance Program shall use the appropriate form and guidelines for enrolling those providers applying for participation in the Medical Assistance Program, including those licensed and regulated under KRS Chapters 311, 312, 314, 315, and 320, any facility required to be licensed pursuant to KRS Chapter 216B, and any other health care practitioner or facility as determined by the Department for Medicaid Services through an administrative regulation promulgated under KRS Chapter 13A. A Medicaid managed care organization shall use the forms and guidelines established under KRS 304.17A-545(5) to credential a provider. For any provider who contracts with and is credentialed by a Medicaid managed care organization prior to enrollment, the cabinet shall complete the enrollment process and deny, or approve and issue a Provider Identification Number (PID) within fifteen (15) business days from the time all necessary completed enrollment forms have been submitted and all outstanding accounts receivable have been satisfied.

(b) Within forty-five (45) days of receiving a correct and complete provider application, the Department for Medicaid Services shall complete the enrollment process by either denying or approving and issuing a Provider Identification Number (PID) for a behavioral health provider who provides substance use disorder services, unless the department notifies the provider that additional time is needed to render a decision for resolution of an issue or dispute.

(c) Within forty-five (45) days of receipt of a correct and complete application for credentialing by a behavioral health provider providing substance use disorder services, a Medicaid managed care organization shall complete its contracting and credentialing process, unless the Medicaid managed care organization notifies the provider that additional time is needed to render a decision. If additional time is needed, the Medicaid managed care organization shall not take any longer than ninety (90) days from receipt of the credentialing application to deny or approve and contract with the provider.

(d) A Medicaid managed care organization shall adjudicate any clean claims submitted for a substance use disorder service from an enrolled and credentialed behavioral health provider who provides substance use disorder services in accordance with KRS 304.17A-700 to 304.17A-730.

(e) The Department of Insurance may impose a civil penalty of one hundred dollars ($100) per violation when a Medicaid managed care organization fails to comply with this section. Each day that a Medicaid managed care organization fails to pay a claim may count as a separate violation.

(13) Dentists licensed under KRS Chapter 313 shall be excluded from the requirements of subsection (12) of this section. The Department for Medicaid Services shall develop a specific form and establish guidelines for assessing the credentials of dentists applying for participation in the Medical Assistance Program.

➔Section 2. KRS 213.141 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by regulation a fee not to exceed five dollars ($5), to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes.

(2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter 13A a fee not to exceed ten dollars ($10) to be paid for a certified copy of a record of a birth:

(a) Three dollars ($3) of which shall be used by the Cabinet for Health and Family Services for the sole purpose of contracting for the operation of private, not-for-profit, self-help, education, and support groups for parents who want to prevent or cease physical, sexual, or mental abuse of children; and

(b) One dollar ($1) of which shall be used by the Division of Maternal and Child Health to pay for therapeutic food, formulas, supplements, ***amino acid-based elemental formula,*** or low-protein modified foods for all inborn errors of metabolism and genetic conditions if:

1. The therapeutic food, formulas, supplements, ***amino acid-based elemental formula,*** or low-protein modified food products are medically indicated for the therapeutic treatment of inborn errors of metabolism or genetic conditions and are administered under the direction of a physician; and

2. The affected person's therapeutic food, formulas, supplements***, amino acid-based elemental formula,*** or low-protein foods are not covered under any public or private health benefit plan.

(3) Fees collected under this section by the state registrar shall be used to help defray the cost of administering the system of vital statistics.

(4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay, or other allowances or benefits for any person who has at any time served as a member of the Army, Navy, Marine Corps, or Air Force of the United States.

(b) No fee or compensation shall be allowed or paid for furnishing a certificate of birth to a member of the Kentucky National Guard who has received deployment orders during the sixty (60) days prior to the furnishing of the certificate.

(5) The cabinet shall notify the State Board of Elections monthly of the name, address, birthdate, sex, race, and Social Security number of residents of the Commonwealth who died during the previous month. This data shall include only those persons who were over the age of eighteen (18) years at the date of death. No fee or compensation shall be allowed for furnishing these lists.

➔Section 3. KRS 304.17A-258 is amended to read as follows:

(1) For purposes of this section:

(a) "Therapeutic food, formulas, and supplements" means products intended for the dietary treatment of inborn errors of metabolism or genetic conditions***, including eosinophilic disorders, food protein allergies, food protein-induced enterocolitis syndrome, and short bowel disorders,*** under the direction of a physician ***and includes amino acid-based elemental formula***; ~~[and]~~

(b) "Low-protein modified food" means a product formulated to have less than one (1) gram of protein per serving and intended for the dietary treatment of inborn errors of metabolism or genetic conditions under the direction of a physician***; and***

(c) "Amino acid-based elemental formula" means a product intended for the diagnosis and dietary treatment of eosinophilic disorders, food protein allergies, food protein-induced enterocolitis, and short-bowel syndrome under the direction of a physician.

(2) A health benefit plan that provides prescription drug coverage shall include in that coverage therapeutic food, formulas, supplements, and low-protein modified food products for the treatment of inborn errors of metabolism or genetic conditions if the therapeutic food, formulas, supplements, and low-protein modified food products are obtained for the therapeutic treatment of inborn errors of metabolism or genetic conditions under the direction of a physician. Coverage under this subsection may be subject, for each plan year, to a cap of twenty-five thousand dollars ($25,000) for therapeutic food, formulas, and supplements and a separate cap for each plan year of four thousand dollars ($4,000) on low-protein modified foods. Each cap shall be subject to annual inflation adjustments based on the consumer price index.

(3) The requirements of this section shall apply to all health benefit plans issued or renewed on and after July 15, 2008.

(4) Nothing in this section or KRS 205.560, 213.141, or 214.155 shall be construed to require a health benefit plan to provide coverage for therapeutic foods, formulas, supplements, or low-protein modified food for the treatment of lactose intolerance, protein intolerance, food allergy, food sensitivity, or any other condition or disease that is not an inborn error of metabolism or genetic condition.

➔Section 4. KRS 18A.225 is amended to read as follows:

(1) (a) The term "employee" for purposes of this section means:

1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567;

2. Any certified or classified employee of a local board of education;

3. Any elected member of a local board of education;

4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(4)(c), unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and

5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;

(b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;

(c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and

(d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.

(2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

(b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.

(c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection

(20)~~[(19)]~~ of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program.

(d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.

(e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorially required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

(f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.

(g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.

(h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.

(3) The premiums may be paid by the policyholder:

(a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;

(b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or

(c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.

(4) If an employee moves his place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.

(5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.

(6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.

(7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he has been determined to be eligible for federal Social Security disability benefits.

(8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.

(9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or his designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

(10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.

(11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.

(12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.

(13) (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.

(b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.

(c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.

(14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars ($1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.

(15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.

(16) ***Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to Section 3 of this Act.***

(17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal

services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(18) ~~[(17)]~~ If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(19) ~~[(18)]~~ The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.

(20) ~~[(19)]~~ Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:

(a) The regional rating bid scenario shall not include a request for bid on a statewide option;

(b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;

(c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;

(d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and

(e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.

(21) ~~[(20)]~~ Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.

(22) ~~[(21)]~~ Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section shall comply with the provisions of KRS 304.17A-270 and 304.17A-525.

(23) ~~[(22)]~~ Any full insured health benefit plan or self insured plan issued or renewed on or after July 12, 2006, to public employees shall comply with KRS 304.17A-600 to 304.17A-633 pertaining to utilization review, KRS 205.593 and 304.17A-700 to 304.17A-730 pertaining to payment of claims, KRS 304.14-135 pertaining to uniform health insurance claim forms, KRS 304.17A-580 and 304.17A-641 pertaining to emergency medical care, KRS 304.99-123, and any administrative regulations promulgated thereunder.

➔Section 5. This Act may be cited as Noah's Law.

➔Section 6. Whereas access to amino acid-based elemental formula to individuals is important for the public health of the citizens of the Commonwealth, 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 1, 2016.

CHAPTER 11

(SB 122)

AN ACT relating to recording statutes.

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

➔Section 1. KRS 186A.190 is amended to read as follows:

(1) Except as provided in subsection (4) of this section and in KRS 355.9-311(4), the perfection and discharge of a security interest in any property for which has been issued a Kentucky certificate of title shall be by notation on the certificate of title. The notation of the security interest on the certificate of title shall be in accordance with this chapter and shall remain effective from the date on which the security interest is noted on the certificate of title for a period of ***ten (10)*** ~~[seven (7)]~~ years, or, in the case of a manufactured home, for a period of thirty (30) years, or until discharged under this chapter and KRS Chapter 186. The filing of a continuation statement within the six (6) months preceding the expiration of the initial period of a notation's effectiveness extends the expiration date for ***five (5)*** ~~[seven (7)]~~ additional years***, commencing on the day the notation would have expired in the absence of the filing. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial notation***.

(2) Except as provided in subsection (4) of this section, the notation of security interests relating to property required to be titled in Kentucky through the county clerk shall be done in the office of the county clerk of the county in which the debtor resides. If the debtor is other than a natural person, the following provisions govern the determination of the county of the debtor's residence:

(a) A partnership shall be deemed a resident of the county in which its principal place of business in this state is located. If the debtor does not have a place of business in this state, then the debtor shall be deemed a nonresident for purposes of filing in this state;

(b) A limited partnership organized under KRS Chapter 362 or as defined in KRS 362.2-102(14) shall be deemed a resident of the county in which its principal place of business is located, as set forth in its certificate of limited partnership or most recent amendment thereto filed pursuant to KRS Chapter 362 or 362.2-202. If such office is not located in this state, the debtor shall be deemed a nonresident for purposes of filing in this state;

(c) A limited partnership not organized under the laws of this state and authorized to do business in this state shall be deemed a resident of the county in which the office of its process agent is located, as set forth in the designation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(d) A corporation organized under KRS Chapter 271B, 273, or 274 or a limited liability company organized under KRS Chapter 275 shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent corporate filing with the Secretary of State which officially designates its current registered office;

(e) A corporation not organized under the laws of this state, but authorized to transact or do business in this state under KRS Chapter 271B, 273, or 274, or a limited liability company not organized under the laws of this state, but authorized to transact business in this state under KRS Chapter 275, shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent filing with the Secretary of State which officially designates its current registered office;

(f) A cooperative corporation or association organized under KRS Chapter 272 shall be deemed a resident of the county in which its principal business is transacted, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(g) A cooperative corporation organized under KRS Chapter 279 shall be deemed a resident of the county in which its principal office is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(h) A business trust organized under KRS Chapter 386 shall be deemed a resident of the county in which its principal place of business is located, as evidenced by the recordation of its declaration of trust in that county pursuant to KRS Chapter 386;

(i) A credit union organized under Subtitle 6 of KRS Chapter 286 shall be deemed a resident of the county in which its principal place of business is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky; and

(j) Any other organization (defined in KRS 355.1-201) shall be deemed a resident of the county in which its principal place of business in this state is located, except that any limited liability company, limited liability partnership, limited partnership, or corporation not organized under the laws of this state and not authorized to transact or do business in this state shall be deemed a nonresident for purposes of filing in this state. If the organization does not have a place of business in this state, then it shall be deemed a nonresident for purposes of filing in this state.

If the debtor does not reside in the Commonwealth, the notation of the security interest shall be done in the office of the county clerk in which the property is principally situated or operated. Notwithstanding the existence of any filed financing statement under the provisions of KRS Chapter 355 relating to any property registered or titled in Kentucky, the sole means of perfecting and discharging a security interest in property for which a certificate of title is required by this chapter is by notation on the property's certificate of title under the provisions of this chapter or in accordance with the provisions of KRS 186.045(3). In other respects the security interest is governed by the provisions of KRS Chapter 355.

(3) Except as provided in subsection (4) of this section, before ownership of property subject to a lien evidenced by notation on the certificate of title may be transferred, the transferor shall obtain the release of the prior liens in his name against the property being transferred. Once a security interest has been noted on the owner's title, a subsequent title shall not be issued by any county clerk free of the notation unless the owner's title is presented to the clerk and it has been noted thereon that the security interest has been discharged. If this requirement is met, information relating to any security interest shown on the title as having been discharged may be omitted from the title to be issued by the clerk. If information relating to the discharge of a security interest is presented to a clerk under the provisions of KRS 186.045(3), the clerk shall discharge the security interest and remove the lien information from AVIS.

(4) Notwithstanding subsections (1), (2), and (3) of this section, a county clerk shall, following inspection of the vehicle by the sheriff, to determine that the vehicle has not been stolen, issue a new title to a vehicle, clear of all prior liens, to a person after he provides to the county clerk an affidavit devised by the Transportation Cabinet and completed by the person. In the affidavit, the person shall attest that:

(a) He possesses the vehicle;

(b) A debt on the vehicle was owed him for more than thirty (30) days before he provided the notices required by paragraphs (c) and (d) of this subsection;

(c) More than fourteen (14) days before presenting the affidavit to the county clerk, the person attempted to notify the owner of the vehicle and all known lienholders, including those noted on the title, by certified mail, return receipt requested, of his name, address, and telephone number as well as his intention to obtain a new title, clear of all prior liens, unless the owner or a lienholder objected in writing;

(d) More than fourteen (14) days before presenting the affidavit to the county clerk, the person had published a legal notice stating his intention to obtain title to the vehicle. The legal notice appeared at least twice in a seven (7) day period in a newspaper published, and with a statewide circulation, in Kentucky. The legal notice stated:

1. The person's name, address, and telephone number;

2. The owner's name;

3. The names of all known lienholders, including those noted on the title;

4. The vehicle's make, model, and year; and

5. The person's intention to obtain title to the vehicle unless the owner or a lienholder objects in writing within fourteen (14) days after the last publication of the legal notice; and

(e) Neither the owner nor a lienholder has objected in writing to the person's right to obtain title to the vehicle.

(5) No more than two (2) active security interests may be noted upon a certificate of title.

(6) In noting a security interest upon a certificate of title, the county clerk shall ensure that the certificate of title bears the lienholder's name, mailing address and zip code, the date the lien was noted, the notation number, and the county in which the security interest was noted. The clerk shall obtain the information required by this subsection for notation upon the certificate of title from the title lien statement described in KRS 186A.195 to be provided to the county clerk by the secured party.

(7) For all the costs incurred in the notation and discharge of a security interest on the certificate of title, the county clerk shall receive the fee prescribed by KRS 64.012. The fee prescribed by this subsection shall be paid at the time of submittal of the title lien statement described in KRS 186A.195.

(8) A copy of the application, certified by the county clerk, indicating the lien will be noted on the certificate of title shall be forwarded to the lienholder.

➔Section 2. KRS 382.110 is amended to read as follows:

(1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.

(2) No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the~~[next]~~ immediate source from which the grantor derived title to the property or the interest conveyed therein.

(3) An authentic photocopy of any original record may be certified, as a true, complete, unaltered copy of the original record on file by the official public custodian of the record. A certified copy of a document certified by the official public custodian of that document may be submitted for filing in any other filing officer's jurisdiction as though it were the original record. However, no county clerk or deputy county clerk shall accept for filing any original document or certified copy of any document unless the original document and its certified copy conforms to all statutory requirements for filing the document under KRS Chapter 382. The provisions of this subsection shall apply only to a record generated and filed in Kentucky, and only if the certified copy thereof is to be utilized in Kentucky. If the record is a foreign record or a Kentucky record to be filed or utilized in a foreign jurisdiction, then this subsection shall not apply and applicable federal, Kentucky, or foreign law shall apply.

(4) If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

(5) If the title to the property or interest conveyed is obtained from two (2) or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (2) and (4), and shall show which part of the property, or interest therein, was obtained from each of the sources.

(6) No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

(7) No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one (1) source.

(8) This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

(9) A mortgage holder shall file a deed in lieu of foreclosure in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located, no later than forty-five (45) days after the date the deed in lieu of foreclosure is executed.

(10) A deed filed pursuant to KRS 426.577 shall be filed by the grantee within five (5) business days of receipt of the deed from the commissioner appointed by a court to convey the property.

➔Section 3. KRS 382.290 is amended to read as follows:

(1) In recording mortgages and deeds in which liens are retained (except railroad mortgages securing bonds payable to bearer), there shall be left a blank space immediately after the record of the deed or mortgage of at least two (2) full lines for each note or obligation named in the deed or mortgage, or in the alternative, at the option of the county clerk, a marginal entry record may be kept for the same purposes as the blank space. Each entry in the marginal entry record shall be linked to its respective referenced instrument in the indexing system for the referenced instruments.

(2) No county clerk or deputy county clerk shall admit to record any mortgage or deed in which liens are retained unless the mortgage or deed in which a lien is retained plainly specifies and refers to the ~~[next]~~immediate source from which the mortgagor or grantor derived title to the property or the interest encumbered therein.

(3) When any note named in any deed or mortgage is assigned to any other person, the assignor may, over his own hand, attested by the clerk, note such assignment in the blank space, or in a marginal entry record, beside a listing of the book and page of the document being assigned, and when any one (1) or more of the notes named in any deed or mortgage is paid, or otherwise released or satisfied, the holder of the note, and who appears from the record to be such holder, may release the lien, so far as such note is concerned, by release, over his own hand, attested by the clerk. Each entry in the marginal entry record shall be linked to its respective referenced instrument in the indexing system for the referenced instrument.

(4) No person who does not, from such record or assignment of record, appear at the time to be the legal holder of any note secured by lien in any deed or mortgage, shall be permitted to release the lien securing any such note, and any release made in contravention of this section shall be void; but this section does not change the existing law if no such entry is made.

(5) For each assignment and release so made and attested by the clerk, he may charge a fee pursuant to KRS 64.012 to be paid by the person executing the release or noting the assignment.

(6) If such assignment of a note is made by separate instrument or by deed assigning the note, or in a marginal entry record, the instrument of writing or deed or marginal entry record shall set forth the date of notes assigned, a brief description of notes, the name and post office address of assignee, and the deed book and page of the instrument wherein the lien or mortgage is recorded and the clerk or deputy clerk receiving such instrument of writing or deed of assignment for record shall at the option of the county clerk immediately either link the assignment and its filing location to its respective referenced instrument in the indexing system for the referenced instrument, or endorse at the foot of the record in the space provided in subsection (1) of this section, "The notes mentioned herein (giving a brief description of notes assigned) have been transferred and assigned to (insert name and address of assignee) by deed of assignment (or describe instrument) dated and recorded in deed book .... page ...." and attest such certificate. For making such notation on the record the clerk shall be allowed a fee pursuant to KRS 64.012 for each notation so made, to be paid by the party filing the instrument of writing or deed of assignment.

(7) No holder of a note secured by lien retained in either deed or mortgage shall lodge for record, and no clerk or deputy clerk shall receive and permit to be lodged for record, any deed or instrument of writing that does not comply with the provisions of this section.

➔Section 4. KRS 382.297 is amended to read as follows:

A recorded mortgage may be amended by an affidavit of amendment prepared by an attorney to correct clerical errors or omitted information. An ***affidavit of*** amendment may not change any term, dollar amount, or interest rate in the mortgage, unless signed by the mortgagor and secured party. An ***affidavit of*** amendment ***may not change*** ~~[shall not alter]~~the parties or the collateral of a recorded mortgage***, but may be used to correct a manifest clerical or typographical error such as spelling, punctuation, or numbering mistakes in typing or printing***. The attorney preparing the affidavit shall certify in the affidavit that notice of filing the amendment has been given to the mortgagor by mailing a copy of the amendment to the mortgagor at the address shown on the original mortgage. A subsequent release of the mortgage releases any amendments to the original mortgage.

Signed by Governor April 1, 2016.

CHAPTER 12

(SB 113)

AN ACT relating to legislative recommendations from the Judicial Form Retirement System.

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

➔Section 1. KRS 6.521 is amended to read as follows:

(1) As of July 1 of each year, the board of trustees of the Kentucky Judicial Form Retirement System shall recompute the monthly benefits of persons then receiving benefits under the Legislators' Retirement Plan***, provided the person began participating in the plan prior to January 1, 2014***, by using the following formula: three and one-half percent (3.5%) times fifty-five percent (55%) of the final compensation of the office in which the credit was earned for a person retiring as of the recomputation date, times the number of years of service credit (not to exceed twenty-eight (28) years). In making the recomputation, the same reduction factor, in case of an actuarially reduced benefit or a surviving spouse's benefit, shall be used as was used in determining the benefit then being received. If the benefit as recomputed in accordance with this section is higher than the benefit then being received, the recomputed benefit shall thereafter be paid monthly, commencing as of the date specified for the recomputation, subject to future adjustment at ensuing recomputations in accordance with this section.

(2) Effective August 1, 1998, to July 1, 2008, a recipient of a monthly pension benefit from the Legislators' Retirement Plan ***who began participating in the plan prior to January 1, 2014,*** shall have his or her benefit increased on July 1 of each year by the percentage increase in the annual average of the consumer price index for all urban consumers for the most recent calendar year as published by the Federal Bureau of Labor Statistics, not to exceed five percent (5%). In determining the state's appropriation to the Legislators' Retirement Fund, only the costs of increases granted as of the most recent valuation date shall be recognized. The benefits of this subsection as provided on August 1, 1998, to July 1, 2008, shall not be considered as benefits protected by the inviolable contract provisions of KRS 6.505. The General Assembly reserves the right to suspend or reduce the benefits conferred in this subsection if in its judgment the welfare of the Commonwealth so demands.

(3) (a) Effective July 1, 2009, and on July 1 of each year thereafter, a recipient of a monthly pension benefit from the Legislators' Retirement Plan shall have his or her benefit increased by one and one-half percent (1.5%), if:

1. The funding level of the plan is greater than one hundred percent (100%) and subsequent legislation authorizes the use of any surplus actuarial assets to provide an increase in retirement allowances described by this subsection; or

2. The General Assembly appropriates sufficient funds to fully prefund the increase described by this subsection in the year the increase is provided.

(b) The board of trustees of the Kentucky Judicial Form Retirement System shall, at least thirty (30) days prior to the beginning of regular sessions of the General Assembly held in even-numbered years, advise the General Assembly of the following:

1. Whether the plan has a funding level greater than one hundred percent (100%) and if the plan can support an increase in recipients' retirement allowances as provided by paragraph (a) of this subsection over the next budget biennium without reducing the funding level of the plan below one hundred percent (100%); and

2. If no surplus actuarial assets are available, the level of funds needed to fully prefund an increase for plan recipients over the next budget biennium if a one and one-half percent (1.5%) increase is provided annually over the biennium.

(c) For purposes of this subsection, "funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the plan's actuary in the plan's actuarial valuation.

(d) The full increase described by this subsection shall only be provided if the recipient has been receiving a retirement benefit for at least twelve (12) months prior to the effective date of the increase. If the recipient has been receiving a benefit for less than twelve (12) months prior to the effective date of the increase provided by this subsection, the increase shall be reduced on a pro rata basis for each month the recipient has not been receiving a benefit in the twelve (12) months preceding the effective date of the increase.

(e) In determining the state's appropriation to the Legislators' Retirement Fund, only the costs of increases granted as of the most recent valuation date shall be recognized.

(f) The benefits of this subsection as provided on July 1, 2009, and thereafter shall not be considered as benefits protected by the inviolable contract provisions of KRS 6.505. The General Assembly reserves the right to suspend or reduce the benefits conferred in this subsection if in its judgment the welfare of the Commonwealth so demands.

(4) In addition to the increase to a recipient's retirement allowance as provided by subsection (3) of this section, the General Assembly may, by subsequent legislation, provide supplemental increases to a recipient's retirement

allowance to help adjust for actual changes in the recipient's cost of living if the General Assembly appropriates sufficient funds to fully prefund the benefit in the year the increase is provided.

➔Section 2. KRS 6.525 is amended to read as follows:

The Legislators' Retirement Plan shall be governed by KRS 21.560 and by provisions identical in terms with those provided in KRS 21.345(1), 21.345(3) to (6), ***21.357,*** 21.360(1), 21.370 to 21.410, 21.420, 21.425, 21.450, 21.460, 21.470, 21.480, 21.525, 21.540, and 61.552 for the Judicial Retirement Plan, except that:

(1) Five (5) years of service as a legislator will be sufficient for vesting; and

(2) (a) A member of the Legislators' Retirement Plan may combine his service credit with his service credit in the Teachers' Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System at the time of his retirement, according to the procedure of KRS 61.680(2)(a), except that the salary used to determine final compensation, if applicable, shall be based on the creditable compensation in KRS 61.510(13) for service while a member of the General Assembly whether or not a member of the Legislators' Retirement Plan.

(b) For members contributing on or after June 20, 2005 but prior to January 1, 2014: Upon retirement, a member's accounts under the Legislators' Retirement Plan, State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and Teachers' Retirement System shall be consolidated for the purpose of determining eligibility and amount of benefits as provided in KRS 61.680(2)(a) and in the same manner as for the other retirement systems using the highest salary regardless of the system in which it was earned. For purposes of this paragraph, "retirement" means the month in which the member elects to begin receiving benefits or benefits become payable due to the member's death.

(c) A member who has an account in the Legislators' Retirement Plan and the Judicial Retirement Plan may combine his service in both plans for purposes of determining:

1. Eligibility and the amount of benefits; and

2. Final compensation, provided the member began participating in the Legislators' Retirement Plan prior to January 1, 2014.

(d) A member who began participating in the Legislators' Retirement Plan prior to January 1, 2014, may retire at the completion of twenty-seven (27) or more years of combined service credit, so long as at least fifteen (15) years of such credit were earned after January 1, 1960, and there shall be no reduction in the retirement allowance because of retirement before the age of sixty-five (65).

(e) For the purposes of this section, any reference in the KRS sections listed above to the Judicial Retirement Plan shall also be read as a reference to the Legislators' Retirement Plan, and any reference to the Legislators' Retirement Plan shall also be read as a reference to the Judicial Retirement Plan.

(3) Any other statute to the contrary notwithstanding, a member of any state-administered retirement system who has ceased to qualify for membership but subsequently returns to a qualified status, shall, for the purposes of determining the date of entry into the state-administered retirement system for the subsequent period or periods of service, be deemed to have never left the retirement system.

➔Section 3. KRS 6.577 is amended to read as follows:

(1) The board of trustees of the Judicial Form Retirement System shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan for present and future recipients of a retirement allowance from the Legislators' Retirement Plan. The board may authorize present and future recipients of a retirement allowance from the Legislators' Retirement Plan who are under age sixty-five (65) to be included in the state employees group for hospital and medical insurance and shall provide benefits for recipients equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky, the board shall provide a medical insurance premium reimbursement plan as described in subsection (5) of this section.

(2) Each employer participating in the Legislators' Retirement Plan shall contribute to the plan the amount necessary to provide hospital and medical insurance as provided for under this section. The employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of the total employer contribution rate to the Legislators' Retirement Plan.

(3) (a) Depending on the months of service credit on which the retirement allowance was based, provided that there are at least forty-eight (48) months, all or a portion of the premium required to provide hospital and medical benefits under this section shall be paid in full from the insurance fund established by KRS 6.575 for all recipients of a retirement allowance from the Legislators' Retirement Plan as follows:

Months of Service	Percentage Paid
48 to 119, inclusive	25%
120 to 131, inclusive	50%
132 to 143, inclusive	55%
144 to 155, inclusive	60%
156 to 167, inclusive	65%
168 to 179, inclusive	70%
180 to 191, inclusive	75%
192 to 203, inclusive	80%
204 to 215, inclusive	85%
216 to 227, inclusive	90%
228 to 239, inclusive	95%
240 or more	100%

This paragraph shall not apply to members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014.

(b) For members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014:

1. Participation in the health insurance coverage and benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 6.500 to 6.577 or another state-administered retirement system.

2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall be eligible for a monthly insurance benefit upon retirement of ten dollars ($10) for each year of service as a participating member of the Legislators' Retirement Plan.

3. The minimum service required to participate in benefits as provided by subparagraph 1. of this subparagraph shall be waived for a member who is disabled in the line of duty as defined in KRS 61.621, and the member shall be entitled to the health benefits payable under this subsection as though the member has twenty (20) years of service in the Legislators' Retirement Plan.

4. The minimum service required to participate in benefits as provided by subparagraph 1. of this subparagraph shall be waived for a member who is killed in the line of duty as described in KRS 61.621, and the member's spouse and eligible dependents shall be entitled to the health benefits the member would have received if he or she had retired with twenty (20) years of service in the Legislators' Retirement Plan.

5. The monthly insurance ***benefit***~~[contribution]~~ amount provided by this paragraph shall be increased July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance ***benefit***~~[contribution]~~ is payable to the retired member.

(c) The payments for health insurance provided by this subsection shall be made from the fund only if the recipient agrees to pay the remaining amount, if any, from his monthly retirement allowance or by any other method equally insuring payment by him. "Months of service" as used in this section shall not include service added to determine disability benefits.

(4) Provided the member began participating in the Legislators' Retirement Plan prior to January 1, 2014, the insurance fund shall pay the same percentage of the premium for the spouse and dependents of a recipient, or the beneficiary of the recipient, as the fund pays or paid for the member. No payment shall be made under this section to a spouse, dependent, or beneficiary of a member who begins participating in the Legislators' Retirement Plan on or after January 1, 2014, except as authorized by subsection (3)(b)4. of this section.

(5) The board shall establish a medical insurance premium reimbursement plan for recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status. An eligible recipient shall file proof of payment for hospital and medical insurance premiums at the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution determined by the board of trustees. The plan shall not be made available if all recipients are eligible for the same level of coverage as recipients living in Kentucky.

(6) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the insurance fund shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.

(7) Notwithstanding any other statute to the contrary, any member with the minimum number of months of legislative service required by subsection (3) of this section who is also eligible for benefits, or who is receiving benefits from any retirement plan or system administered by the Commonwealth shall be entitled to hospital and medical benefits as described in subsection (3) of this section, except that the number of months of service credit used in calculating the level of benefits shall be the sum of the service credited to the member in all the state-administered retirement systems or plans.

(a) Upon request of the member, the Legislators' Retirement Plan shall compute the member's combined service in all the state-administered retirement systems or plans, and calculate the portion of the member's premium to be paid by the Legislators' Retirement Plan, according to the criteria established in subsection (3) of this section. For members who begin participating in the Legislators' Retirement Plan prior to January 1, 2014, the state-administered retirement systems or plans shall pay to the Legislators' Retirement Plan the applicable percentage of the plan's costs of the retiree's hospital and medical premium which shall be equal to the percentage of the member's number of months of service in the applicable state-administered retirement system divided by his total combined service. The amounts paid by all the state-administered retirement systems or plans shall not be more than one hundred percent (100%) of the premium amount adopted by the respective boards of trustees.

(b) A member who elects hospital and medical benefits under this section shall lose any claim to insurance benefits under any of the other state-administered retirement systems or plans.

➔Section 4. KRS 21.345 is amended to read as follows:

(1) For the purposes of KRS 21.350 to 21.510, "retirement" means a voluntary resignation or a failure of reelection, but does not include a removal for cause.

(2) The word "service" as used in KRS 21.370 to 21.480 means service transferred from the Kentucky Retirement Systems pursuant to KRS 21.370(2), service as a city police judge purchased pursuant to KRS 21.370(3), and service as a Justice of the Supreme Court, as a Judge of the Court of Appeals created by Section 111 of the Constitution of Kentucky, as a regular Circuit Judge, or as a regular Judge of the District Court, including service in one (1) and then another of those capacities. It also includes service as a special Circuit Judge under the conditions described in subsection (3) of this section, as a Judge or commissioner of the former Court of Appeals, or as director of the Administrative Office of the Courts, prior to January 1, 1976, and service continuing beyond that date, in any capacity in or for the Court of Justice, by any person who held the office of commissioner of the former Court of Appeals, or director of the Administrative Office of the Courts, on December 31, 1975. The word "service" embraces only service performed while a member of the retirement system established by KRS 21.350 to 21.510, except that service in any of the positions mentioned, before the Judicial Retirement System was made applicable to that category of position, and service transferred from the Kentucky Retirement Systems pursuant to KRS 21.370(2), shall be included.

(3) For the purposes of KRS 21.345 to 21.510, a "year" of service means a total of twelve (12) months of service, which need not be in the same calendar year. Service for any part of the calendar month in which the member's term of service begins or ends shall be deemed to constitute a month of service.

(4) The term "accumulated employer credit" as used in KRS 21.345 to 21.580 means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 21.402.

(5) The term "accumulated contributions" as used in KRS 21.345 to 21.580, means:

(a) For a member who began participating in the Judicial Retirement Plan prior to January 1, 2014, the contributions made by the member to the Judicial Retirement Plan; and

(b) For a member who begins participating in the Judicial Retirement Plan on or after January 1, 2014, in the hybrid cash balance plan, the contributions made by the member to the Judicial Retirement Plan and interest credited on such amounts as provided by KRS 21.402.

(6) The term "accumulated account balance" as used in KRS 21.345 to 21.580 means:

(a) For members who began participating in the Judicial Retirement Plan prior to January 1, 2014, the member's accumulated contributions; or

(b) For members who begin participating in the Judicial Retirement Plan on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 21.402, the combined sum of the member's accumulated contributions and the member's accumulated employer ~~[pay]~~credit.

(7) The provisions of this section shall not apply to any director of the Administrative Office of the Courts appointed after January 1, 1976, nor shall they apply to any commissioner of the Court of Appeals not appointed prior to January 1, 1976. The administrative director of the courts and commissioners of the Court of Appeals appointed prior to January 1, 1976, shall continue to be members of the system so long as they continue to render service in any capacity in or for the Court of Justice.

➔Section 5. KRS 21.402 is amended to read as follows:

(1) A member of the Legislators' Retirement Plan or the Judicial Retirement Plan, whose participation in the Legislators' Retirement Plan or the Judicial Retirement Plan begins on or after January 1, 2014, shall receive the retirement benefits provided by this section in lieu of the retirement benefits provided under KRS 6.520 and 21.400. The retirement benefit provided by this section shall be known as the hybrid cash balance plan and shall operate as another benefit tier within the Legislators' Retirement Plan and the Judicial Retirement Plan.

(2) The hybrid cash balance plan shall provide a retirement benefit based upon the member's accumulated account balance, which shall include:

(a) Contributions made by the member as provided by KRS 6.500 to 6.577 and 21.345 to 21.580, except for employee contributions prescribed by KRS 6.505(1)(d)2.b. and 21.360(1)(a)3.b.;

(b) An employer pay credit of four percent (4%) of the creditable compensation earned by the employee for each month the employee is contributing to the hybrid cash balance plan provided by this section; and

(c) Interest credits added annually to the member's accumulated account balance as provided by this section.

(3) (a) Member contributions and employer pay credits as provided by subsection (2)(a) and (b) of this section shall be credited to the member's account monthly as contributions are reported and posted to the plan.

(b) Interest credits, as provided by subsection (2)(c) of this section, shall be credited to the member's account annually on June 30 of each fiscal year, as determined by subsection (4) of this section.

(4) (a) On June 30 of each fiscal year, the ***plan***~~[system]~~ shall determine if the member contributed to the hybrid cash balance plan during the fiscal year.

(b) If the member contributed to the hybrid cash balance plan during the fiscal year, the interest credit added to the member's account for that fiscal year shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by a percentage increase equal to:

1. Four percent (4%); plus

2. Seventy-five percent (75%) of the plan's geometric average net investment return in excess of a four percent (4%) rate of return.

(c) If the member did not contribute to the hybrid cash balance plan during the fiscal year, the interest credit added to the member's account for that fiscal year shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by four percent (4%).

(d) For purposes of this subsection, "plan's geometric average net investment return":

1. Means the annual average geometric investment return, net of administrative and investment fees and expenses, over the last five (5) fiscal years as of the date the interest is credited to the member's account; and

2. Shall be expressed as a percentage and based upon the plan in which the member has an account.~~[~~

~~(e) No employer pay credits or interest credits shall be provided to a member who has taken a refund of contributions as provided by KRS 21.460 or who has retired and annuitized his or her accumulated account balance as prescribed by this section.]~~

(5) (a) Upon termination of employment, a member who has less than five (5) years of service credited under the Legislators' Retirement Plan ***or***~~[and]~~ the Judicial Retirement Plan, who elects to take a refund of his or her accumulated account balance as provided by KRS 21.460, shall forfeit the accumulated employer credit, and shall only receive a refund of his or her accumulated contributions.

(b) Upon termination of employment, a member who has five (5) or more years of service credited under the Legislators' Retirement Plan ***or***~~[and]~~ the Judicial Retirement Plan, who elects to take a refund of his or her accumulated account balance as provided by KRS 21.460, shall receive a full refund of his or her accumulated account balance.

(6) A member participating in the hybrid cash balance plan provided by this section may retire:

(a) Upon reaching normal retirement age, provided he or she has earned five (5) or more years of service credited under the Legislators' Retirement Plan ***or***~~[and]~~ the Judicial Retirement Plan, or another state-administered retirement system; or

(b) If the member is at least age fifty-seven (57) and has an age and years of service total of at least eighty-seven (87) years. The years of service used to determine eligibility for retirement under this paragraph shall only include years of service credited under the Legislators' Retirement Plan ***or***~~[and]~~ the Judicial Retirement Plan, or another state-administered retirement system.

(7) A member eligible to retire under subsection (6) of this section may elect to:

(a) Receive a monthly retirement allowance payable for life by having his or her accumulated account balance annuitized by the retirement ***plan***~~[systems]~~ in accordance with the actuarial assumptions and actuarial methods adopted by the board and in effect on the member's retirement date;

(b) Receive the actuarial equivalent of his or her retirement allowance calculated under paragraph (a) of this subsection payable under one (1) of the options set forth in KRS 21.420(8)(b); or

(c) Take a refund of his or her ***accumulated*** account balance as provided by KRS 21.460.

(8) The board of the Judicial Form Retirement System shall establish individual members' accounts for each member participating in the hybrid cash balance plan as provided by this section. The Judicial Form Retirement System may promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this section.

(9) The provisions of this section shall not apply to members who began participating in the Legislators' Retirement Plan or the Judicial Retirement Plan prior to January 1, 2014.

➔Section 6. KRS 21.405 is amended to read as follows:

(1) As of July 1, 1982, the board of trustees of the Kentucky Judicial Form Retirement System shall recompute the monthly benefits of persons then receiving benefits under the Judicial Retirement Plan***, provided the person began participating in the plan prior to January 1, 2014,*** by using the same service credit rate and the same number of years of service that were used in computing the benefits then being received but substituting, in lieu of the "final compensation" that was used in the computation of the benefit then being received an amount equal to fifty-five percent (55%) of the final compensation of the office in which the credit was earned for a person retiring as of June 30, 1982.

(2) As of July 1, 1983, and as of July 1 of each year thereafter, the board of trustees of the Kentucky Judicial Form Retirement System shall recompute the monthly benefits of persons then receiving benefits under the Judicial Retirement Plan***, provided the person began participating in the plan prior to January 1, 2014,*** by using the following formula: two and three-fourths percent (2.75%) times fifty-five percent (55%) of the final compensation of the office in which the retirement credit was earned for a person retiring as of the recomputation date, times the number of years of service credit (not to exceed thirty-six (36) years).

(3) In making the recomputations provided for in subsections (1) and (2) of this section ***for members who began participating in the plan prior to January 1, 2014***, the same reduction factor, in case of an actuarially reduced benefit or a surviving spouse's benefit, shall be used as was used in determining the benefit then being received. If the benefit as recomputed in accordance with subsection (1) or (2) of this section is higher than the benefit

then being received, the recomputed benefit shall thereafter be paid monthly, commencing as of the date specified for the recomputation, subject to future adjustment at ensuing annual recomputations in accordance with subsection (2) of this section. For the purposes of this section, the following office equivalents shall be used: Judge of former Court of Appeals - Justice of Supreme Court; any position other than judge or justice that was covered by the Judicial Retirement System - Judge of the present Court of Appeals.

(4) Effective August 1, 1998, to July 1, 2008, a recipient of a monthly pension benefit from the Kentucky Judicial Retirement Plan ***who began participating in the plan prior to January 1, 2014,*** shall have his or her benefit increased on July 1 of each year by the percentage increase in the annual average of the consumer price index for all urban consumers for the most recent calendar year as published by the Federal Bureau of Labor Statistics, not to exceed five percent (5%). In determining the state's appropriation to the Judicial Retirement Fund, only the costs of increases granted as of the most recent valuation date shall be recognized. The benefits of this subsection as provided on August 1, 1998, to July 1, 2008, shall not be considered as benefits protected by the inviolable contract provisions of KRS 21.480. The General Assembly reserves the right to suspend or reduce the benefits conferred in this subsection if in its judgment the welfare of the Commonwealth so demands.

(5) (a) Effective July 1, 2009, and on July 1 of each year thereafter, a recipient of a monthly pension benefit from the Kentucky Judicial Retirement Plan shall have his or her benefit increased by one and one-half percent (1.5%), if:

1. The funding level of the plan is greater than one hundred percent (100%) and subsequent legislation authorizes the use of any surplus actuarial assets to provide an increase in retirement allowances described by this subsection; or

2. The General Assembly appropriates sufficient funds to fully prefund the increase described by this subsection in the year the increase is provided.

(b) The board of trustees of the Kentucky Judicial Form Retirement System shall, at least thirty (30) days prior to the beginning of regular sessions of the General Assembly held in even-numbered years, advise the General Assembly of the following:

1. Whether the plan has a funding level greater than one hundred percent (100%) and if the plan can support an increase in recipients' retirement allowances as provided by paragraph (a) of this subsection over the next budget biennium without reducing the funding level of the plan below one hundred percent (100%); and

2. If no surplus actuarial assets are available, the level of funds needed to fully prefund an increase for plan recipients over the next budget biennium if a one and one-half percent (1.5%) increase is provided annually over the biennium.

(c) For purposes of this subsection, "funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the plan's actuary in the plan's actuarial valuation.

(d) The full increase described by this subsection shall only be provided if the recipient has been receiving a benefit for at least twelve (12) months prior to the effective date of the increase. If the recipient has been receiving a benefit for less than (12) months prior to the effective date of the increase provided by this subsection, the increase shall be reduced on a pro rata basis for each month the recipient has not been receiving benefits in the twelve (12) months preceding the effective date of the increase.

(e) In determining the state's appropriation to the Judicial Retirement Fund, only the costs of increases granted as of the most recent valuation date shall be recognized.

(f) The benefits of this subsection as provided on July 1, 2009, and thereafter shall not be considered as benefits protected by the inviolable contract provisions of KRS 21.480. The General Assembly reserves the right to suspend or reduce the benefits conferred in this subsection if in its judgment the welfare of the Commonwealth so demands.

(6) In addition to the increase to a recipient's retirement allowance as provided by subsection (5) of this section, the General Assembly may, by subsequent legislation, provide supplemental increases to a recipient's retirement allowance to help adjust for actual changes in the recipient's cost of living if the General Assembly appropriates sufficient funds to fully prefund the benefit in the year the increase is provided.

➔Section 7. KRS 21.410 is amended to read as follows:

(1) (a) If upon examination of a member under his normal retirement age by one (1) or more qualified physicians employed by the retirement board, it is certified to the satisfaction of the board that such member is so physically or mentally disabled as to be incapacitated for further performance of duty, and that such incapacity is likely to be permanent, the member may retire for disability.

(b) 1. A member who began participating in the Judicial Retirement Plan prior to January 1, 2014, who retires for disability as provided by this subsection shall be entitled to receive commencing immediately a disability retirement allowance, payable monthly during his disability, in an amount equal to one-half (1/2) of the monthly service retirement allowance he would have received commencing at his normal retirement date if he had continued in service until that date and had then retired, computed however on the basis of his final compensation at time of actual retirement.

2. A member who begins participating in the Judicial Retirement Plan on or after January 1, 2014, who retires for disability as provided by this subsection shall be entitled to a disability retirement allowance equal to the higher of twenty percent (20%) of the member's monthly ***official salary***~~[final rate of pay]~~ or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date under KRS 21.402.

3. A member who begins participating in the Legislators' Retirement Plan on or after January 1, 2014, who retires for disability as provided by this subsection shall be entitled to a disability retirement allowance equal to the higher of twenty percent (20%) of the member's monthly creditable compensation or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date under Section 5 of this Act.

(2) (a) A member who began participating in the Judicial Retirement Plan prior to January 1, 2014, need not have completed eight (8) years of service in order to be eligible for benefits under subsection (1) of this section.

(b) A member who begins participating in the Judicial Retirement Plan on or after January 1, 2014, must have completed at least five (5) years of service in order to apply and be eligible for the disability benefits provided by this section.

(3) The retirement board shall cause a member who has been retired for disability and who is still under his normal retirement age to undergo periodic examination by one (1) or more qualified physicians employed by the board, to determine whether he continues to be incapacitated for service of the character required of a judge or commissioner. If upon any such examination it is certified to the satisfaction of the board that the member is no longer so incapacitated, or if the member refuses to submit to examination, the board shall terminate his disability retirement allowance. He shall then be entitled to such rights, if any, under subsection (2) or (3) of KRS 21.400 or under KRS 21.402 as he would have been entitled to had he voluntarily retired on the date he was retired for disability.

(4) Upon reaching his normal retirement age, a member ***who began participating in the plan prior to January 1, 2014, and*** who has been receiving a disability retirement allowance may apply for and receive, in lieu thereof, the service retirement allowance he would have been entitled to receive at normal retirement age had he voluntarily retired on the date he was retired for disability.

➔Section 8. KRS 21.420 is amended to read as follows:

(1) After the death of a member who began participating in the Judicial Retirement Plan prior to January 1, 2014, who at the time of his death was receiving a service retirement allowance (other than an actuarially reduced allowance under subsection (3) of KRS 21.400), or was receiving a disability retirement allowance, his surviving spouse is entitled to receive during his lifetime a monthly allowance equal to one-half (1/2) of that he was receiving.

(2) (a) If a member who began participating in the Judicial Retirement Plan prior to January 1, 2014, dies before retirement and before reaching normal retirement age, without regard to length of service, his surviving spouse is entitled to receive during his lifetime a monthly allowance equal to one-half (1/2) of the monthly allowance the member would have received commencing at his normal retirement date if he had continued in service until that date and had then retired, computed however on the basis of his final compensation at time of death.

(b) If a member who began participating in the Judicial Retirement Plan prior to January 1, 2014, dies before retirement and after reaching normal retirement age, his surviving spouse is entitled to receive during his

lifetime a monthly allowance equal to one-half (1/2) of the monthly allowance the member would have been entitled to, on the basis of his years of service, had he retired on the date of his death.

(3) If a member who began participating in the Judicial Retirement Plan prior to January 1, 2014, dies after retirement and was at the time of his death receiving an actuarially reduced allowance under subsection (3) of KRS 21.400, or was not at the time of his death receiving a retirement allowance but had acquired the vested right under subsection (2) of KRS 21.400 to have received an allowance upon reaching normal retirement age, his surviving spouse is entitled to receive during his lifetime a monthly allowance equal to one-half (1/2) of the monthly allowance the member would have received when he reached normal retirement age.

(4) A member, or a retiree who ***began participating in the plan prior to January 1, 2014, who*** has not commenced drawing retirement benefits pursuant to KRS 21.400~~[or 21.402]~~, ***and*** who dies without a spouse or eligible children entitled to survivor's benefits, may designate a beneficiary who shall receive the accumulated contributions ~~[or accumulated account balance]~~of the member. ***A member, or a retiree who began participating in the plan on or after January 1, 2014, who has not commenced drawing retirement benefits pursuant to Section 5 of this Act, who dies without a spouse or eligible children entitled to survivor's benefits, may designate a beneficiary who shall receive the accumulated account balance of the member.*** Absent a designation by the member or retiree, the accumulated contributions or accumulated account balance***, as applicable based upon the member's participation date,*** shall be paid to the member's estate.

(5) A member who ***began participating in the plan prior to January 1, 2014, who*** commences drawing retirement benefits pursuant to KRS 21.400~~[, 21.402,]~~ or 21.410, ***and***~~[or]~~ who dies without a spouse or eligible children entitled to survivor's benefits and before the benefits received by the member equal the accumulated contributions of the member, may designate a beneficiary who shall receive the balance of the accumulated contributions of the member. ***A member who began participating in the plan on or after January 1, 2014, who commences drawing retirement benefits pursuant to Section 5 or 7 of this Act, and who dies without a spouse or eligible children entitled to survivor's benefits and before the benefits received by the member equal the accumulated account balance of the member, may designate a beneficiary who shall receive the balance of the accumulated account balance of the member.*** Any ~~[offset of contributions by reason of]~~benefits received shall be deducted from the accumulated contributions ***or accumulated account balance***~~[first made to the system]~~. Absent a designation by the member, the balance of the accumulated contributions ***or accumulated account balance, as applicable based upon the member's participation date,*** shall be paid to the member's estate.

(6) A member who begins participating in the Judicial Retirement Plan prior to January 1, 2014, may designate a beneficiary who shall receive the balance of the accumulated contributions of the member, in the event survivor's benefits are being paid pursuant to subsection (1), (2), or (3) of this section, and the survivor dies prior to receiving benefits equal to the member's contributions. In this event, the provisions of subsection (5) of this section shall apply as to offset and payment.

(7) A member who begins participating in the Judicial Retirement Plan prior to January 1, 2014, may, prior to the drawing of benefits, elect in writing to the executive secretary of the Judicial Form Retirement System, to take an optional retirement allowance which shall be actuarially equivalent to the amount of retirement allowance otherwise payable to the member and the member's spouse. If the member dies after retirement, the option chosen shall prevail over the provisions of subsections (1) and (3) of this section. If the member dies prior to retirement, the option chosen shall prevail over the provisions of subsection (2) of this section. The options shall include:

(a) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during the member's lifetime and have the retirement allowance continued after death to the spouse during the lifetime of the spouse.

(b) Survivorship sixty-six and two-thirds percent (66 2/3%). The member may elect to receive a decreased retirement allowance during the member's lifetime and have two-thirds (2/3) of the retirement allowance continue after death to the spouse during the lifetime of the spouse.

If a retiree, living or deceased, chose either of the optional retirement benefit allowances specified in paragraphs (a) or (b) of this subsection from July 15, 1994, to July 15, 1998, the optional allowance shall be adjusted accordingly, and the new benefit shall commence August 1, 1998. Each recipient of benefits from the plan, who retired from July 15, 1994, to July 15, 1998, shall have a one-time opportunity to select an optional retirement allowance. The election by the recipient shall be prior to August 1, 1998, at which time the new benefit shall commence. The option chosen shall prevail, subsections (1), (2), and (3) of this section notwithstanding.

(8) For a member who begins participating in the Judicial Retirement Plan on or after January 1, 2014:

(a) If the member dies prior to drawing a retirement allowance, then the surviving spouse may elect to:

1. Take a refund of the member's accumulated account balance or accumulated contributions as provided by KRS 21.402; or

2. If the member had at least five (5) years of service in the plan at the time of his or her death, have the member's accumulated account balance annuitized into a monthly benefit payable for life that is equal to the benefit that would have been paid had the member retired immediately prior to his or her date of death and elected to receive benefits payable under the survivorship one hundred percent (100%) option as provided by paragraph (b)1. of this subsection.

In lieu of the benefits provided by this paragraph to the surviving spouse, the member may elect to have the benefits payable under this paragraph paid to an individual dependent child by completing the forms provided prescribed by the Judicial Form Retirement System. If no surviving spouse or dependent children are eligible to receive benefits, then the provisions of subsection (4) of this section shall apply to the member.

(b) If a member dies on or after the date the member begins drawing a retirement allowance, the benefits payable to the surviving spouse shall be based upon whether or not the member elects prior to retirement to receive an optional retirement allowance. The election shall be in writing on the forms prescribed by the Judicial Form Retirement System and shall be actuarially equivalent to the amount of retirement allowance otherwise payable to the member. The optional retirement allowances shall include:

1. Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during the member's lifetime and have the retirement allowance continued after death to the spouse during the lifetime of the spouse;

2. Survivorship sixty-six and two-thirds percent (66-2/3%). The member may elect to receive a decreased retirement allowance during the member's lifetime and have two-thirds (2/3) of the retirement allowance continue after death to the spouse during the lifetime of the spouse; or

3. Survivorship fifty percent (50%). The member may elect to receive a decreased retirement allowance during the member's lifetime and have one-half (1/2) of the retirement allowance continue after death to the spouse during the lifetime of the spouse.

In lieu of the benefits provided by this paragraph to the surviving spouse, the member may elect prior to retirement to have the benefits payable under this paragraph paid to an individual dependent child by completing the forms provided~~[prescribed]~~ by the Judicial Form Retirement System. If no surviving spouse or dependent children are eligible to receive benefits, then the provisions of subsection (5) of this section shall apply to the member.

(c) For purposes of this section a "dependent child" shall mean a child who is less than twenty-one (21) years of age or a disabled child who is eligible for Social Security disability benefits.

➔Section 9. KRS 21.427 is amended to read as follows:

(1) (a) The board of trustees of the Judicial Form Retirement System shall arrange by appropriate contract or on a self-insured basis for a group hospital and medical insurance plan for recipients of a retirement allowance from the Judicial Retirement Plan, and their dependents. For recipients, or dependents, eligible for Medicare coverage, the board shall provide Medicare supplement hospital and medical insurance coverage. For recipients, or dependents, not eligible for Medicare coverage, the board shall provide hospital and medical insurance coverage comparable to that provided under the major state employees' group insurance, and the board may arrange for the recipients to be included in the major state employees group. For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky, the board shall provide a medical insurance premium reimbursement plan as described in subsection (3) of this section.

(b) For the purpose of this section, the "dependent" of a recipient means the spouse or minor children, or both, of a recipient who is a living former member of the Judicial Retirement Plan, or the minor children of a deceased former member whose surviving spouse is the recipient.

(2) (a) Depending upon the number of months of service credit upon which the retirement allowance was based, and upon there having been at least forty-eight (48) months of judicial service, all or a portion of the premium required to provide hospital and medical benefits under this section shall be paid from the judicial retirement fund, as follows:

Months of Judicial Service	Percentage of Premium
240 or more	100%
180 to 239, inclusive	75%
120 to 179, inclusive	50%
48 to 119, inclusive	25%

This paragraph shall not apply to members who begin participating in the Judicial Retirement Plan on or after January 1, 2014.

(b) For members who begin participating in the Judicial Retirement Plan on or after January 1, 2014:

1. Participation in the health insurance coverage and benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 21.345 to 21.580 or another state-administered retirement system.

2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall be eligible for a monthly insurance benefit upon retirement of ten dollars ($10) for each year of service as a participating member of the Judicial Retirement Plan.

3. The minimum service required to participate in benefits as provided by subparagraph 1. of this subparagraph shall be waived for a member who is disabled in the line of duty as defined in KRS 61.621, and the member shall be entitled to the health benefits payable under this subsection as though the member has twenty (20) years of service in the Judicial Retirement Plan.

4. The minimum service required to participate in benefits as provided by subparagraph 1. of this subparagraph shall be waived for a member who is killed in the line of duty as described in KRS 61.621, and the member's spouse and eligible dependents shall be entitled to the health benefits the member would have received if he or she had retired with twenty (20) years of service in the Judicial Retirement Plan.

5. The monthly insurance ***benefit***~~[contribution]~~ amount provided by this paragraph shall be increased July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance ***benefit***~~[contribution]~~ is payable to the retired member.

6. Under no circumstances shall the cost of coverage be paid for the spouse, dependents, or beneficiaries of a member who began participating in the Judicial Retirement Plan on or after January 1, 2014, except as provided by subparagraph 4. of this paragraph.

(c) The health insurance payments provided by this subsection shall be made by the fund only if the recipient agrees to pay the remaining, if any, amount of the premium by deduction from his retirement allowance or by another method equally insuring the payment by him.

(d) Notwithstanding any other statute to the contrary, any member with the minimum number of months of judicial service required by paragraph (a) or (b) of this subsection who is also eligible for benefits, or who is receiving benefits from any retirement plan or system administered by the Commonwealth shall be entitled to hospital and medical benefits as described in paragraph (a) of this subsection except that the number of months of service credit used in calculating the level of benefits shall be the sum of service credited to the member in all the state-administered retirement systems or plans.

1. Upon request of the member, the Judicial Retirement System shall compute the member's combined service in all the state-administered retirement systems or plans and calculate the portion of the member's premium to be paid by the Judicial Retirement Plan, according to the criteria established in paragraph (a) of this subsection. For members who begin participating in the ***Judicial***~~[Legislators']~~ Retirement Plan prior to January 1, 2014, the state-administered retirement systems or plans shall pay to the Judicial Retirement Plan the applicable percentage of the plan's cost of the retiree's hospital and medical premium which shall be equal to the percentage of the member's number of months of service in the applicable state-administered retirement systems or plans divided by his total combined service. The amounts paid by all the state-administered retirement systems or plans shall not be more than one hundred percent (100%) of the premium amount adopted by the respective boards of trustees.

2. A member who elects hospital and medical benefits under this subsection shall lose any claim to insurance benefits under any of the other state-administered retirement systems or plans.

(3) The board shall establish a medical insurance premium reimbursement plan for recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status. An eligible recipient shall file proof of payment for hospital and medical insurance premiums at the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution determined by the board of trustees. The plan shall not be made available if all recipients are eligible for the same level of coverage as recipients living in Kentucky.

(4) Premiums paid for hospital and medical insurance procured under this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the judicial retirement fund shall not constitute income to the recipient. No commission shall be paid for hospital and medical insurance procured under this section.

Signed by Governor April 1, 2016.

CHAPTER 13

(HB 16)

AN ACT relating to county clerks.

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

➔Section 1. 1860 Kentucky Acts Chapter 351, approved February 18, 1860, entitled "AN ACT to establish an office for the recording of deeds and mortgages at Covington." is repealed in its entirety.

➔Section 2. The repeal of the Kentucky Acts Chapter in Section 1 of this Act shall not be construed to invalidate any filing on the basis of its filing being done in a branch clerk's office located in a place other than the county seat of the county or within a clerk's office within the county seat, nor shall it be construed to remove the authority of county clerks authorized to operate branch offices as permitted under KRS 67.035.

Signed by Governor April 1, 2016.

CHAPTER 14

(HB 83)

AN ACT relating to tobacco products.

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

➔Section 1. KRS 138.130 is amended to read as follows:

As used in KRS 138.130 to 138.205, unless the context requires otherwise:

(1) "Department" means the Department of Revenue;

(2) "Manufacturer" means any person who manufactures or produces cigarettes, or tobacco products within or without this state;

(3) "Retailer" means any person who sells to a consumer or to any person for any purpose other than resale;

(4) "Sale at retail" means a sale to any person for any other purpose other than resale;

(5) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and whether or not the tobacco is flavored, adulterated, or mixed with any other

ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco. "Cigarettes" shall not mean reference ***tobacco products***~~[cigarettes]~~;

(6) ***"Reference tobacco products" means tobacco products, including cigarettes, made by a manufacturer specifically for an accredited state college or university to be held by the college or university until sale or transfer to a laboratory, hospital, medical center, institute, college or university, manufacturer, or other institution. A reference tobacco product shall carry a marking labeling the contents as a research cigarette or a research tobacco product to be used only for tobacco-health research and experimental purposes, which shall not be offered for sale, sold, or distributed to consumers***~~["Reference cigarettes" means cigarettes made by a manufacturer specifically for a state public university to be held by the university until sale or transfer to a laboratory, hospital, medical center, institute, college or university, manufacturer, or other institution. A reference cigarette package shall carry a marking labeling the contents as research cigarettes to be used only for tobacco health research and experimental purposes, which shall not be offered for sale, sold, or distributed to consumers]~~;

(7) "Sale" or "sell" means any transfer for a consideration, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for cigarettes or tobacco products, and distribution in any manner or by any means whatsoever;

(8) "Tax evidence" means any stamps, metered impressions, or other indicia prescribed by the department by administrative regulation as a means of denoting the payment of tax;

(9) "Person" means any individual, firm, copartnership, joint venture, association, municipal or private corporation whether organized for profit or not, the Commonwealth of Kentucky or any of its political subdivisions, an estate, trust, or any other group or combination acting as a unit, and the plural as well as the singular;

(10) "Resident wholesaler" means any person who purchases at least seventy-five percent (75%) of all cigarettes purchased by the wholesaler directly from the manufacturer on which the tax provided for in KRS 138.140(1), (2), and (3) is unpaid, and who maintains an established place of business in this state where the wholesaler attaches cigarette tax evidence, or receives untaxed cigarettes;

(11) "Nonresident wholesaler" means any person who purchases cigarettes directly from the manufacturer and maintains a permanent location or locations outside this state where Kentucky cigarette tax evidence is attached or from where Kentucky cigarette tax is reported and paid;

(12) "Sub-jobber" means any person who purchases cigarettes from a resident wholesaler, nonresident wholesaler, or unclassified acquirer licensed under KRS 138.195 on which the tax imposed by KRS 138.140(1), (2), and (3) has been paid and makes them available to retailers for resale. No person shall make cigarettes available to retailers for resale unless the person certifies and establishes to the satisfaction of the department that firm arrangements have been made to regularly supply at least five (5) retail locations with Kentucky tax-paid cigarettes for resale in the regular course of business;

(13) "Vending machine operator" means any person who operates one (1) or more cigarette vending machines;

(14) "Transporter" means any person transporting untax-paid cigarettes obtained from any source to any destination within this state, other than cigarettes transported by the manufacturer thereof;

(15) "Unclassified acquirer" means any person in this state who acquires cigarettes from any source on which the tax imposed by KRS 138.140(1), (2), and (3) has not been paid, and who is not a person otherwise required to be licensed under the provisions of KRS 138.195;

(16) "Tobacco products" means any smokeless tobacco products, 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 an individual's oral cavity, except~~[:~~

~~(a) Cigarettes; and~~

~~(b) Reference]~~ cigarettes;

(17) "Distributor" means any person within this state in possession of tobacco products for resale within this state on which the tax imposed under KRS 138.140(4) has not been paid;

(18) "Retail distributor" means a retailer who has obtained a retail distributor's license under KRS 138.195(7)(b);

(19) "Chewing tobacco" means any leaf tobacco that is not intended to be smoked and includes loose leaf chewing tobacco, plug chewing tobacco, and twist chewing tobacco, but "chewing tobacco" does not include snuff;

(20) "Single unit" means a consumer-sized container, pouch, or package:

(a) Containing less than four (4) ounces of chewing tobacco by net weight;

(b) Produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately; and

(c) Containing one (1) individual container, pouch, or package;

(21) "Half-pound unit" means a consumer-sized container, pouch, or package:

(a) Containing at least four (4) ounces but not more than eight (8) ounces of chewing tobacco by net weight;

(b) Produced by the manufacturer to be sold to consumers as a half-pound unit and not produced to be divided or sold separately; and

(c) Containing one (1) individual container, pouch, or package;

(22) "Pound unit" means a consumer-sized container, pouch, or package:

(a) Containing more than eight (8) ounces but not more than sixteen (16) ounces of chewing tobacco by net weight;

(b) Produced by the manufacturer to be sold to consumers as a pound unit and not produced to be divided or sold separately; and

(c) Containing one (1) individual container, pouch, or package; and

(23) (a) "Snuff" means tobacco that:

1. Is finely cut, ground, or powdered; and

2. Is not for smoking.

(b) "Snuff" includes snus.

➔Section 2. KRS 138.140 is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes within the state at a proportionate rate of three cents ($0.03) on each twenty (20) cigarettes.

(2) Effective April 1, 2009, a surtax shall be paid in addition to the tax levied in subsection (1) of this section at a proportionate rate of fifty-six cents ($0.56) on each twenty (20) cigarettes. This tax shall be paid only once, at the same time the tax imposed by subsection (1) of this section is paid.

(3) Effective June 1, 2005, a surtax shall be paid in addition to the tax levied in subsection (1) of this section and in addition to the surtax levied by subsection (2) of this section, at a proportionate rate of one cent ($0.01) on each twenty (20) cigarettes. This tax shall be paid at the same time the tax imposed by subsection (1) of this section and the surtax imposed by subsection (2) of this section are paid. The revenues from this surtax shall be deposited in the cancer research institutions matching fund created in KRS 164.043.

(4) (a) Effective August 1, 2013, an excise tax is hereby imposed upon every distributor for the privilege of selling tobacco products in this state at the following rates:

1. Upon snuff at the rate of nineteen cents ($0.19) per each one and one-half (1-1/2) ounces or portion thereof by net weight sold;

2. Upon chewing tobacco at the rate of:

a. Nineteen cents ($0.19) per each single unit sold;

b. Forty cents ($0.40) per each half-pound unit sold; or

c. Sixty-five cents ($0.65) per each pound unit sold.

If the container, pouch, or package on which the tax is levied contains more than sixteen (16) ounces by net weight, the rate that shall be applied to the unit shall equal the sum of sixty-five cents ($0.65) plus nineteen cents ($0.19) for each increment of four (4) ounces or portion thereof exceeding sixteen (16) ounces sold; and

3. Upon tobacco products sold, at the rate of fifteen percent (15%) of the actual price for which the distributor sells tobacco products, except snuff and chewing tobacco, within the Commonwealth.

(b) The net weight posted by the manufacturer on the container, pouch, or package or on the manufacturer's invoice shall be used to calculate the tax due on snuff or chewing tobacco.

(c) 1. A retailer located in this state shall not purchase tobacco products for resale to consumers from any person within or outside this state unless that person is a distributor licensed under KRS 138.195(7)(a) or the retailer applies for and is granted a retail distributor's license under KRS 138.195(7)(b) for the privilege of purchasing untaxed tobacco products and remitting the tax as provided in this paragraph.

2. A licensed retail distributor of tobacco products shall be subject to the excise tax as follows:

a. On purchases of untaxed snuff, at the same rate levied by paragraph (a)1. of this subsection;

b. On purchases of untaxed chewing tobacco, at the same rates levied by paragraph (a)2. of this subsection; and

c. On purchases of untaxed tobacco products, except snuff and chewing tobacco, fifteen percent (15%) of the total purchase price as invoiced by the retail distributor's supplier.

(d) 1. The licensed distributor that first possesses tobacco products for sale to a retailer in this state or for sale to a person who is not licensed under KRS 138.195(7) shall be the distributor liable for the tax imposed by this subsection except as provided in subparagraph 2. of this paragraph.

2. A distributor licensed under KRS 138.195(7)(a) may sell tobacco products to another distributor licensed under KRS 138.195(7)(a) without payment of the excise tax. In such case, the purchasing licensed distributor shall be the distributor liable for the tax.

3. A licensed distributor or licensed retail distributor shall:

a. Identify and display the distributor's or retail distributor's license number on the invoice to the retailer; and

b. Identify and display the excise tax separately on the invoice to the retailer. If the excise tax is included as part of the product's sales price, the licensed distributor or licensed retail distributor shall list the total excise tax in summary form by tax type with invoice totals.

4. It shall be presumed that the excise tax has not been paid if the licensed distributor or licensed retail distributor does not comply with subparagraph 3. of this paragraph.

(e) No tax shall be imposed on tobacco products under this subsection that are not within the taxing power of this state under the Commerce Clause of the United States Constitution.

(5) ***The taxes imposed by subsections (1) and (4) of this section shall not apply to reference tobacco products.***

(6) The taxes imposed by subsections (1) to (4) of this section shall be paid only once, regardless of the number of times the cigarettes, or tobacco products may be sold.

(7)~~[(6)]~~ The department may prescribe forms and promulgate administrative regulations to execute and administer the provisions of this section.

(8)~~[(7)]~~ The General Assembly recognizes that increasing taxes on tobacco products should reduce consumption, and therefore result in healthier lifestyles for Kentuckians. The relative taxes on tobacco products proposed in this section reflect the growing data from scientific studies suggesting that although smokeless tobacco poses some risks, those health risks are significantly less than the risks posed by other forms of tobacco products. Moreover, the General Assembly acknowledges that some in the public health community recognize that tobacco harm reduction should be a complementary public health strategy regarding tobacco products. Taxing tobacco products according to relative risk is a rational tax policy and may well serve the public health goal of reducing smoking-related mortality and morbidity and lowering health care costs associated with tobacco-related disease.

➔Section 3. This Act takes effect August 1, 2016.

Signed by Governor April 1, 2016.

CHAPTER 15

(SB 43)

AN ACT relating to emergency medical services.

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

➔Section 1. KRS 61.315 is amended to read as follows:

(1) As used in this section***:*** ~~[,]~~

(a) "Police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state;

(b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations***; and***

(c) "Emergency medical services personnel" means any paid or volunteer emergency medical services personnel who is certified or licensed pursuant to KRS Chapter 311A and who is employed directly by, or volunteering directly for, any:

1. County;

2. City;

3. Fire protection district created under KRS 75.010 to 75.260; or

4. Emergency ambulance service district created under KRS 108.080 to 108.180;

to provide emergency medical services.

(2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars ($80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general ~~[expenditure]~~ fund of the State Treasury. ***The spouse of any emergency medical services personnel whose death occurs on or after November 1, 2015, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars ($80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general fund of the State Treasury.*** If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

(a) Pay thirty-five thousand dollars ($35,000) to the surviving children; and

(b) Hold forty-five thousand dollars ($45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

(3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as

it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.

(6) ***The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical services personnel, including but not limited to which employees or volunteers qualify for coverage and which circumstances constitute death in the line of duty.***

(7) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

(8) ~~[(7)]~~ The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, ***emergency medical services personnel,*** or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

(9) ~~[(8)]~~ Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

➔Section 2. This Act may be cited as the John Mackey Memorial Act.

Signed by Governor April 1, 2016.

CHAPTER 16

(HCR 13)

A CONCURRENT RESOLUTION directing the staff of the Legislative Research Commission to study municipal bankruptcy.

WHEREAS, recent high-profile local government defaults and bankruptcy filings in Alabama, California, Pennsylvania, and Rhode Island have brought heightened awareness of municipal bankruptcy; and

WHEREAS, states may consider the possibility of credit downgrades for the entire state due to the unhealthy financial health of its local governments; and

WHEREAS, 19 states have enacted laws allowing the state government to intervene in a city, town, or county financial crisis; and

WHEREAS, a state is only as strong as its component parts, and vibrant, financially stable communities are the building blocks of strong statewide economies and help produce tax revenue that pours into state government coffers; and

WHEREAS, municipal bankruptcy provisions and intervention practices vary among many states and further study may determine what method is best for the Commonwealth;

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 staff of the Legislative Research Commission shall conduct a study of municipal bankruptcy issues that shall include:

(1) An overview of federal and state municipal bankruptcy laws;

(2) A summary of bankruptcy laws in other states; and

(3) Prevention practices implemented in other states to address municipal bankruptcy.

➔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, 2016.

➔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 1, 2016.

CHAPTER 17

(SB 168)

AN ACT relating to municipal audits.

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

➔Section 1. KRS 43.050 is amended to read as follows:

(1) The Auditor constitutes an agency independent of the administrative departments enumerated in KRS 12.020, it being the policy of the General Assembly to provide for the independent auditing of the accounts, financial transactions, and performance of all spending agencies of the state through a disinterested auditor, who is entirely independent of the state administration whose affairs he is called upon to audit.

(2) The Auditor shall:

(a) Audit annually, and at such other times as may be deemed expedient, the accounts of all state agencies, all private and semiprivate agencies receiving state aid or having responsibility for the handling of any state funds, the accounts, records, and transactions of the budget units, and the general accounts of the state.

(b) Make a complete audit and verification of all moneys handled for the account of the state government by local officials charged with the collection of fees or other money for or on behalf of the state, when an audit is demanded in writing by the Legislative Research Commission, the secretary of the Finance and Administration Cabinet, or the Governor, and may make an audit when it is not so demanded.

(c) Examine periodically the performance, management, conduct, and condition of all asylums, prisons, institutions for the intellectually disabled, and eleemosynary institutions; public works owned, operated, or partly owned by the state, or in the conduct or management of which the state has any financial interest or legal power; and state agencies. The examinations shall give special attention to the faithful and economical application of any money appropriated by the state to the institution, public works, or state agency examined, or of any money in which the state has an interest.

(d) Examine annually the management and condition of the offices of the Finance and Administration Cabinet, the State Treasurer, and the chief state school officer, to determine whether the laws regulating their duties are being fully complied with, and all money received by them for the state fully accounted for.

(e) Examine, at least biennially, the Finance and Administration Cabinet's compliance with this section and KRS 48.111 and 56.800 to 56.823. Within sixty (60) days of the completion of each examination, the

Auditor shall report his findings and recommendations to the Capital Projects and Bond Oversight Committee.

(f) Audit periodically all state revenue collections, and, if he finds that collections are not being satisfactorily made, report that fact to the authority whose duty it is to make the collections.

(g) Make special audits and investigations when required by the Governor.

(h) Investigate the means of accounting for, controlling, and insuring the safe custody of all property of the state, and verify the existence and condition of such property charged to, or held in the custody of any state agency.

(i) Audit the statements of financial condition and operations of the state government, and certify in writing the results of the audit and examination with the comments he deems necessary for the information of the General Assembly.

(j) Report immediately in writing to the Governor, each member of the Legislative Research Commission, and the secretary of the Finance and Administration Cabinet, any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or other improper practice of financial administration, or evidence that any such handling, expenditure, or practice is contemplated, and any obstruction of the Auditor or his agents during the conduct of any audit or investigation of a state agency.

(k) Assist the Legislative Research Commission at hearings and investigations conducted by it and cooperate with the Legislative Research Commission in the preparation of its reports to the General Assembly.

(l) Keep accounts showing the costs of his own operations and of each separate audit and investigation made by him, and the accounts he deems necessary to provide a record of warrants of the state outstanding as of the end of each calendar month.

(3) The Auditor may investigate and examine into the conduct of all state and county officers who are authorized to receive, collect, or disburse any money for the state, or who manage or control any property belonging to the state or in which the state is interested, or who make estimates or records that are used as a basis by any state agency in the disbursement of public funds.

(4) ***The Auditor may conduct a special audit or examination of a city government or any of its agencies or departments.***

(5) The Auditor shall not be responsible for the keeping of any accounts of the state, except accounts relating to his own operations, and records of outstanding warrants. He shall not be responsible for the collection of any money due the state, or for the handling or custody of any state funds or property except in the process of counting and verifying the amounts of the funds or property in the course of the audits provided for in this section.

➔Section 2. KRS 91A.040 is amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, each city 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 ***make available upon request either an*** ~~[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 ***or to the Auditor of Public Accounts***.

(2) A city with a population of less than one thousand (1,000) based upon the most recent federal decennial census 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 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 ***make available on request either an***~~[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 ***or to the Auditor of Public Accounts***. After the close of each even-numbered fiscal year, each city subject to the provisions of this subsection 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 ***make available on request either an*** ~~[forward one (1)]~~ electronic or paper copy of the financial statement to the Legislative Research Commission ***or to the Auditor of Public Accounts***.

(3) Any city, 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) electronic or paper copy to the Department for Local Government for information purposes. The Department for Local Government shall ***make available upon request either an*** ~~[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 ***or to the Auditor of Public Accounts***.

(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 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 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.

(9) Within a reasonable time after the completion of a special audit or examination conducted pursuant to Section 1 of this Act, the Auditor shall bill the city for the actual expense of the audit or examination conducted. The actual expense shall include the hours of work performed on the audit or examination as well as reasonable associated costs, including but not limited to travel costs. The bill submitted to the city shall include a statement of the hourly rate, total hours, and total costs for the entire audit or examination.

Signed by Governor April 1, 2016.

CHAPTER 18

(SB 185)

AN ACT relating to autism spectrum disorders.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

(1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall be attached to the Office of Autism within the Cabinet for Health and Family Services for administrative purposes.

(2) The Advisory Council on Autism Spectrum Disorders shall consist of the following members appointed by the Governor:

(a) One (1) representative from the Department for Public Health;

(b) One (1) representative from the Department for Medicaid Services;

(c) One (1) representative from the Department for Community Based Services;

(d) One (1) representative from the Department for Public Advocacy;

(e) One (1) representative from the Department of Education;

(f) One (1) representative from the Department of Juvenile Justice;

(g) One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;

(h) One (1) representative from the Commission for Children with Special Health Care Needs;

(i) One (1) parent or youth representative from the Commonwealth Council on Developmental Disabilities;

(j) One (1) representative from the Kentucky Autism Training Center;

(k) One (1) representative from the Office of Vocational Rehabilitation;

(l) One (1) representative from the University of Louisville;

(m) One (1) representative from the University of Kentucky Human Development Institute;

(n) One (1) representative from the University of Kentucky;

(o) One (1) representative from the Center for Autism Spectrum Evaluation, Service, and Research;

(p) One (1) representative from the Education Professional Standards Board;

(q) One (1) pediatrician representative;

(r) One (1) representative from the Weisskopf Child Evaluation Center;

(s) One (1) representative from the First Steps Program;

(t) One (1) representative from the Arc of Kentucky;

(u) The director of the Office of Autism;

(v) At least one (1) consumer representative, an adult with a diagnosis on the autism spectrum; and

(w) Five (5) citizen-at-large members.

(3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the representatives appointed by the Governor from the University of Kentucky and the University of Louisville.

(4) The Advisory Council on Autism Spectrum Disorders may invite individuals who are not members to serve on committees and workgroups.

(5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder. Members of the council shall initially be appointed to serve staggered terms and thereafter shall be appointed to serve a term of four (4) years.

(6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance and Administration Cabinet, and the Office of the State Budget Director shall take all necessary actions to effectuate this section.

(7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:

(a) Promoting the vision for Kentucky's services and supports to persons on the autism spectrum and their families and advocating for improved quality and evidence-based practices for persons on the autism spectrum and their families;

(b) Promoting the early screening, identification, early intervention, and appropriate use of evidence-based practices and standards of care for persons on the autism spectrum across the lifespan;

(c) Strengthening state, regional, and local level collaboration and coordination with families, self-advocates, support groups, and state agencies to further coordinate, develop, and enhance the service delivery system for persons on the autism spectrum across the lifespan;

(d) Gathering and analyzing research and data to assess the quality and availability of programs and services for persons on the autism spectrum and providing recommendations on assessments, interventions, and treatment modalities across the lifespan;

(e) Developing recommendations for:

1. Increasing participation in existing federal, state, and local programs that serve children, youth, and adults on the autism spectrum;

2. Enhancing the current professional development and planning for future workforce development to incorporate research and evidence-based practices;

3. Establishing standards of care and undertaking efforts to ensure promotion of these standards statewide; and

4. Promoting the development of services and supports to transition youth and adults on the autism spectrum;

(f) Assessing the capacity and effectiveness of institutes of higher education in the state toward supporting the development of the workforce for persons on the autism spectrum;

(g) Requesting and utilizing federal, state, and private funds, including funds from philanthropic sources;

(h) Improving procedures for ensuring accountability and measuring success of programs that receive state, federal, and philanthropic funds;

(i) Obtaining reports and issuing progress updates on state and federally funded services that impact the quality of Kentucky's system of care for persons on the autism spectrum;

(j) Completing a biennial report with the Office of Autism and submitting it to the Commonwealth Council on Developmental Disabilities, the Governor, and the Legislative Research Commission. The first report shall be due on or before September 30, 2017, and subsequent reports shall be due each September 30 in odd-numbered years thereafter; and

(k) Other duties and responsibilities as designated by the Governor.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

(1) The Office of Autism is hereby created within the Cabinet for Health and Family Services.

(2) The Office of Autism may be housed at the University of Louisville and the University of Kentucky, by agreement of the parties.

➔Section 3. KRS 194A.135 is amended to read as follows:

(1) The Commonwealth Council on Developmental Disabilities is created within the cabinet.

(2) The Commonwealth Council on Developmental Disabilities is established to comply with the requirements of the Developmental Disabilities Act of 1984 and any subsequent amendment to that act.

(3) The members of the Commonwealth Council on Developmental Disabilities shall be appointed by the Governor to serve as advocates for persons with developmental disabilities. The council shall be composed of twenty-six (26) members.

(a) Ten (10) members shall be representatives of: the principal state agencies administering funds provided under the Rehabilitation Act of 1973 as amended; the state agency that administers funds provided under the Individuals with Disabilities Education Act (IDEA); the state agency that administers funds provided under the Older Americans Act of 1965 as amended; the single state agency designated by the Governor for administration of Title XIX of the Social Security Act for persons with developmental disabilities; higher education training facilities, each university-affiliated program or satellite center in the Commonwealth; and the protection and advocacy system established under Public Law 101-496. These members shall represent the following:

1. Office of Vocational Rehabilitation;
2. Office for the Blind;
3. Division of Exceptional Children, within the Department of Education;
4. Department for Aging and Independent Living;
5. Department for Medicaid Services;
6. Department of Public Advocacy, Protection and Advocacy Division;
7. University-affiliated programs;
8. Local and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities;
9. Department for Behavioral Health, Developmental and Intellectual Disabilities; and
10. Department for Public Health, Division of Maternal and Child Health.

(b) At least sixty percent (60%) of the members of the council shall be composed of persons with developmental disabilities or the parents or guardians of persons, or immediate relatives or guardians of persons with mentally impairing developmental disabilities, who are not managing employees or persons with ownership or controlling interest in any other entity that receives funds or provides services under the Developmental Disabilities Act of 1984 as amended and who are not employees of a state agency that receives funds or provides services under this section. Of these members, five (5) members shall be persons with developmental disabilities, and five (5) members shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. Six (6) members shall be a combination of individuals in these two (2) groups, and at least one (1) of these members shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability

or an individual with a developmental disability who resides in an institution or who previously resided in an institution.

(c) Members not representing principal state agencies shall be appointed for a term of three (3) years. Members shall serve no more than two (2) consecutive three (3) year terms. Members shall serve until their successors are appointed or until they are removed for cause.

(d) The council shall elect its own chair, adopt bylaws, and operate in accordance with its bylaws. Members of the council who are not state employees shall be reimbursed for necessary and actual expenses. The cabinet shall provide personnel adequate to insure that the council has the capacity to fulfill its responsibilities. The council shall be headed by an executive director. If the executive director position becomes vacant, the council shall be responsible for the recruitment and hiring of a new executive director.

(4) The Commonwealth Council on Developmental Disabilities shall:

(a) Develop, in consultation with the cabinet, and implement the state plan as required by Part B of the Developmental Disabilities Act of 1984, as amended, with a goal of development of a coordinated consumer and family centered focus and direction, including the specification of priority services required by that plan;

(b) Monitor, review, and evaluate, not less often than annually, the implementation and effectiveness of the state plan in meeting the plan's objectives;

(c) To the maximum extent feasible, review and comment on all state plans that relate to persons with developmental disabilities;

(d) Submit to the secretary of the cabinet, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, and the Secretary of the United States Department of Health and Human Services any periodic reports on its activities as required by the United States Department of Health and Human Services and keep records and afford access as the cabinet finds necessary to verify the reports;

(e) Serve as an advocate for individuals with developmental disabilities and conduct programs, projects, and activities that promote systematic change and capacity building;

(f) Examine, not less than once every five (5) years, the provision of and need for federal and state priority areas to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for individuals with developmental disabilities and their families; and

(g) Prepare, approve, and implement a budget that includes amounts paid to the state under the Developmental Disabilities Act of 1984, as amended, to fund all programs, projects, and activities under that Act.

~~[(5) The Commonwealth Council on Developmental Disabilities shall appoint a subcommittee, which shall include members of the Kentucky Commission on Autism Spectrum Disorders, to monitor the implementation of the state plan as developed by the commission beginning October 1, 2006. The subcommittee shall prepare, and the council shall submit, the report as required under KRS 194A.622 (10).]~~

➔Section 4. The following KRS sections are repealed:

194A.620 Legislative findings -- Purpose -- Definition.

194A.622 Kentucky Commission on Autism Spectrum Disorders -- Membership -- Administrative support -- Meetings -- Comprehensive state plan on training, treatments, and services -- Advisory and monitoring functions.

➔Section 5. The General Assembly confirms Executive Order 2015-397, dated June 23, 2015, which establishes the Advisory Council on Autism Spectrum Disorders, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 1, 2016.

CHAPTER 19

(SB 84)

AN ACT relating to stopped vehicles.

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

➔Section 1. KRS 189.450 is amended to read as follows:

(1) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left standing upon any portion of the roadway; provided, however, that this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic. This subsection shall not apply to:

(a) A vehicle that has been disabled on the right-of-way of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of a state-maintained highway or impracticable to remove it from the shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder of a state-maintained highway for twenty-four (24) hours or more;

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation, or sign or the command of any peace officer;

(c) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom; provided, that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions; ~~[or]~~

(d) ***Vehicles which are stopped for a period of not more than fifteen (15) minutes at a time for the purpose of collecting and transporting solid waste as defined in KRS 224.1-010(31)(a), and which are operated by a:***

1. Collection service registered in accordance with KRS 224.43-315; or

2. Person or organization actively participating in the Adopt-a-Highway Program; or

(e) Any vehicle required to stop by reason of an obstruction to its progress.

(2) When any police officer finds a vehicle standing upon such a highway in violation of this section, he may move or cause to be moved the vehicle or require the operator or other person in charge of the vehicle to move it. The police officer may cause the vehicle to be removed by ordering any person engaged in the business of storing or towing motor vehicles to remove the vehicle to a site chosen by such person. Ownership of the vehicle shall be determined by the police officer's enforcement agency through the vehicle's license plates, serial number, or other means of determining ownership. As soon as practicable, the police officer's enforcement agency shall notify the owner by mail that the vehicle was illegally upon public property; the name and address of the storage facility where the vehicle is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to the provisions of KRS 376.275 if not claimed within sixty (60) days. No notification shall be required if ownership cannot be determined. In the event of a sale pursuant to KRS 376.275, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(3) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over forty-four thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders of any state-maintained highway, except that, in the case of emergency or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state-maintained highway not mentioned in this section for twenty-four (24) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

(4) When any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety as provided in subsection (2) of this section.

(5) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of sidewalk ramps provided for persons with disabilities;

(c) In front of a public or private driveway;

(d) Within an intersection or on a crosswalk;

(e) At any place where official signs prohibit stopping or parking;

(f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(g) On any controlled access highway;

(h) Within a highway tunnel;

(i) Within fifteen (15) feet of a fire hydrant; or

(j) In an area between the roadways of a divided highway.

(6) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and their deputies or police officers when operating properly identified vehicles during performance of their official duties.

Signed by Governor April 1, 2016.

CHAPTER 20

(HCR 139)

A CONCURRENT RESOLUTION establishing the South Central Kentucky Caucus within the Kentucky General Assembly.

WHEREAS, the south central region of Kentucky is of great importance to the well-being of the Commonwealth; and

WHEREAS, many of the most prominent agricultural and industrial entities in the Commonwealth are located in the south central region of Kentucky; and

WHEREAS, the south central region of Kentucky, because of its location, can truly be characterized as the crossroads of the Commonwealth; and

WHEREAS, the economic interests and infrastructure needs of the south central region of Kentucky are matters of great importance to the members of the Kentucky General Assembly; and

WHEREAS, a legislative caucus dedicated to the south central region of Kentucky would allow the General Assembly to take a leading role in addressing the economic interests and infrastructure needs of this important area of the Commonwealth;

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. There is hereby established a nonpartisan, bicameral caucus within the Kentucky General Assembly to be called the South Central Kentucky Caucus.

➔Section 2. The South Central Kentucky Caucus shall work to promote and develop initiatives in the Kentucky General Assembly that further the economic interests and address the infrastructure needs of the south central region of Kentucky. The caucus shall work closely with businesses and other groups and organizations based in the south central region of Kentucky to achieve these goals.

➔Section 3. It is respectfully requested that the President of the Senate and the Speaker of the House of Representatives support the creation of the South Central Kentucky Caucus by encouraging members of each chamber to participate in the caucus.

Signed by Governor April 1, 2016.

CHAPTER 21

(SB 195)

AN ACT relating to firefighters and declaring an emergency.

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

➔Section 1. KRS 61.315 is amended to read as follows:

(1) As used in this section, "police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state; "firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations.

(2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars ($80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

   (a) Pay thirty-five thousand dollars ($35,000) to the surviving children; and

   (b) Hold forty-five thousand dollars ($45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

   If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

(3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.

(6) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

(7) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

(8) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

(9) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:

1. Was a firefighter for at least five (5) consecutive years;

2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;

3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;

4. Was under the age of sixty-five (65) at the time of death;

5. Was not diagnosed with any cancer prior to employment as a firefighter; and

6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is reasonably associated with one (1) or more of the cancers listed in paragraph (b) of this subsection.

(b) This section shall apply to the following cancers:

1. Bladder cancer;

2. Brain cancer;

3. Colon cancer;

4. Non-Hodgkin's lymphoma;

5. Kidney cancer;

6. Liver cancer;

7. Lymphatic or haematopoietic cancer;

8. Prostate cancer;

9. Testicular cancer;

10. Skin cancer;

11. Cervical cancer; and

12. Breast cancer.

(c) 1. The provisions of this subsection creating an entitlement to the line of duty death benefits shall apply exclusively to this section and shall not be interpreted or otherwise construed to create either an express or implied presumption of work-relatedness for any type of claim filed pursuant to KRS Chapter 342.

2. This paragraph is intended to provide clarification regarding the sole and exclusive application of this subsection to only the benefits available under this section and shall not be used as a bar

or other type of limitation to impair or alter the rights and ability of a claimant to prove work-relatedness under KRS Chapter 342 or other laws.

➔Section 2. Whereas firefighters' service to our Commonwealth is of utmost importance for the health and safety of our citizens, and those firefighters are exposed to dangerous carcinogens protecting the citizens of the Commonwealth, 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.

Became law without Governor's signature April 4, 2016.

CHAPTER 22

(SB 167)

AN ACT relating to city government.

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

➔Section 1. KRS 82.083 is amended to read as follows:

(1) ***As used in this section, "independent appraisal" means an appraisal made by:***

(a) An individual or organization not affiliated with the city or its officers or employees, using a generally accepted national or professional standard; or

(b) A city's officers or employees using a nationally published valuation of property based on the most recent edition of the publication.

(2) A city may sell or otherwise dispose of any of its real or personal property.

(3)~~[(2)]~~ Before selling or otherwise disposing of any real or personal property, the city shall make a written determination setting forth and fully describing:

(a) The real or personal property;

(b) Its intended use at the time of acquisition;

(c) The reasons why it is in the public interest to dispose of it; and

(d) The method of disposition to be used.

(4)~~[(3)]~~ Real or personal property may be:

(a) Transferred, with or without compensation, to another governmental agency;

(b) Transferred, with or without compensation, for economic development purposes***, which shall include but not be limited to real property transfers for the elimination of blight***;

(c) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);

(d) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b);~~[or]~~

(e) Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4)***;***

(f) Traded towards the purchase of the same or similar type of property, if the trade-in value received equals or exceeds the actual fair market value of the property as determined using an independent appraisal as defined in subsection (1) of this section;

(g) Sold for its appraised fair market value or a greater amount if the property is valued at five thousand dollars ($5,000) or less in an independent appraisal. Property sold under this paragraph may not be sold to a city officer or employee or family member of a city officer or employee as defined in the city's ethics ordinance adopted under KRS 65.003;

(h) Sold for scrap or disposed of as garbage in a manner consistent with the public interest if the property has no value, or is of nominal value as determined by an independent appraisal; or

(i) Sold by the Finance and Administration Cabinet under an agreement with the city.

(5)~~[(4)]~~ If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

(6)~~[(5)]~~ Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the city.

➔Section 2. KRS 83A.100 is amended to read as follows:

(1) The legislative body of a city may by ordinance divide the city into ***wards by either of the following methods:***

(a) The city may create 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***: or***

(b) The city may establish a hybrid ward system for the conduct of its legislative body elections. A city acting under this paragraph shall provide in the ordinance that a specific number of legislative body seats shall be subject to the ward system and that a specific number of legislative body seats shall be elected at large within the entire city without representing a particular ward. The wards created under this paragraph shall be as nearly equal in population as practicable and their boundaries shall be fixed by ordinance.

(2) The populations of wards shall be reviewed as necessary to ensure 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 KRS 83A.170 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; and

(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 KRS 83A.170 shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent. ***The two (2) candidates receiving the highest number of votes cast in each ward shall be deemed to be nominated from the ward.***

(5) Any city enacting or amending an ordinance to establish or abolish wards, modify ward boundaries, or 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 3. KRS 95.490 is amended to read as follows:

(1) Each member of the police force in cities of the home rule 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, 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 4. 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 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.

(3) In lieu of the requirements of subsection (2) of this section, the legislative body of any city of the home rule class may enact an ordinance to establish an alternative number of members, not less than five (5), to serve on the city's war memorial commission, each for a term of three (3) years. The appointment, filling of vacancies, and compensation of members appointed pursuant to this subsection shall be governed in the same manner as provided in subsection (2) of this section. A city acting pursuant to this subsection that establishes a number of members less than are currently serving shall not require the removal of any serving member, but, upon expiration of the term, shall not fill such position, to ensure that the number of members equals that which the city has provided in the ordinance.

➔Section 5. KRS 424.260 is amended to read as follows:

(1) Except where a statute specifically fixes a larger sum as the minimum for a requirement of advertisement for bids, no city, county, or district, or board or commission of a city or county, or sheriff or county clerk, may make a contract, lease, or other agreement for materials, supplies except perishable meat, fish, and vegetables, equipment, or for contractual services other than professional, involving an expenditure of more than twenty thousand dollars ($20,000) without first making newspaper advertisement for bids. ***This subsection shall not apply to the transfer of property between governmental agencies as authorized in Section 1(4)(a) of this Act.***

(2) If the fiscal court requires that the sheriff or county clerk advertise for bids on expenditures of less than twenty thousand dollars ($20,000), the fiscal court requirement shall prevail.

(3) (a) Nothing in this statute shall limit or restrict the ability of a local school district to acquire supplies and equipment outside of the bidding procedure if those supplies and equipment meet the specifications of the contracts awarded by the Office of Material and Procurement Services in the Office of the Controller within the Finance and Administration Cabinet or a federal, local, or cooperative agency and are available for purchase elsewhere at a lower price. A board of education may purchase those supplies and equipment without advertising for bids if, prior to making the purchases, the board of education obtains certification from the district's finance or purchasing officer that the items to be purchased meet the standards and specifications fixed by state price contract, federal (GSA) price contract, or the bid of another school district whose bid specifications allow other districts to utilize their bids, and that the sales price is lower than that established by the various price contract agreements or available through the bid of another school district whose bid specifications would allow the district to utilize their bid.

(b) The procedures set forth in paragraph (a) of this subsection shall not be available to the district for any specific item once the bidding procedure has been initiated by an invitation to bid and a publication of specifications for that specific item has been published. In the event that all bids are rejected, the district may again avail itself of the provisions of paragraph (a) of this subsection.

(4) This requirement shall not apply in an emergency if the chief executive officer of the city, county, or district has duly certified that an emergency exists, and has filed a copy of the certificate with the chief financial officer of the city, county, or district, or if the sheriff or the county clerk has certified that an emergency exists, and has filed a copy of the certificate with the clerk of the court where his necessary office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the superintendent of the board of education has duly certified that an emergency exists, and has filed a copy of the certificate with the chief state school officer.

(5) The provisions of subsection (1) of this section shall not apply for the purchase of wholesale electric power for resale to the ultimate customers of a municipal utility organized under KRS 96.550 to 96.900.

➔Section 6. KRS 424.280 is amended to read as follows:

Every officer whose duty it is to collect any ad valorem tax for the state or for any political subdivision of the state shall cause notice of the due date of the tax to be advertised by newspaper publication, and shall not be given a quietus for the taxes collected unless he submits proof of such publication. ***Publication of the ordinance passed by a city adopting the rate of the ad valorem tax levy shall be deemed to satisfy the requirements of this section if the due date of the tax is published as a component of the ordinance levying the tax.***

➔Section 7. KRS 381.697 is amended to read as follows:

(1) Every cemetery in Kentucky except private family cemeteries shall be maintained by its legal owner or owners, without respect to the individual owners of burial plots in the cemetery, in such a manner so as to keep the burial grounds or cemetery free of growth of weeds, free from accumulated debris, displaced tombstones, or other signs and indication of vandalism or gross neglect.

(2) The owner or owners of public or private burial grounds, regardless of size or number of graves, shall protect the burial grounds from desecration or destruction as stipulated in KRS 525.115(1)(a), (b), or (c) or from being used for dumping grounds, building sites, or any other use which may result in the burial grounds being damaged or destroyed. The provisions of this subsection shall not apply to the owner or owners of public or private burial grounds when the public or private burial grounds have been desecrated, damaged, or destroyed as the result of a crime by another as defined by KRS 500.080.

(3) The owner or owners of private burial grounds shall be required to construct cemetery protection structures only if the burial ground is located in a county with a county cemetery board and if the board provides compensation to the private burial ground owner for supplies, labor, and other expenses associated with such construction.

(4) The governing authorities of any city within whose corporate limits any public or private burial grounds lie may require the owner or those having claims to the grounds to properly care for them.

➔Section 8. The following KRS section is repealed:

381.700 Care of burial grounds by owners.

Signed by Governor April 1, 2016.

CHAPTER 23

(HB 340)

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:

Advertiser Printers, Inc.	
320 Clay Street	
Dayton, KY 41074	$1,525.00
American Red Cross	
Health and Safety Services	
25688 Network Place	
Chicago, IL 60673-1256	$750.00
American Red Cross	
Health and Safety Services	
25688 Network Place	
Chicago, IL 60673-1256	$793.00
Andy Frain Services, Inc.	
761 Shoreline Drive	
Aurora, IL 60504	$9,365.74
Baptist Health Occupational Medicine	
P.O. Box 950243	
Louisville, KY 40295-0243	$280.00
Blue and Company, LLC	
P.O. Box 66568	
Indianapolis, IN 46266	$15,350.00
BTM Engineering, Inc.	
3001 Taylor Springs Drive	
Louisville, KY 40220-1586	$4,001.25
City of Cumberland	
402 West Main Street	
Cumberland, KY 40823	$347,342.24
Edwin Hackney, MSW, LCSW, CADC	
P.O. Box 812	
Lexington, KY 40588	$1,620.00
Robert J.W. Howell	
27 East Fourth Street	
Covington, KY 41011	$33,910.00
Florence Huffman, Attorney at Law	
P.O. Box 2186	
Lexington, KY 40588	$2,133.30
Jennie Stuart Medical Center	
P.O. Box 2400	

Hopkinsville, KY 42241-2400	$25,727.98
Kentuckiana Technologies	
P.O. Box 91827	
Louisville, KY 40291	$107,250.42
Kentucky Chamber of Commerce	
464 Chenault Road	
Frankfort, KY 40601	$25,000.00
Sonny Meyer	
8000 Saint Andrews Village	
Louisville, KY 40241	$3,812.66
Mountain Mobile Diagnostics, Inc.	
P.O. Box 896	
Bulan, KY 41722-0896	$990.85
SAFE Consortium for Children	
45 Mitchell Boulevard, Suite 1	
San Rafael, CA 94903	$45,405.89
Seven Counties Services	
101 West Muhammed Ali Boulevard	
Louisville, KY 40202	$33,076.32
H. Wesley Shanks	
First Choice Title	
8903 Spalago Court	
Louisville, KY 40299	$817.00
Swartz Mowing, Inc.	
P.O. Box 125	
Olympia, KY 40358	$9,900.00
Jeffrey Tuttle, MD, PLLC	
225 Walton Avenue, Suite 100	
Lexington, KY 40502	$1,725.00
University of Louisville Foundation, Inc.	
201 East Jefferson Street, Suite 315	
Louisville, KY 40202	$4,902.50
Volunteers of America	
570 South Fourth Street	
Louisville, KY 40202-2504	$118,632.54
Work-A-Haulix, LLC	
4100 Eastmoor Road	
Louisville, KY 40218	$1,596.25

(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 #T1 9148264 dated April 24, 2001	
Ahlers, Gregor J & A U	
708 Locust Pointe Place	
Louisville, KY 40245-5707	$401.00
Check #G1 14981911 dated February 5, 2010	
Askin, Beverly B	
For Deborah G Askin Estate	
217 West Shelby Street	
Falmouth, KY 41040	$38.12
Check #BA 11041597 dated January 12, 2009	
Avera, Revetta	
143 Langdon Street	
Somerset, KY 42501	$1,286.66
Check #T1 12256519 dated March 18, 2008	
Bartley, Doyle & D L	
4412 Yolanda Drive	
Louisville, KY 40216	$287.00
Check #T1 11045108 dated December 6, 2006	
Baynham, Les B & S B	
637 Teak Wood Drive	
Lexington, KY 40502	$1,724.00
Check #T1 12469312 dated April 18, 2008	
Blanton, Teri E	
118 Baugh Street	
Berea, KY 40403	$339.00
Check #G1 14708422 dated October 15, 2009	
Bongiovanni, Jr, Charles S	
C/O KHESLC-Wendie Beswick	
P.O. Box 798	
Frankfort, KY 40602	$55.00
Check #E1 11232125 dated March 2, 2009	
Braulio, Alvarado	
829 Rector Road	
Paragould, AR 72450	$829.74
Check #B1 CW0310740 dated December 6, 2004	
BTE Equipment LLC	

Attn: Eric J Mortensen SVP Corp Controller
1025 Eldorado Boulevard
Broomfield, CO 80021 $5,099.45

Check #T 5544081 dated April 21, 1998
Bult, Holly G
927 Woodland Heights Drive
Louisville, KY 40245 $112.00

Check #T1 2953449 dated February 1, 2005
Cash, Jerry
12720 Highway 1247
Eubank, KY 42567 $238.00

Check #BA 11061957 dated June 3, 2010
CellMark Chemicals
Attn: Anthony Costanzo
333 Ludlow Street, South Tower – 8th Floor
Stamford, CT 06902 $64,367.61

Check #T1 13983791 dated April 30, 2010
Clark, Janet K.
2311 Triple Crown Way
Owensboro, KY 42301 $366.00

Check #T1 12581346 dated May 7, 2008
Conley, Keith E
P.O. Box 92
Mousie, KY 41839 $85.00

Check #T1 13383799 dated July 27, 2009
Crago, William E
1894 Coral Sea Road
San Diego, CA 92139 $193.00

Check #Y1 9595134 dated January 9, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 9620812 dated January 13, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 9661775 dated January 23, 2006

Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 9737301 dated February 3, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 9770249 dated February 9, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 9935290 dated March 10, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $57.10

Check #Y1 0022035 dated March 17, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $57.09

Check #Y1 0056760 dated March 24, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $106.15

Check #Y1 0089915 dated March 31, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $71.18

Check #Y1 0156841 dated April 10, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 0183645 dated April 14, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 0251250 dated April 28, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $106.15

Check #Y1 0311152 dated May 8, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $57.10

Check #Y1 0341628 dated May 12, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $57.10

Check #Y1 0410913 dated May 26, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $71.18

Check #Y1 0464957 dated June 5, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #Y1 0538331 dated June 19, 2006
Eichhorn-Armstrong, Monica
Attn: Carolyn Coney
275 East Main Street, 5W-A
Frankfort, KY 40601 $55.29

Check #B1 11038207 dated October 24, 2008
Gibson Road Service Inc.
C/O Dallin Gibson
862 Sims Pike

Georgetown, KY 40324 $530.30

Check #P1 12182224 dated January 29, 2010

Greenwood, Claudia G

151 McNeil Road

Gray, KY 40734 $421.47

Check #G1 13988429 dated January 8, 2009

Estate of Eugene Hendrickson

C/O Nikki Begley

200 Veterans Drive

Hazard, KY 41701 $24,750.00

Check #L 2205384 dated March 10, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2216527 dated March 22, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2227618 dated April 6, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2238671 dated April 21, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2249712 dated May 4, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2260753 dated May 18, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2271751 dated June 2, 1999

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L 2282786 dated June 14, 1999

Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L 2293830 dated June 29, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2351018 dated July 16, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2361820 dated July 30, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2373200 dated August 13, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2384128 dated August 27, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2395392 dated September 10, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2406314 dated September 24, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2417142 dated October 8, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2428002 dated October 22, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2439132 dated November 5, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2449972 dated November 19, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2460757 dated December 3, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2471619 dated December 17, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2482459 dated December 31, 1999
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2493196 dated January 14, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2504500 dated January 28, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2515674 dated February 11, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2526406 dated February 25, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2537165 dated March 10, 2000
Holbrook, Curtis
67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2547865 dated March 24, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2558902 dated April 7, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2569712 dated April 21, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2580375 dated May 5, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2591003 dated May 19, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 26016654 dated June 2, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2612477 dated June 16, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2623049 dated June 30, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2633638 dated July 14, 2000

Holbrook, Curtis

67 Birch Lane

Emmalena, KY 41740 $64.00

Check #L1 2644455 dated July 28, 2000

Holbrook, Curtis

67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2655248 dated August 11, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2665844 dated August 25, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2676368 dated September 8, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2686868 dated September 22, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2697527 dated October 6, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2707970 dated October 20, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2718967 dated November 3, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2729419 dated November 17, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2739807 dated December 1, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2750132 dated December 15, 2000

Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2760612 dated December 29, 2000
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2771021 dated January 12, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2781700 dated January 26, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2792052 dated February 9, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2802802 dated February 23, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2813224 dated March 9, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2823535 dated March 23, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #L1 2833998 dated April 6, 2001
Holbrook, Curtis
67 Birch Lane
Emmalena, KY 41740 $64.00

Check #T1 13157723 dated April 9, 2009
Horine, James J (Deceased) & J C
621 Portland Drive
Lexington, KY 40503 $15.00

Check #R1 12034160 dated December 28, 2007
Etta Jarvis, Estate
C/O Joetta Grant
59 Warriors Path
Flat Lick, KY 40935 $1,750.56

Check #T1 13761504 dated March 19, 2010
Johnson, Cline and Fern
P.O. Box 28
Bevinsville, KY 41606 $364.00

Check #T1 4548281 dated May 25, 2006
Kolvick, Sandra
200 Great Pines Drive
Simpsonville, SC 29681 $181.00

Check #T1 4606283 dated June 15, 2006
Lovett, Helen
RE: Kathelene S Blalock
2780 Rowletts Cave Springs Road
Horse Cave, KY 42749 $240.00

Check #T1 13785892 dated March 24, 2010
Lucas, Adam
8210 Edsel Lane
Louisville, KY 40291 $568.00

Check #T1 13700559 dated March 8, 2010
Matthews, Lisa R
107 Kansas Street
Greendale, IN 47025 $323.00

Check #T1 12646597 dated September 25, 2008
McMillen, John F & C
7145 E Tanglewood Road #92
Roanoke, IN 46783 $466.00

Check #T1 4410356 dated April 21, 2006
Neumann, Catherine Brooks
2078 Lexa Court
Cincinnati, OH 45231 $269.00

Check #T1 3660139 dated May 17, 2005
Noel, Roger D & M S
7280 Russell Cave Road
Georgetown, KY 40324 $504.00

Check #T1 1964747 dated December 12, 2003

Osborne, Julia L
C/O Kathy A Czerwonka
2003 Glenview Avenue
Louisville, KY 40222 $26.96

Check #T1 13973537 dated April 29, 2010
Parson, Joe
501 Martin L King Boulevard
Ashland, KY 41101 $317.00

Check #T 1386474 dated May 19, 1994
Runner, David C Estate
1906 College Heights Boulevard, #8061
Bowling Green, KY 42101-1000 $91.11

Check #T 6841616 dated May 19, 1999
Runner, David C Estate
1906 College Heights Boulevard, #8061
Bowling Green, KY 42101-1000 $38.66

Check #T 4596312 dated June 12, 2006
Runner, David C Estate
1906 College Heights Boulevard, #8061
Bowling Green, KY 42101-1000 $39.00

Check #B1 11014329 dated June 28, 2007
Shamrock Electric Inc.
Michael King
6308 Big Ben Drive
Louisville, KY 40291 $1,454.66

Check #B1 11014330 dated June 28, 2007
Shamrock Electric Inc.
Michael King
6308 Big Ben Drive
Louisville, KY 40291 $438.00

Check #T1 14024074 dated May 12, 2010
Smith, Keith & A L
2111 Gardnersville Road
Crittenden, KY 41030 $608.00

Check #G1 11742518 dated January 19, 2007
Sutterlin, Charles E Estate
C/O Farmers Bank-Michael Burns
P.O. Box 309
Frankfort, KY 40602-0309 $148.25

Check #G1 12743169 dated October 12, 2007

Smallwood, Diana Sutton

419 Lyons Daugherty Road

Custer, KY 40115 $174.59

Check #T1 14028846 dated May 18, 2010

Taylor, Brandi L

P.O. Box 92091

Nashville, TN 37209 $127.00

Check #R1 12070665 dated September 24, 2009

James C Thomas, Estate

C/O James H Thomas MD

631 Walder Trail

San Antonio, TX 78260 $814.99

Check #E1 11091505 dated July 10, 2007

Tracey, Sean

337 Westland Drive

Frankfort, KY 40601 $246.20

Check #T1 3677368 dated May 24, 2005

Whittle, Roberta M.

2170 Fort Harrods Drive, #105

Lexington, KY 40513 $54.00

➔Section 2. The Finance and Administration Cabinet and the State Treasurer are authorized to pay the following listed claims from the following funds:

(1) The Education and Workforce Development Cabinet is authorized to make payment from their Unemployment Compensation Fund for state treasury checks payable to the persons or their personal representatives but not presented for payment within a period of five (5) years from the date of issuance of the checks, the amounts listed below:

Check #U1 7776954 dated September 2, 2003

Feldhaus, Anna

5149 Dana Harvey Lane

Independence, KY 41051 $604.00

Check #U 8677257 dated March 16, 1994

Beverly Giammara, Estate

Mark Sites, Executor

7309 Boxwood Road

Louisville, KY 40222 $458.00

➔Section 3. 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 1, 2016.

CHAPTER 24

(SB 128)

AN ACT relating to women veterans.

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

➔Section 1. KRS 40.600 is amended to read as follows:

(1) The Kentucky Women Veterans Program is hereby created in the Kentucky Department of Veterans' Affairs and shall be attached to the office of the commissioner for administrative purposes. The commissioner shall designate a Women Veterans Coordinator for the Commonwealth. The Kentucky Women Veterans Program shall:

(a) Perform outreach to improve women veterans' awareness of eligibility for federal and state veterans' services and benefits;

(b) Assess the needs of women veterans with respect to benefits and services;

(c) Review programs, research projects, and other initiatives designed to address or meet the needs of Kentucky's women veterans;

(d) Make recommendations to the commissioner to improve benefits and services; and

(e) Incorporate women veterans' issues in strategic planning concerning benefits and services.

(2) The mission of the Kentucky Women Veterans Program shall be to ensure that Kentucky women veterans have equitable access to federal and state veterans' services and benefits.

(3) The program shall provide assistance to women who served in the United States Armed Forces or in forces incorporated as part of the United States Armed Forces, and who were discharged under conditions other than dishonorable.

(4) The primary components of the program shall be:

(a) Advocacy and Public Awareness. The program shall advocate for women veterans and shall work to increase public awareness about the gender specific needs of women veterans. The program shall advocate legislation and policies on the local, state, and national levels to address these issues;

(b) Collaboration. The program shall collaborate with federal, state, and private agencies that provide services to women veterans;

(c) Research and information dissemination. The program shall monitor and research issues relating to women veterans and disseminate information and opportunities throughout its network;

(d) Education. The program, through conferences, seminars, and training workshops with federal, state, and private agencies, shall provide guidance and direction to a woman veteran applying for grants, benefits, or services;

(e) Honor and Recognition. The program shall promote events and activities that recognize and honor military women; and

(f) Facilities. The program, through grants and other sources of funding, shall provide facilities as appropriate in support of the program.

(5) A Women Veterans Coordinating Committee shall be established. The committee's membership shall be composed of representatives of government, public, and private agencies that provide grants, benefits, or services to women veterans. The commissioner of the Kentucky Department of Veterans' Affairs shall designate the agencies represented on the committee. However, the President of the Kentucky Senate shall appoint a Senator to the committee, and the Speaker of the Kentucky House of Representatives shall appoint a Representative. The committee shall:

(a) Actively pursue the mission of the Kentucky Women Veterans Program;

(b) Identify policies, practices, programs, and related activities that are unresponsive or insensitive to the needs of women veterans; and

(c) Recommend changes, revisions, and new initiatives to address identified deficiencies.

(6) The program is authorized to accept and expend:

(a) Moneys that may be appropriated by the General Assembly; and

(b) Other moneys received from any other source, including donations and grants.

(7) The Department of Veterans' Affairs may promulgate administrative regulations to carry out the provisions of this section.

Signed by Governor April 1, 2016.

CHAPTER 25

(HB 153)

AN ACT relating to volunteer service with an employer participating in Kentucky Retirement Systems.

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

➔Section 1. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;

(2) "Board" means the board of trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;

(4) "Examiner" means the medical examiners as provided in KRS 61.665;

(5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;

(6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined in this section;

(10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he serves in the position;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General

Assembly shall be credited with a month of prior service for each month he served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, as prescribed by KRS 61.702(2)(b);

(13) "Creditable compensation" means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4). A lump-sum bonus, severance pay, or employer-provided payment for purchase of service credit shall be included as creditable compensation but shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars ($1,000). In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board shall be excluded. Creditable compensation shall also include amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code. Creditable compensation shall also include elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4). For employees who begin participating on or after September 1, 2008, creditable compensation shall not include payments for compensatory time***. For employees who begin participating on or after August 1, 2016, creditable compensation shall exclude nominal fees paid for services as a volunteer***;

(14) "Final compensation" of a member means:

(a) For a member who begins participating before September 1, 2008, who is not employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;

(b) For a member who is not employed in a hazardous position, as provided in KRS 61.592, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;

(c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;

(d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is not employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5).

Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years shall be used; or

(e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit;

(15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;

(19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;

(20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;

(21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;

(b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;

(c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months;

(d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and

(e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;

(22) "Delayed contribution payment" means an amount paid by an employee for purchase of current service. The amount shall be determined using the same formula in KRS 61.5525, and the payment shall not be picked up by the employer. A delayed contribution payment shall be deposited to the member's account and considered as accumulated contributions of the individual member. In determining payments under this subsection, the formula found in this subsection shall prevail over the one found in KRS 212.434;

(23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;

(24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;

(25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;

(26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;

(27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;

(28) "Level-percentage-of-payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years. Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period;

(29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;

(30) "Person" means a natural person;

(31) "Retirement office" means the Kentucky Retirement Systems office building in Frankfort;

(32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;

(33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;

(34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;

(35) "Month" means a calendar month;

(36) "Membership date" means:

(a) The date upon which the member began participating in the system as provided in KRS 61.543; or

(b) For a member electing to participate in the system pursuant to KRS 196.167(4) who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b);

(37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;

(38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:

(a) Is issued by a court or administrative agency; and

(b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;

(39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;

(40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;~~[and]~~

(41) "Accumulated account balance" means:

(a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or

(b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit***;***

(42) "Volunteer" means an individual who:

(a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and

(b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twenty-four (24) months following the retired member's most recent retirement date; and

(43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars ($500) per month. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall be aggregated to determine whether the compensation exceeds the five hundred dollars ($500) per month maximum provided by this subsection.

➔Section 2. KRS 78.510 is amended to read as follows:

As used in KRS 78.510 to 78.852, unless the context otherwise requires:

(1) "System" means the County Employees Retirement System;

(2) "Board" means the board of trustees of the system as provided in KRS 78.780;

(3) "County" means any county, or nonprofit organization created and governed by a county, counties, or elected county officers, sheriff and his employees, county clerk and his employees, circuit clerk and his deputies, former circuit clerks or former circuit clerk deputies, or political subdivision or instrumentality, including school boards, charter county government, or urban-county government participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency, organization, or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;

(4) "School board" means any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;

(5) "Examiner" means the medical examiners as provided in KRS 61.665;

(6) "Employee" means every regular full-time appointed or elective officer or employee of a participating county and the coroner of a participating county, whether or not he qualifies as a regular full-time officer. The term shall not include persons engaged as independent contractors, seasonal, emergency, temporary, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 78.510 to 78.852;

(7) "Employer" means a county, as defined in subsection (3) of this section, the elected officials of a county, or any authority of the county having the power to appoint or elect an employee to office or employment in the county;

(8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined in this section;

(10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1958, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1958, for which creditable compensation was paid. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work. Twelve (12) months of current service in the system shall be required to validate prior service;

(12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4), together with interest credited on the amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, as prescribed by KRS 61.702(2)(b);

(13) "Creditable compensation" means all salary, wages, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation", including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). A lump-sum bonus, severance pay, or employer-provided payment for purchase of service credit shall be included as creditable compensation but shall be averaged over the employee's service with the system in which it is recorded if it is equal to or greater than one thousand dollars ($1,000). If compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, sick leave except as provided in KRS 78.616(5), and other items determined by the board shall be excluded. Creditable compensation shall also include amounts that are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code. Creditable compensation shall also include elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4). For employees who begin participating on or after September 1, 2008, creditable compensation shall not include payments for compensatory time. Creditable compensation shall not include training incentive payments for city officers paid as set out in KRS 64.5277 to 64.5279***. For employees who begin participating on or after August 1, 2016, creditable compensation shall exclude nominal fees paid for services as a volunteer***;

(14) "Final compensation" means:

(a) For a member who begins participating before September 1, 2008, who is not employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;

(b) For a member who is not employed in a hazardous position, as provided in KRS 61.592, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;

(c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional

and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;

(d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is not employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years shall be used; or

(e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit;

(15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, and shall include employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who begin participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth birthday of a member unless otherwise provided in KRS 78.510 to 78.852;

(19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefits limits as set out in 26 U.S.C. sec. 415;

(20) "Agency reporting official" means the person designated by the participating agency who shall be responsible for forwarding all employer and employee contributions and a record of the contributions to the system and for performing other administrative duties pursuant to the provisions of KRS 78.510 to 78.852;

(21) "Regular full-time positions," as used in subsection (6) of this section, shall mean all positions that average one hundred (100) or more hours per month, determined by using the number of hours actually worked in a calendar or fiscal year, or eighty (80) or more hours per month in the case of noncertified employees of school boards, determined by using the number of hours actually worked in a calendar or school year, unless otherwise specified, except:

(a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months, except for employees of school boards, in which case the period of time shall not exceed six (6) months;

(b) Emergency positions that are positions that do not exceed thirty (30) working days and are nonrenewable;

(c) Temporary, also referred to as probationary, positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable; or

(d) Part-time positions that are positions that may be permanent in duration, but that require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty, except in case of noncertified employees of school boards, the school term average shall be eighty (80) hours of

work per month, determined by using the number of months actually worked in a calendar or school year, in the performance of duty;

(22) "Alternate participation plan" means a method of participation in the system as provided for by KRS 78.530(3);

(23) "Retired member" means any former member receiving a retirement allowance or any former member who has on file at the retirement office the necessary documents for retirement benefits and is no longer contributing to the system;

(24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;

(25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, beneficiary shall not mean an estate, trust, or trustee;

(26) "Recipient" means the retired member, the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death, or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;

(27) "Person" means a natural person;

(28) "School term or year" means the twelve (12) months from July 1 through the following June 30;

(29) "Retirement office" means the Kentucky Retirement Systems office building in Frankfort;

(30) "Delayed contribution payment" means an amount paid by an employee for current service obtained under KRS 61.552. The amount shall be determined using the same formula in KRS 61.5525, except the determination of the actuarial cost for classified employees of a school board shall be based on their final compensation, and the payment shall not be picked up by the employer. A delayed contribution payment shall be deposited to the member's account and considered as accumulated contributions of the individual member. In determining payments under this subsection, the formula found in this subsection shall prevail over the one found in KRS 212.434;

(31) "Participating" means an employee is currently earning service credit in the system as provided in KRS 78.615;

(32) "Month" means a calendar month;

(33) "Membership date" means the date upon which the member began participating in the system as provided in KRS 78.615;

(34) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (23) of this section;

(35) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:

(a) Is issued by a court or administrative agency; and

(b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;

(36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;

(37) "Accumulated employer credit" means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;~~[and]~~

(38) "Accumulated account balance" means:

(a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or

(b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit***;***

(39) "Volunteer" means an individual who:

(a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and

(b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twenty-four (24) months following the retired member's most recent retirement date; and

(40) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars ($500) per month. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall be aggregated to determine whether the compensation exceeds the five hundred dollars ($500) per month maximum provided by this subsection.

➔Section 3. 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 ***or is serving as a volunteer*** with an ***employer***~~[agency]~~ that participates in the retirement system from which the member retired. ***The retired member and the participating employer shall submit the information required or requested by the systems to confirm the individual's employment or volunteer status.***

(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. ***The retired member and the participating employer shall submit the information required or requested by the systems to confirm the individual's employment or volunteer status.***

(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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293, 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 KRS 70.291 to 70.293, 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. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;

(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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293, 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 KRS 70.291 to 70.293, 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***; and***

(e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) to (d) of this subsection if:

1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;

2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;

3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and

4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twenty-four (24) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) to (d) of this subsection for the period of volunteer service.

Signed by Governor April 1, 2016.

CHAPTER 26

(HB 434)

AN ACT relating to the office of coroner.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) An outgoing coroner shall turn over all of his or her records relating to the office of coroner to the clerk of the fiscal court within ten (10) days of the end of his or her term or the date of removal or vacancy. The clerk of the fiscal court shall deliver these records to the new coroner within ten (10) days of the office being filled.

(2) Any coroner who fails to comply with subsection (1) of this section shall be fined one hundred dollars ($100) for each day the coroner fails to turn over the records of his or her office to the fiscal court clerk. The fine shall be remitted to the clerk of the fiscal court and placed in the county general fund. An outgoing coroner may appeal this fine to the Circuit Court of competent jurisdiction.

➔Section 2. KRS 72.415 is amended to read as follows:

(1) For the purpose of enforcing the provisions of KRS 72.410 to 72.470, coroners and deputy coroners shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to:

(a) Administer oaths;

(b) Enter upon public or private premises for the purpose of making investigations;

(c) Seize evidence;

(d) Interrogate persons;

(e) Require the production of medical records, books, papers, documents, or other evidence;

(f) Impound vehicles involved in vehicular deaths;

(g) Employ special investigators and photographers; and

(h) Expend funds for the purpose of carrying out the provisions of KRS 72.410 to 72.470.

The fiscal court or urban-county government shall pay all reasonable expenses incurred by the coroner and his deputy in carrying out his responsibilities under the provisions of KRS 72.410 to 72.470.

(2) ***(a)*** No person shall be eligible to hold the office of deputy coroner unless he holds a high school diploma or its recognized equivalent. Every deputy coroner, other than a licensed physician, shall be required as a condition of office to take during every calendar year he or she is in office the training course of at least eighteen (18) hours provided by the Department of Criminal Justice Training or other courses approved by the Justice and Public Safety Cabinet after having completed the basic training course the first year of employment. The training course shall include material developed by the cabinet and approved by the Cabinet for Health and Family Services on the human immunodeficiency virus infection and acquired immunodeficiency syndrome. The material shall include information on known modes of transmission and methods of controlling and preventing these diseases with an emphasis on appropriate behavior and attitude change.

(b) 1. Any deputy coroner subject to the training requirements of paragraph (a) of this subsection who fails to complete the mandated training shall be ineligible to perform the duties of deputy coroner, and may be terminated by the coroner. The coroner shall make written notification of the deputy coroner's ineligibility to perform his or her duties to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.

2. The deputy coroner shall regain his or her eligibility upon successful recompletion of the initial basic training course referenced in KRS 64.185(4), which shall be evidenced by written certification provided by the Department of Criminal Justice Training to the coroner. Upon receipt of the certification, the coroner shall make written notification of the reinstatement of eligibility to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.

3. The compensation of a deputy coroner who becomes ineligible to perform his or her duties under subparagraph 1. of this paragraph shall be modified as follows:

a. From the coroner's written notification of ineligibility until the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation;

b. From the first day that the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph until written notification of course outcome is received by the coroner, the deputy coroner shall be compensated at his or her previously established rate of compensation;

c. If the deputy coroner fails the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation from the date of receipt of notification of failure from Department of Criminal Justice Training to the coroner until the deputy coroner begins anew the basic training course mandated by subparagraph 2. of this paragraph, at which time the deputy coroner shall be compensated at his or her previously established rate of compensation; and

d. If the deputy coroner successfully completes the basic training course mandated by subparagraph 2. of this paragraph as evidenced by written certification provided by the Department of Criminal Justice Training to the coroner, the deputy coroner shall receive compensation as is normally determined for deputy coroners pursuant to statute.

Signed by Governor April 1, 2016.

CHAPTER 27

(HB 271)

AN ACT relating to the Public Pension Oversight Board.

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

➔SECTION 1. A NEW SECTION OF KRS 7A.200 TO 7A.260 IS CREATED TO READ AS FOLLOWS:

Notwithstanding KRS 21.345 to 21.580, 61.661, 61.870 to 61.884, or 161.585 to the contrary, on or before November 15 following the close of each fiscal year, the state-administered retirement systems shall collectively file a report with the Public Pension Oversight Board that shall include the following information for each member or recipient of a retirement allowance from any of the state-administered retirement systems:

(1) A unique identification number for each member or recipient that is created solely for purposes of compiling the report provided by this section and which shall not be the member's Social Security number or personal identification number issued by the systems. For individual members or recipients with multiple accounts in the state-administered retirement systems, all of the state-administered retirement systems shall use the same unique identification number;

(2) The system or systems in which the member has an account or from which the retired member is receiving a monthly retirement allowance;

(3) The status of the member or recipient, including but not limited to whether he or she is a contributing member, a member who is not currently contributing to the systems but has not retired, a retired member, a beneficiary, or a retired member who has returned to work following retirement with an agency participating in the systems;

(4) If the individual is a retired member or beneficiary, the annualized monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year; and

(5) If the individual is a member who has not yet retired, the estimated annual retirement allowance that he or she is eligible to receive at his or her normal retirement date based upon his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year.

Under no circumstances shall the member's name, address, or Social Security number be included in the information required to be reported to the board by this section nor shall the unique identification number established by subsection (1) of this section be capable of being linked to a specific member's retirement account with a state-administered retirement system.

➔Section 2. The Public Pension Oversight Board may utilize the information provided by Section 1 of this Act to carry out the duties of the board as provided by KRS 7A.250 or to respond to data requests from members of the Public Pension Oversight Board or members of the General Assembly.

Signed by Governor April 1, 2016.

CHAPTER 28

(HB 272)

AN ACT relating to radon mitigation.

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

➔Section 1. KRS 211.9107 is amended to read as follows:

No person or business entity shall conduct radon measurement, mitigation, or laboratory analysis in this Commonwealth after January 1, 2013, without the appropriate certification pursuant to KRS 211.9101 to 211.9135. No person or business entity shall advertise or claim to be a "certified measurement contractor," "certified mitigation contractor," or "certified radon laboratory," unless certified pursuant to KRS 211.9101 to 211.9135. Certification requirements under KRS 211.9101 to 211.9135 shall apply to a radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall not apply to:

(1) A person performing measurement or mitigation on a single-family residential building that he or she owns and occupies;

(2) A person performing measurement on a residential or commercial building that he or she owns;

(3) An apprentice in the process of learning radon measurement, mitigation, or laboratory analysis who assists and is under the general supervision of a measurement or mitigation contractor;

(4) An agent of the federal, state, or local government agency acting within an official capacity who shall make payment of certification fees but who shall not otherwise be required to comply with KRS 211.9101 to 211.9135;

(5) A person performing measurement or mitigation as part of a scientific research project approved by the cabinet;

(6) A retail store or any other organization that sells or distributes radon measurement devices and is not engaged in a relationship with the client for other services, such as home inspection or real estate brokerage, and that does not conduct measurement, mitigation, or laboratory analysis;~~[or]~~

(7) A person performing measurement or mitigation as part of radon training approved by the cabinet***; or***

(8) A building contractor installing vent pipes during the construction of a commercial building or home.

Signed by Governor April 4, 2016.

CHAPTER 29

(HJR 152)

A JOINT RESOLUTION relating to the development of agricultural water resources.

WHEREAS, water resources are important to the Commonwealth and particularly to the agricultural community; and

WHEREAS, the Division of Water is the water resource agency for the Commonwealth and is charged with the conservation, development, and proper use of the water resources of the Commonwealth; and

WHEREAS, there is a need for water resources for agriculture and agricultural production; and

WHEREAS, there is a need for planning and development of water resources, including impoundment, for public water supplies; and

WHEREAS, there is a need for planning regarding the development of water resources for agricultural and other purposes; and

WHEREAS, there is value in having use of existing water storage projects, including impoundments, for agricultural purposes during drought conditions;

NOW, THEREFORE,

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

➔Section 1. The Division of Water within the Department for Environmental Protection is directed to meet with the United States Army Corps of Engineers and the Natural Resources Conservation Service to determine the considerations and procedures for the development of agriculture and other water resources in the Commonwealth.

➔Section 2. The Division of Water shall report findings and recommendations regarding the development of agricultural and other water resources to the Legislative Research Commission by December 1, 2016.

Signed by Governor April 4, 2016.

CHAPTER 30

(HB 208)

AN ACT relating to prescribed fire.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 149 IS CREATED TO READ AS FOLLOWS:

(1) The Division of Forestry may exempt any person certified by the Kentucky Prescribed Fire Council's Burn Boss Program from the requirements of this chapter, except that fires set under this section shall be in accordance with KRS 149.375 and shall not be conducted under a local burn ban or under a red flag warning day as determined by the National Weather Service.

(2) Persons exempted under this section who set prescribed fires shall give notification of the burn to the Division of Forestry at least twenty-four (24) hours prior to the burn, and notify adjacent landowners and local emergency dispatch the day of the burn.

Signed by Governor April 4, 2016.

CHAPTER 31

(SB 46)

AN ACT relating to local government pension plans.

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

➔Section 1. 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 ***valuation, if the system provides a defined benefit,*** ~~[evaluation]~~ at least***:***

(a) Once every three (3) years ***if the system has six (6) or more active and retired members*** ~~[, if the system provides a defined benefit]~~***; or***

(b) Once every five (5) years if the system has less than six (6) active and retired members.

The ***valuation***~~[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 ***valuation***~~[evaluation]~~ to the librarian of the Legislative Research Commission by September 1, 1982, and thereafter the board shall send a copy of each new ***valuation***~~[evaluation]~~ within ten (10) days of receipt. ***If all liabilities to all individuals entitled to benefits from the local government retirement system have been satisfied, no actuarial valuation shall be required.***

(2) Actuaries performing ***valuations***~~[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 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 ***valuations***~~[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 ***valuation***~~[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 2. KRS 67A.320 is amended to read as follows:

(1) Any urban-county government in which there existed a municipality which had in effect an employees' pension fund prior to its merger into the urban-county form of government shall provide by comprehensive plan or ordinance for the maintenance of the pension fund for those employees covered by the pension fund, and shall in each case provide for the payment to the pension fund in each month of the sum necessary to maintain the fund in accordance with the actuarial principles established by the actuarial studies described in this section, and may assess monthly the amount or percent of the salary of the employees as determined on a fair actuarial basis, and in any case not in excess of nine percent (9%) of the monthly salary of each employee unless a higher rate

was charged prior to the merger of governments, in which case the higher rate may be charged, the assessment to be deducted from the employees' salaries or picked up pursuant to subsection (2) of this section and paid in cash into the pension fund. Within six (6) months after the effective date of the urban-county form of government, or within six (6) months after June 21, 1974, whichever shall be later, the trustees of the board shall, at the expense of the pension fund, provide for the performance of an actuarial ***valuation***~~[study]~~, which shall be completed within six (6) months thereafter, and shall describe the amounts necessary to be contributed by the urban-county government or other sources to fund on an actuarially sound basis the benefits promised or described in the fund, including any payments required to bring the fund to an actuarially sound position if it was not so at the time of the performance of the ***valuation***~~[study]~~. The legislative body shall determine a reasonable period over which additional funding, if any, shall be made, which period shall not exceed thirty (30) years. A similar ***valuation***~~[study]~~ shall be arranged by the board at the cost of the urban-county government at least once in every ***three (3) year***~~[three-year]~~ ***to five (5) year*** period thereafter ***as prescribed by Section 1 of this Act***. If the fund created by this section is extended to cover employees not described in the first sentence of this section, the actuarial ***valuation***~~[study]~~ shall determine the required payments necessary to keep the expanded fund on an actuarially sound basis, and the urban-county government shall maintain the fund, and shall assess against the additional covered employees the same monthly contribution as required for other government employees.

(2) The urban-county government 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 picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(10). However, the urban-county government shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as the contributions are distributed or made available to the employee. The picked-up employee contribution shall satisfy all obligations to the retirement fund 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 urban-county government 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 urban-county government to the fund. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of this section in the same manner and to the same extent as employee contributions made prior to August 1, 1982.

(3) The pick up of employee contributions by the employer shall not be construed to reduce the final salary or the average salary upon which the employee retirement benefit is based.

(4) There is hereby created a board for the existing employees' pension fund and trustees of that board. Trustees from the pension fund board shall consist of the mayor, four (4) members of the legislative body of the urban-county government selected by the legislative body, the secretary of the Finance and Administration Cabinet, the director of the Division of Personnel, and three (3) civil service employees ***or retirees*** to be elected to the board by those employees ***and retirees*** covered by the employees' pension fund. In the event that there is no position in the urban-county government denominated secretary of the Finance and Administration Cabinet and/or director of the Division of Personnel, the appointed office of the urban-county government exercising the functions most closely resembling such office shall serve as trustee.

(5) Temporary employees appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.

(6) In no year shall the contribution by the urban-county government 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.

(7) The trustees of the pension fund shall, at least once every three (3) 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 urban-county employees frequent and report.

(8) If the urban-county government issues the appropriate order allowing participation in the County Employees Retirement System alternate participation plan pursuant to KRS 78.530(3) and 78.531(2), the urban-county government 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 pension fund and to retirees and their survivors as determined by actuarial ***valuation***~~[evaluation]~~ and other than assets payable to the County Employees Retirement System

pursuant to KRS 78.531(2), to assist in the payment of both the employee's and employer's costs of alternate participation pursuant to KRS 78.530(3)(d).

(9) If all liabilities to all individuals entitled to benefits from the employees' pension fund have been satisfied, any ordinances established for creation or maintenance of the fund may be repealed by the majority vote of the duly elected members of the entire legislative body of the urban-county government. If repealed, the fund's board of trustees shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the board of trustees to the urban-county government's general fund which shall then contribute the entire distribution received into the Policemen's and Firefighters' Retirement Fund as a supplemental contribution, so long as the return of assets complies with federal and state law governing the distribution of assets. The supplemental contribution provided to the Policemen's and Firefighters' Retirement Fund under this subsection shall be in addition to the contributions required by KRS 67A.360 to 67A.690 and shall not be used to offset any other contributions required to be paid to the fund under the provisions of KRS 67A.360 to 67A.690. Within thirty (30) days following the distribution of residual assets, the board of trustees of the fund shall as its last act file a complete report with the legislative body of the urban-county government of the actions taken to terminate the fund and liquidate residual assets of the fund. Upon completion of the provisions specified by this subsection, the provisions of KRS 67A.320 to 67A.330 as it relates to the employees' pension fund shall be void.

➔Section 3. KRS 67A.655 is amended to read as follows:

The legislative body in an urban-county government may issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen and firefighters in the County Employees Retirement System. All new employees who would have been granted membership in the policemen's and firefighter's retirement fund of the urban-county government shall be members of the County Employees Retirement System. All active members of the policemen's and firefighter's retirement fund of the urban-county government 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 retirement fund, but the legislative body may withdraw its order prior to the effective date if the number of active members choosing to transfer is not sufficient to fully fund the balance of the cost of transition after available local pension assets are included. The urban-county government shall elect the alternate participation plan, pursuant to KRS 78.530(3), for active members who transfer to the County Employees Retirement System. Notwithstanding the provisions of KRS 78.530(3)(b), the urban-county government may, at its option, extend the payment period for the cost of alternate participation to a maximum of thirty (30) years with the interest at the rate actuarially assumed by the County Employees Retirement System board. The urban-county government shall have the right to use assets in the local pension fund, other than those assets, as determined by actuarial ***valuation***~~[evaluation]~~, necessary to pay benefits to the remaining active members of the local retirement fund and retirees and their survivors, to assist in the payment of the annual installment cost of alternate participation. The County Employees Retirement System employee contribution shall be made as a deduction from salary, and payment to the member of salary less this deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the member during the period covered by the payment. All policemen and firefighters who become members of the County Employees Retirement System pursuant to this section shall be granted hazardous duty coverage.

➔Section 4. 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, 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 ***95.784***~~[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 ***95.784***~~[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 5. 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 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 ***at least once every three (3) to five (5) years after completion of the actuarial valuation required by Section 1 of this Act***~~[every three (3) years after an actuarial survey of the fund]~~, and shall be in effect ***until the next actuarial valuation is completed by the fund***~~[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 ***to serve as the governing body of the fund***, 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, 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.

(9) If all liabilities to all individuals entitled to benefits have been satisfied for a pension fund covered by this section, any ordinances established for creation or maintenance of the fund may be repealed by the majority vote of the duly elected members of the entire legislative body of the city. If repealed, the governing body of the fund shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the fund's governing body to the city government's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the governing body of the fund shall as its last act file a complete report with the legislative body of the city of the actions taken to dissolve the fund and liquidate residual assets of the fund for retention by the city clerk the same as for other city records.

➔Section 6. 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 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 ***to serve as the governing body of the fund***, 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%).

(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, 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.

(6) If all liabilities to all individuals entitled to benefits have been satisfied for a pension fund covered by this section, any ordinances established for creation or maintenance of the fund may be repealed by the majority vote of the duly elected members of the entire legislative body of the city. If repealed, the governing body of the fund shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the fund's governing body to the city government's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the governing body of the fund shall as its last act file a complete report with the legislative body of the city of the

actions taken to dissolve the fund and liquidate residual assets of the fund for retention by the city clerk the same as for other city records.

➔Section 7. KRS 95.010 is amended to read as follows:

(1) As used in KRS 95.160 to 95.290 and in KRS 95.830 to 95.845, 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; and

(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 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; and

(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 ***95.784***~~[95.785]~~ the following words and terms shall have the following meaning:

(a) "Regular police department." For the purpose of KRS 95.761 to ***95.784***~~[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 ***95.784***~~[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 ***95.784***~~[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 ***95.784***~~[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 ***95.784***~~[95.785]~~; and

(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 ***95.784***~~[95.785]~~.

➔Section 8. 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) ***(a)*** 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 ***composed***~~[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***, except if there are fewer than six (6) active and retired members of the policemen's or the firefighters' pension fund, the governing body of the pension fund shall be composed of the mayor, city treasurer or chief financial officer, and two (2) employees appointed by the mayor from the city's respective police department or fire department***. 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.

(b) If all liabilities to all individuals entitled to benefits from the policemen's pension fund or firefighters' pension fund have been satisfied, the ordinances establishing the fund may be repealed by the majority vote of the duly elected members of the entire legislative body. If repealed, the governing body of the policemen's or firefighters' pension fund shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this paragraph shall be distributed by the governing body to the city's general fund provided the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the governing body of the fund shall as its last act file a

complete report with the legislative body of the city, for retention by the city clerk the same as for other city records, of the actions taken to dissolve the fund and liquidate residual assets of the fund.

(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) ***or for the distribution of residual assets in the event the fund is dissolved pursuant to subsection (2)(b) of this section***;

(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 ***valuation*** ~~[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 ***valuation*** ~~[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 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 9. KRS 95.530 is amended to read as follows:

(1) In cities with a pension fund established under KRS 95.520 where there are fewer than six (6) active members of the pension fund, ***except as provided by subsection (3) of this section,*** the board of trustees of the policemen's and firefighter's pension fund is composed of the mayor, city treasurer ***or chief financial officer***, 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 ***added to the members established by subsection (1) of this section*** 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) If there are fewer than six (6) active and retired members of the policemen's and the firefighters' pension fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two (2) employees appointed by the mayor, one (1) from the city police department and one (1) from the city fire department, who shall serve for one (1) year and until their respective successors are appointed and qualified. If all of the members of the pension fund are from one (1) department, no appointment shall be made from the other department.

(4) ~~[(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, ***2016*** ~~[1990]~~.

(5) If all liabilities to all individuals entitled to benefits from the policemen's and firefighters' pension fund have been satisfied, the legislative body of the city may by majority vote of the entire legislative body, adopt an ordinance dissolving the fund. If adopted, the fund's board of trustees shall, within sixty (60) days of adoption, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the board of trustees to the city's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the board of trustees of the fund shall as its last act file a complete report with the legislative body of the city of the actions taken to dissolve the fund and liquidate residual assets of the fund for retention by the city clerk the same as for other city records.

➔Section 10. KRS 95.580 is amended to read as follows:

(1) The policemen's and firefighters' pension fund established under KRS 95.520 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 ***or chief financial officer*** 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 KRS 95.520.

➔Section 11. KRS 95.590 is amended to read as follows:

(1) The city treasurer ***or chief financial officer***, in cities with a pension fund established under KRS 95.520, 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 ***appointment*** ~~[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 12. KRS 95.610 is amended to read as follows:

(1) The officers of cities with pension funds established under KRS 95.520 that are designated by law to draw warrants on the city treasurer ***or chief financial officer*** shall, on request in writing by the board of trustees of the pension fund, draw warrants on the city treasurer ***or chief financial officer*** 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 13. 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***, subsection (5) of Section 9 of this Act,*** and subsections (2), (3) and (4) of this section, the policemen's and firefighters' pension fund established under KRS 95.520 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 14. 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 a policemen's and firefighter's pension fund, and a board of trustees for that fund.

(2) ***(a)*** ***Except as provided by paragraph (c) of this subsection,*** in ~~[these]~~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 ***or chief financial officer***, 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.

(b) 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.

(c) If there are fewer than six (6) active and retired members of the fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two (2) employees appointed by the mayor, one (1) from the city police department and one (1) from the city fire department, who shall serve for one (1) year and until their respective successors are appointed and qualified. If all of the members of the pension fund are from one (1) department, no appointment shall be made from the other department.

(d) 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, ***2016***~~[1990]~~.

(5) If all liabilities to all individuals entitled to benefits from the policemen's and firefighters' pension fund have been satisfied, the ordinances establishing the fund may be repealed by the majority vote of the duly elected members of the entire legislative body in accordance with the provisions established by subsection (5) of Section 9 of this Act.

➔Section 15. KRS 95.628 is amended to read as follows:

(1) The city treasurer ***or chief financial officer*** shall be ex officio treasurer of the board of trustees of the pension fund, and custodian of the pension fund.

(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 such manner as may be prescribed by the board. The books and accounts shall always be subject to the inspection of the board or any board member.

(3) The treasurer shall, within ten (10) days after his ***appointment***~~[election]~~, execute a bond to the city with good surety, in such penal sum as 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 16. 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 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 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***, except that if there are fewer than six (6) active and retired members of the fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two (2) employees appointed by the mayor, one (1) from the city police department and one (1) from the city fire department, who shall serve for one (1) year and until their respective successors are appointed and qualified. If all of the members of the pension fund are from one (1) department, no appointment shall be made from the other department***. 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) A city meeting the criteria of subsection (6) of this section 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. 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) (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) 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.

(7) 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.

(8) 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 17. KRS 95.762 is amended to read as follows:

(1) The commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or firefighter, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firefighters. Every member of the police or fire department shall be able to read and write and understand the English language, and have such other general qualifications as may be prescribed.

(2) No person shall be appointed a member of the police or fire departments unless he is well known to be a person of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire departments on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, or who is under twenty-one (21) years of age or over forty (40), unless the applicant has had as much as five (5) years' experience as a regular policeman or firefighter and is not over fifty-five (55) years of age. No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds.

(3) The examination and qualifications provided for in this section shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years.

(4) Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of KRS 95.761 to ***95.784*** ~~[95.785]~~ shall not prevent the said city legislative body from increasing or decreasing the number of policemen or firefighters, as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen or firefighters, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.

(5) The civil service commission may provide that 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 18. KRS 95.765 is amended to read as follows:

(1) No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments. Any person may prefer charges against a member of the police or fire departments, which must be filed in the office of the mayor, who shall thereupon communicate said charges without delay to the legislative body. Said charges must be written, signed by the person making such charges and must set out with clearness and distinctness each and every charge. It shall be the duty of the mayor and each member of the legislative body, whenever probable cause appears, to prefer charges against any member of the police or fire

departments whom he or she believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. The charges thus filed shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented. All charges against members of the police or fire departments shall be filed with the clerk of the legislative body, and within three (3) days after said filing the legislative body shall proceed to hear and examine said charges; provided two (2) days before said hearing the member of the police or fire departments, accused, has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing, waive the service of said charges, and demand trial within three (3) days after said charges are filed with the clerk of said legislative body. The legislative body will have the power to summon and compel the attendance of witnesses at all hearings or sittings by said body, upon subpoena issued by the clerk of said body, and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county. 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 of the police or fire department, the accused, shall have the right to have subpoenaed, in his behalf, any witness he may desire, upon furnishing their names to the clerk of said body, and the action and decision of said body on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of said legislative body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the legislative body's decisions.

(2) In cases where the mayor or chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he may suspend said member from duty, or from both pay and duty, pending said trial, and said member shall not be placed on duty or allowed pay thereafter until the charges are heard by the legislative body. The said body shall fix punishment against a member of the police or fire departments found guilty of any charge under KRS 95.761 to ***95.784***~~[95.785]~~, by reprimand or suspension for any length of time in their judgment, not to exceed six (6) months, or by reducing the grade, if the accused be chief or other officer, or by combining any two (2) or more of said punishments, or by removal or dismissal from the service of any such member of the police or fire department. No member of the police or fire department except as provided in KRS 95.761 to ***95.784***~~[95.785]~~ shall be reprimanded, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.

➔Section 19. KRS 95.767 is amended to read as follows:

(1) ***(a)*** There shall be organized in connection with the police and fire departments a board to be known as the board of trustees of the policemen's and firefighter's pension fund.

(b) If there are six (6) or more active members of the fund, the board shall be composed of the mayor of the city, city treasurer ***or chief financial officer***, one (1) member of the city legislative body appointed by the mayor, one (1) retired member each from the police and fire departments elected by the respective retired members of those departments annually by ballot, and one (1) active member of the fund from each department elected by the active members of the fund from the respective departments annually. 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.

(c) If there are fewer than six (6) active members of the fund, no active members of the departments shall be elected to the board. The trustees shall select from their number a president and secretary. The city treasurer ***or chief financial officer*** shall be ex officio treasurer of the board and custodian of its funds.

(d) If there are fewer than six (6) active and retired members of the policemen's and firefighters' pension fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, one (1) member of the city legislative body appointed by the mayor, and two (2) employees appointed by the mayor, one (1) from the city police department and one (1) from the city fire department, who shall serve for one (1) year and until their respective successors are appointed and qualified. If all of the members of the pension fund are from one (1) department, no appointment shall be made from the other department.

(2) 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, ***2016***~~[1990]~~.

➔Section 20. 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 shall consist of:

(a) 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;

(b) All rewards, fees, gifts or 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 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 ***or chief financial officer*** 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 21. KRS 95.769 is amended to read as follows:

Said board of trustees of the policemen's and firefighters' pension fund shall have the exclusive control and management of the said fund and all moneys donated, paid or assessed for the relief or for pensioning retired, crippled or disabled members of the police or fire departments or the widows and dependent children under the age of fourteen (14) years or dependent fathers or mothers of any members of the departments killed in the service, while in line of duty, and shall assess each member of the police and fire departments not exceeding three and one-half percent (3.5%) of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer ***or chief financial officer*** of such city to the credit of such fund, subject to the order of such board.

➔Section 22. KRS 95.771 is amended to read as follows:

The said board of trustees of the policemen's and firefighters' pension fund shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under

KRS 95.761 to ***95.784***~~[95.785]~~, and its decision of such applications shall be final and conclusive, and not subject to revisions or reversal, except by said board, and a record shall be kept of all meetings and the proceedings of said board.

➔Section 23. 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 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 ***95.784***~~[95.785]~~.

➔Section 24. KRS 95.777 is amended to read as follows:

No person shall be entitled to receive any pension from the said pension fund under KRS 95.761 to ***95.784***~~[95.785]~~ except a regularly retired member or a regular member in the said police or fire department, his widow, or children under the age of fourteen (14) years, or dependent mother or father.

➔Section 25. KRS 95.778 is amended to read as follows:

The treasurer of the board of trustees of the policemen's and firefighters' pension fund shall be the custodian of said pension fund and shall securely and safely keep the same, subject to the control and direction of said board, and shall keep his or her books and accounts concerning such fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten (10) days after his appointment~~[or election]~~, execute a bond to the city with good and sufficient surety, in such penal sum as the legislative body shall direct, to be approved by the legislative body of said city, conditioned for the faithful performance of the duties of his or her office, and that he or she will safely keep and well and truthfully account for all money and properties which may come into his or her hands as such treasurer; and that, upon the expiration of his or her term of office, he or she will surrender and deliver to his or her successor all bonds, securities, and all unexpended moneys or other properties which may have come into his or her hands as treasurer of said fund. Said bond shall be filed in the office of the city clerk, as other bonds, and may be sued on in the name of the said city, for the use of said board of trustees, or in the name of the board of trustees, or any person or persons injured by a breach thereof. The premium on said bond shall be paid out of said pension fund in the manner provided in KRS 95.761 to ***95.784***~~[95.785]~~ for expending sums.

➔Section 26. KRS 95.779 is amended to read as follows:

It shall be the duty of such officer or officers of the said city as are designated by law, to draw warrants on the treasurer ***or chief financial officer*** of said city, on request in writing by said board of trustees, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

➔Section 27. KRS 95.783 is amended to read as follows:

(1) ***Except as provided by subsection (2) of this section,*** in the event that the provisions of KRS 95.767 to 95.784 are accepted and adopted by the legislative body of a city, as authorized in KRS 95.7665 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 ***95.784***~~[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.

(2) If all liabilities to all individuals entitled to benefits from the policemen's and firefighters' pension fund have been satisfied, the ordinances establishing the fund may be repealed by the majority vote of the duly elected members of the entire legislative body. If repealed, the fund's board of trustees shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the board of trustees to the city's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the board of trustees of the fund shall as its last act file a complete report with the legislative body of the city of the actions taken to terminate the fund and liquidate residual assets of the fund for retention by the city clerk the same as for other city records.

➔Section 28. KRS 95.859 is amended to read as follows:

(1) The rate of retirement annuity shall be two and one-half percent (2.5%) of average salary, as defined in KRS 95.851(13), for each year of total service up to and including thirty (30) years, subject to a maximum of seventy-five percent (75%) of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate. If the calculated benefit for a member is less than four thousand eight hundred dollars ($4,800) per year, the board may increase the annual benefit to a minimum of four thousand eight hundred dollars ($4,800) if the increase can be supported on an actuarially sound basis by the fund.

(2) Any member who retired prior to June 21, 1974, shall receive an increase of ten dollars ($10) per month for each year or part thereof of retirement prior to June 21, 1974, with a maximum increase of one hundred seventy dollars ($170) per month. No surviving widow of a retiree shall receive a pension of less than one hundred and fifty dollars ($150) per month. The board may increase the minimum benefit to no more than five hundred dollars ($500) per month if the increase can be supported on an actuarially sound basis by the fund. When Social Security benefits are increased, the surviving widows' minimum shall be increased by a like percentage, but the pension increase shall not exceed five percent (5%).

(3) (a) Within six (6) months after the performance of the actuarial ***valuation***~~[study]~~ required by KRS 95.872(6), the rate of retirement annuity of each annuitant shall be increased annually by an amount determined by the study to reflect so much of the annual increase in the cost of living of the annuitant as may be supported on an actuarially sound basis by the fund. So long as the same is published, such studies shall rely on the percentage increase in the annual average of the consumer price index for all items for the most recent calendar year as published by the United States Department of Labor's Bureau of Labor Statistics, not to exceed five percent (5%). In any year that the percentage increase in the annual average of the consumer price index for all items is less than five percent (5%), the board may set the annual increase at a rate higher than the increase of the consumer price index but not in excess of five percent (5%), if the board determines that the increase can be supported on an actuarially sound basis by the fund. The increases shall be payable to all members of the fund on the effective date of the increases, and all increases granted on July 15, 1990, or thereafter shall be compounded.

(b) If the board determines that no annual cost-of-living adjustment on annuities can be paid in accordance with paragraph (a) of this subsection, the city may, by action of the city's legislative body, require the fund to provide an increase in annuities paid to annuitants of the fund subject to the following conditions:

1. Any cost-of-living adjustment the city directs the fund to pay shall not exceed the percentage increase in the annual average of the consumer price index for all items for the most recent calendar year as published by the United States Department of Labor's Bureau of Labor Statistics or five percent (5%), whichever is less;

2. Each annual cost-of-living adjustment provided under this paragraph shall require the action of the city's legislative body before being provided to annuitants of the fund; and

3. The city's legislative body shall have the authority to suspend, reduce, or repeal any cost-of-living adjustments approved under this paragraph if in their judgment the welfare of the city so demands.

(4) A surviving spouse who does not receive a pension increase pursuant to subsection (2) of this section or whose pension increase pursuant to the Social Security increase is less than the cost-of-living increase in subsection (3) of this section shall receive the same increase an annuitant receives pursuant to subsection (3) of this section, not to exceed a total of five percent (5%).

➔Section 29. KRS 95.868 is amended to read as follows:

The city shall 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:

(1) 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 widows and children, and the one (1) year term premium for the city's liability for death benefits, after applying the contributions by the active members. Such rate percent shall be fixed by the board ***at least once*** every three (3) ***to five (5)*** years after ***completion of the*** ~~[an]~~ actuarial ***valuation*** ~~[survey]~~ of the fund ***as required by Section 1 of this Act***, and shall be in effect ***until the next actuarial valuation is completed by the fund*** ~~[for a period of at least three (3) years]~~. For the first three (3) fiscal years of operation of the fund, the city's rate of contribution shall be at least twelve percent (12%) of the salaries of the active members participating in the fund.

(2) 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.

➔Section 30. KRS 95.869 is amended to read as follows:

(1) ***(a)*** The responsibility for the proper operation of the fund and the direction of its policies shall be vested in a board of trustees.

(b) If there are no active members of the fund, the board of trustees shall consist of four (4) members who shall be: (a) the mayor ex officio; (b) the city treasurer ***or chief financial officer*** ex officio; and (c) one (1) retired member of each department who shall be elected by ballot by the retired members of the respective departments. The mayor ex officio and the city treasurer ex officio shall serve for terms of one (1) year under rules adopted by the board. The two (2) retired members of the police and fire department shall serve for terms of at least one (1) year with a maximum of two (2) years under rules adopted by the board. If there are 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 ballot by the active members of the fund from the respective departments and who shall serve for terms of at least one (1) year with a maximum of two (2) years under rules adopted by the board. If all of the 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 shall be elected from that department.

(c) If there are fewer than six (6) active and retired members of the fund, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, and two (2) employees appointed by the mayor, one (1) from the city police department and one (1) from the city fire department, who shall serve for one (1) year and until their respective successors are appointed and qualified. If all of the members of the pension fund are from one (1) department, no appointment shall be made from the other department.

(d) In the event of a vacancy of an elected member, the pension board may fill the vacancy by appointment until the next regular election.

(2) 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, ***2016*** ~~[1994]~~.

(3) Any member of the board convicted of an offense relating to mismanagement or embezzlement of the fund created pursuant to KRS 95.852 shall be removed from the board and shall be prohibited from serving on the board. If the board member removed is an ex officio member, the city council shall appoint a replacement until another person shall fill the office entitled to a seat on the board. If the board member removed is an active policeman or firefighter, the board shall fill the vacancy by appointment of another active policeman or firefighter until the next regular election.

(4) If all liabilities to all individuals entitled to benefits from the policemen's and firefighters' pension fund have been satisfied, the ordinances establishing the fund may be repealed by the majority vote of the duly elected members of the entire legislative body. If repealed, the fund's board of trustees shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the board of trustees to the city's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the board of trustees of the fund shall as its last act file a complete report with the legislative body of the city of the actions taken to terminate the fund and liquidate residual assets of the fund for retention by the city clerk the same as for other city records.

➔Section 31. KRS 95.872 is amended to read as follows:

(1) The officers of the board shall consist of a president, vice president, and a secretary. The president shall be the chief executive officer of the board, shall preside at all meetings and shall appoint all necessary committees. The vice president shall serve as president in the absence of the president.

(2) The board shall designate a secretary who may be a member of the board and shall fix his compensation. The secretary shall keep a full account of all proceedings of the board, shall give notice of all meetings and give effect to all resolutions, orders, and directives of the board. He shall be in charge of the detailed affairs of administration of the fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the fund; shall receive all applications for annuities, benefits, and refunds; shall prepare periodic reports relative to the financial operations of the fund for the information of the board and its membership; shall compile all statistics pertinent to the operations of the fund; and shall answer all correspondence received by the board.

(3) The city treasurer ***or chief financial officer*** shall be ex officio treasurer of the board, and custodian of the fund. He shall have custody of all cash and securities of the fund, subject to the authority and directives of the board, and shall keep such accounts and records as may be prescribed by the board. These accounts and records shall be subject to inspection of the board or any member thereof.

(4) The city treasurer ***or chief financial officer*** shall, within ten (10) days after his selection, execute a bond to the board, with good surety, in such penal sum as the board directs, to be approved by the board, conditioned upon the faithful performance of the duties of his office, and that he will safely keep and will truthfully account for all money and properties that come into his hands as treasurer of the 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 will be filed with the secretary of the board, and suit thereon may be filed in the name of the board for use of the board or any person injured by its breach. The premium on said bond may be paid out of the fund, except that the board shall have the power to hire independent counsel for any suits or actions of law, the cost of such independent counsel to be borne by the board.

(5) The director of law of the city shall serve as legal adviser to the board on all matters pertaining to the fund involving suits or actions at law, and on any questions of the interpretation of the provisions hereof, except that the board shall have the power to hire independent counsel for any suits or actions of law, the cost of such independent counsel to be borne by the board.

(6) The board may employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the fund, to assist in the preparation of the periodic financial reports, to determine rates of city contribution, and to make periodic analyses of the operation of the fund. Within six (6) months after the establishment, an actuarial ***experience*** study shall be made for the purpose of recommending rates ***of***~~[,]~~ mortality, disability, retirement, separations from service and other essential factors. At least once every ***five (5)***~~[three (3)]~~ years thereafter, an actuarial ***experience study***~~[survey]~~ and investigation shall be made of the operating experience of the fund, including a study of the rates ***of***~~[,]~~ mortality, disability, retirement, separations from service and other essential factors. The actuary shall recommend all mortality and interest tables to be adopted by the board, and shall recommend, if appropriate, cost-of-living increases as provided in KRS 95.859(1) to (3)(a). In the event such survey is not undertaken as provided herein, any member of the fund or any annuitant may obtain an injunction or mandamus requiring such survey and investigation, or may obtain the appointment of a person or persons to make such study and investigation, from the Circuit Court of any county in which the city is located.

(7) The board shall establish rules and regulations to implement the provisions of KRS 95.851 to 95.884 and 95.991, which shall not be inconsistent therewith.

➔Section 32. KRS 95.875 is amended to read as follows:

(1) The officers of the city designated by law to draw warrants on the city treasurer ***or chief financial officer***, shall on request in writing by the board, draw warrants on the city treasurer ***or chief financial officer***, payable to the treasurer of the board, against moneys of the fund.

(2) Moneys ordered paid from the fund to any person shall be paid by the treasurer 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 duly entered on the record of proceedings of the board.

➔Section 33. KRS 95.890 is amended to read as follows:

For the purposes of KRS 95.895 to 95.945, the following terms shall have the following meanings:

(1) "Beneficiary" shall mean a member, either active or retired, of a local government pension system which participates in the local government pension investment fund;

(2) "Board" shall mean the governing body of the local government pension investment fund, as provided for in KRS 95.905;

(3) "Fund" shall mean the local government pension investment fund, as created by KRS 95.895 to 95.945;

(4) "Qualified investment manager" shall mean a bank or trust company as defined and regulated in Subtitle 3 of KRS Chapter 286, or an investment adviser as defined in KRS 292.310 and registered under KRS 292.330, or an investment adviser registered under the federal investment advisers act of 1940, or an insurance company certified pursuant to KRS 304.3-160;

(5) "Participant" shall mean a locally administered public pension system, created pursuant to KRS 79.080, 90.400, 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to ***95.784***~~[95.785]~~, 95.851 to 95.884, 95.991 or 96.180, which chooses to invest in and thereby become a member of the local government pension investment fund.

➔Section 34. KRS 96.180 is amended to read as follows:

(1) The board may, by proper order, provide a pension plan for its employees. In the event the board elects to provide a pension plan, it shall determine and formulate the form of pension plan to be used; determine and prescribe the eligibility of employees or their dependents to a pension or other benefits; determine and prescribe the monthly allowance or pension for employees or their dependents so determined to be eligible for a pension or benefits under the pension plan, not to exceed, however, a sum equal to one-half (1/2) of the monthly salary or wages of any employee at the time of his or her retirement; appoint a commission, which shall consist of three (3) members possessing the qualifications of a member of the board, for the administration of the pension plan and prescribe the powers and duties of such commission; appoint a trustee of the pension fund, fix the term of his office and the compensation of such trustee, and prescribe the powers and duties of such trustee and do and perform any other or further acts necessary to effectuate such pension plan. When a pension plan shall have been adopted, a commission appointed to administer such plan and a trustee of the pension fund appointed and qualified, the board may annually appropriate and pay out of its operating revenue, as an operating expense, into the sinking fund, a sum sufficient, when determined on a fair actuarial basis, to maintain the pension plan so adopted, not exceeding, however, a sum equal to one-half of one percent (0.5%) of the fair value of the utility property and assets. The board may assess, and cause to be paid into the pension fund monthly, such amount or percent of the salary of all employees eligible under and electing to accept the pension plan as may be equitably determined on a fair actuarial basis, not to exceed, however, five percent (5%) of the monthly salary of any employee. The trustee of the pension fund shall give such bond as required by the board, the cost of which shall be payable out of the pension fund. The trustee of the pension fund shall each year file with the board a report showing his actions and his accounts as such trustee.

(2) The board shall have full power to receive any and all funds of property which may be available or become available to the board or the city for use in the creation or maintenance of a pension plan for the employees of the board, including but not limiting the power to sign, execute and deliver such receipts, indemnity agreement or other writing which either the board or the city may be required to sign, execute and deliver to obtain any such fund or property for such purpose.

(3) If all liabilities to all individuals entitled to benefits from the pension fund established under this section have been satisfied, the ordinances establishing the fund may be repealed by the majority vote of the entire board. If repealed, the fund's trustees shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the trustees to the board's general fund so long as the return of assets complies with federal and state law governing the distribution of assets. Within thirty (30) days following the distribution of residual assets, the trustees of the fund shall as its last act file a complete report with the board of the actions taken to terminate the fund and liquidate residual assets of the fund.

(4)~~[(3)]~~ (a) After August 1, 1988, except as permitted by KRS 65.156, no new pension fund shall be created pursuant to this section and boards 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) Any board 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 35. KRS 427.125 is amended to read as follows:

No portion of a pension fund created under KRS 95.761 to ***95.784*** ~~[95.785]~~ shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachments, execution, injunction, writ, interlocutory, or other order, or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the beneficiary of said fund, except for court or administratively ordered child support, or owed or to-be-owed child support, but said fund shall be held and distributed for the purpose of KRS 95.761 to ***95.784*** ~~[95.785]~~, and for no other purpose whatever.

➔Section 36. The following KRS section is repealed:

95.785 Effect of adoption of KRS 95.761 to 95.784 on other statutes.

Signed by Governor April 4, 2016.

CHAPTER 32

(SB 155)

AN ACT relating to human services.

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.

(e) Office of Technology Services.

(f) Office of Educational Programs.

(g) Office for Education and Workforce Statistics.

(h) Board of the Kentucky Center for Education and Workforce Statistics.

(i) Board of Directors for the Center for School Safety.

(j) Department of Education.

1. Kentucky Board of Education.

2. Kentucky Technical Education Personnel Board.

(k) Department for Libraries and Archives.

(l) 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) Foundation for Workforce Development.

(n) Kentucky Office for the Blind State Rehabilitation Council.

(o) Kentucky Workforce Investment Board.

(p) Statewide Council for Vocational Rehabilitation.

(q)~~[Statewide Independent Living Council.~~

~~(r)]~~ Unemployment Insurance Commission.

(r)~~[(s)]~~ 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)~~[(t)]~~Kentucky Commission on the Deaf and Hard of Hearing.

(t)~~[(u)]~~ Kentucky Educational Television.

(u)~~[(v)]~~ 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.
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. Division of Mine Safety.
8. Division of Forestry.
9. Division of Conservation.
10. Office of the Reclamation Guaranty Fund.
11. Kentucky Mining Board.

(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.

1. Office of Legal Services.
2. Department for 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.

(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. KRS 151B.240 is repealed, reenacted as a new section of KRS Chapter 194A, and amended to read as follows:

(1) The Statewide Independent Living Council is hereby created and attached to the ***Cabinet for Health and Family Services in accordance with 42 U.S.C. sec. 3515e***~~[Office of Vocational Rehabilitation]~~ for administrative purposes to accomplish the purposes enumerated in 29 U.S.C. sec. 796d (Title VII, Part A, Section 705 of the Rehabilitation Act Amendments of 1998). Members of the council shall be appointed by the Governor from recommendations submitted by the ***Department for Aging and Independent Living***~~[Office of Vocational Rehabilitation]~~ consistent with the federal mandate to include a majority of individuals with disabilities representing geographical and disability diversity, as well as representatives from identified service providers and other entities. The composition, qualifications, and terms of service of the council shall conform to the federal law.

(2) (a) Except as provided in paragraph (b) of this subsection, any vacancy occurring in the membership of the Statewide Independent Living Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members of the council.

(b) The Governor may delegate the authority to fill a vacancy to the remaining voting members of the council.

(3) Each member of the Statewide Independent Living Council may receive a per diem of one hundred dollars ($100), not to exceed six hundred dollars ($600) annually, for each regular or special meeting attended if the member is not employed or must forfeit wages from other employment. Each member may have travel expenses approved at the established state rate and expenses reimbursed at the established state agency rate for services such as personal assistance, child care, and drivers for attendance at council meetings, and in the performance of duties authorized by the Statewide Independent Living Council. The per diem and expenses shall be paid out of the federal funds appropriated under ***29 U.S.C. ch. 16*** ~~[Title VII, Chapter 1, Part A, and Title VII, Chapter 1, Part C of the Rehabilitation Act Amendments of 1998, Pub. L. 105-220]~~.

➔Section 3. 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.

Signed by Governor April 4, 2016.

CHAPTER 33

(SB 120)

AN ACT relating to bank officers.

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

➔SECTION 1. KRS 286.3-065 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

Each officer and director shall discharge the duties and responsibilities of his or her respective office or position in good faith and with such ordinary care and diligence as necessary and reasonable to administer the affairs of the bank in a safe and sound manner. The provisions of this section and KRS 271B.8-300 apply to directors. The provisions of this section and KRS 271B.8-420 apply to officers.

Signed by Governor April 4, 2016.

CHAPTER 34

(SB 64)

AN ACT relating to property valuation administrator fees.

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

➔Section 1. KRS 133.047 is amended to read as follows:

(1) Notwithstanding the provisions of KRS 61.870 to 61.884, when the Department of Revenue has completed action on the assessment of property in any county and has certified the assessment to the county clerk of that county, as provided for in KRS 133.180, the property tax roll, or a copy of the property tax roll, shall be retained in the office of the property valuation administrator for maintenance as an open public record for five (5) years. The property tax roll shall be available for public inspection during the regular working hours of the office of the property valuation administrator as provided for in KRS 132.410(2).

(2) Any person inspecting a property tax roll shall do so in a manner not unduly interfering with the proper operation of the custodian's office.

(3) Personal property tax returns, accompanying documents, and assessment records, with the exception of the certified personal property tax roll, shall be considered confidential under the provisions of KRS 131.190.

(4) ***(a)*** Real property tax returns and accompanying documents submitted by a taxpayer shall be considered confidential under the provisions of KRS 131.190. Other real property records in the office of the property valuation administrator shall be subject to the provisions of KRS 61.870 to KRS 61.884.

(b) However, ***in addition to*** ~~[notwithstanding]~~ the provisions of KRS 61.874***,*** the Department of Revenue shall develop and provide to each property valuation administrator a reasonable fee schedule to be used in compensating for the cost of personnel time expended in providing information and assistance to persons seeking information to be used for commercial or business purposes. ***As used in this paragraph:***

1. "Reasonable fee" has the same meaning as the fee described in KRS 61.874(4)(c); and

2. "Personnel time" means the cost to the agency to create any mechanical processing, data collection, or data creation; the staff required to process, produce, collect, or create data or information; or the cost to the agency for the creation, purchase, or other acquisition of information.

(c) Any person seeking information on his own property, or any other person, including the press, seeking information directly related to property tax assessment, appeals, equalization, requests for refunds, or similar matters shall not be subject to fees for personnel time.

(5) The Department of Revenue shall provide advice, guidelines, and assistance to each property valuation administrator in implementing the provisions of KRS 61.870 to 61.884.

Signed by Governor April 5, 2016.

CHAPTER 35

(SB 179)

AN ACT relating to persons with disabilities.

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

➔Section 1. KRS 205.200 is amended to read as follows:

(1) A needy aged person, a needy blind person, a needy child, a needy permanently and totally disabled person, or a person with whom a needy child lives shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by administrative regulation. No individual shall be eligible to receive public assistance under more than one (1) category of public assistance for the same period of time.

(2) The secretary shall, by administrative regulations, prescribe the conditions of eligibility for public assistance in conformity with the public assistance titles of the Social Security Act, its amendments, and other federal acts and regulations. The secretary shall also promulgate administrative regulations to allow for between a forty percent (40%) and a forty-five percent (45%) ratable reduction in the method of calculating eligibility and benefits for public assistance under Title IV-A of the Federal Social Security Act. In no instance shall grants to families with no income be less than the appropriate grant maximum used for public assistance under Title IV-A of the Federal Social Security Act. As used in this section, "ratable reduction" means the percentage reduction applied to the deficit between the family's countable income and the standard of need for the appropriate family size.

(3) The secretary may by administrative regulation prescribe as a condition of eligibility that a needy child regularly attend school, and may further by administrative regulation prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(4) The secretary may by administrative regulation prescribe conditions for bringing paternity proceedings or actions for support in cases of out of wedlock birth or nonsupport by a parent in the public assistance under Title IV-A of the Federal Social Security Act program.

(5) Public assistance shall not be payable to or in behalf of any individual who has taken any legal action in his own behalf or in the behalf of others with the intent and purpose of creating eligibility for the assistance.

(6) The cabinet shall promptly notify the appropriate law enforcement officials of the furnishing of public assistance under Title IV-A of the Federal Social Security Act in respect to a child who has been deserted or abandoned by a parent.

(7) No person shall be eligible for public assistance payments if, after having been determined to be potentially responsible, and afforded notice and opportunity for hearing, he refuses without good cause:

(a) To register for employment with the state employment service,

(b) To accept suitable training, or

(c) To accept suitable employment.

The secretary may prescribe by administrative regulation, subject to the provisions of KRS Chapter 13A, standards of suitability for training and employment.

(8) To the extent permitted by federal law, scholarships, grants, or other types of financial assistance for education shall not be considered as income for the purpose of determining eligibility for public assistance.

(9) To the extent permitted by federal law, 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 shall not be considered as income for the purpose of determining eligibility or continuing eligibility for public assistance and shall not be subject to a lien or be available for repayment to the Commonwealth for public assistance received by the recipient.

(10) (a) Notwithstanding any other provision of Kentucky law, the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program, and the amount of assistance or benefits the individual is eligible to receive under the program:

1. Any amount in an ABLE account;

2. Any contributions to an ABLE account; and

3. Any distribution from an ABLE account for qualified disability expenses.

(b) For purposes of this subsection:

1. "ABLE account" means an account established within any state having a qualified ABLE program as provided in 26 U.S.C. sec. 529A, as amended;

2. "Kentucky law" includes:

a. All provisions of the Kentucky Revised Statutes:

b. Any contract to provide Medicaid managed care established pursuant to this chapter;

c. Any agreement to operate a Medicaid program established pursuant to this chapter; and

d. Any administrative regulation promulgated pursuant to this chapter; and

3. "Qualified disability expenses" means expenses described in 26 U.S.C. sec. 529A of a person who is the beneficiary of an ABLE account.

➔Section 2. The State Treasurer, the Secretary of the Finance and Administration Cabinet, the Executive Director of the Commonwealth Council on Developmental Disabilities, and the Executive Director of the Kentucky Higher Education Assistance Authority shall each work cooperatively with one another, and with federal and state government agencies, private industry groups, and other interested parties, as necessary, and shall seek all available sources of funding from these and other groups and determine the best plan of action related to ABLE accounts, and shall submit a report to the Legislative Research Commission on or before December 31, 2016, regarding any funding sources available and all recommendations in anticipation of legislation in the 2017 Regular Session of the General Assembly.

Signed by Governor April 5, 2016.

CHAPTER 36

(SB 182)

AN ACT relating to the storage and handling of grain.

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

➔Section 1. KRS 251.430 is amended to read as follows:

Any person, firm, or corporation who accepts grain for storage in this state shall first procure a license from the department as required by the board before transacting any business. ~~[This shall not apply to the storage of grain by an establishment bonded and licensed under the provisions of a federal law to the extent that the stored grain is covered by a federal bond and law; otherwise, the establishments shall comply with the provisions of this chapter.]~~Any establishment that has unpaid-for grain thirty (30) days after delivery of the last load by a producer shall be considered in the grain storage business. The license shall expire on June 30, and shall be renewed annually by ***July*** ~~[August]~~ 1. The fee for each license shall be according to the following schedule, and shall be used for carrying out the provisions of this chapter:

Total annual volume handled:

(1) Under two million (2,000,000) bushels, three hundred dollars ($300);

(2) Two million (2,000,000) to five million nine hundred ninety-nine thousand nine hundred ninety-nine (5,999,999) bushels, four hundred fifty dollars ($450);

(3) Six million (6,000,000) to nine million nine hundred ninety-nine thousand nine hundred ninety-nine (9,999,999) bushels, six hundred dollars ($600); or

(4) Ten million (10,000,000) bushels and up, seven hundred fifty dollars ($750).

➔Section 2. KRS 251.440 is amended to read as follows:

(1) Application for license shall set forth the name of the applicant, its principal officer, if a corporation, or the active members of a partnership if a partnership, and the location or locations of the principal office or place of business and the locations in this state at which applicant proposes to engage in this business. Application shall be accompanied by a bond as set forth in KRS 251.451. The bond shall run to the State of Kentucky and be for the benefit of all persons storing grain in the warehouse. It shall be conditioned upon the warehouseman carrying combustion, fire, lightning, and tornado insurance sufficient to cover loss upon all stored grain in the warehouse, and the delivery of all stored grain or payment of the value of the grain upon the surrender of the warehouse receipt or scale ticket, and upon the faithful performance by the warehouseman of all provisions of law relating to the storage and handling of grain by the warehouseman and the administrative regulations promulgated by the Kentucky Department of Agriculture relative to the storage and handling of grain.

(2) The department may refuse to issue a license to any applicant or revoke the existing license of one who furnishes false or misleading information or conceals a material fact on the application or other supporting documents, has been convicted of fraud or deceptive practice, is currently adjudicated incompetent by a court of competent jurisdiction, fails to maintain an asset to liability ratio of one to one (1:1) or fails to post additional surety to cover the deficiency, or for other good cause shown. Any individual denied a license for these reasons shall be given written notice within thirty (30) working days of receipt of application. Any applicant who is denied a license or has had his license revoked and feels aggrieved, may request a hearing by writing to the Commissioner of Agriculture. Upon request, a hearing shall be conducted in accordance with KRS Chapter 13B.

(3) All applications for warehouseman license shall be accompanied by a current financial statement~~[or an irrevocable letter of credit from a financial institution]~~.

➔Section 3. KRS 251.720 is amended to read as follows:

(1) Any person engaged in the business of buying grain from producers for resale, milling, or processing shall first procure a license from the department as required by the board before transacting business. The license shall expire on June 30 and shall be renewed annually by ***July*** ~~[August]~~ 1. The annual license fee shall be based on the total annual volume handled as follows:

(a) From zero to five thousand nine hundred ninety-nine (5,999) bushels, seventy-five dollars ($75);

(b) Six thousand (6,000) to ninety-nine thousand nine hundred ninety-nine (99,999) bushels, one hundred fifty dollars ($150);

(c) One hundred thousand (100,000) to one million nine hundred ninety-nine thousand nine hundred ninety-nine (1,999,999) bushels, three hundred dollars ($300);

(d) Two million (2,000,000) to five million nine hundred ninety-nine thousand nine hundred ninety-nine (5,999,999) bushels, four hundred fifty dollars ($450);

(e) Six million (6,000,000) to nine million nine hundred ninety-nine thousand nine hundred ninety-nine (9,999,999) bushels, six hundred dollars ($600); or

(f) Ten million (10,000,000) bushels and up, seven hundred fifty dollars ($750).

(2) The fee for each license shall be used for carrying out the provisions of this chapter.

(3) Every person licensed as a grain dealer shall file with the department a surety bond signed by the dealer as principal and by a responsible company authorized to execute surety bonds within the Commonwealth of Kentucky. A grain dealer may file with the department, in lieu of a surety bond, a certificate of deposit payable to the Commissioner, as trustee, or an irrevocable letter of credit on forms provided by the Commissioner. The principal amount of the certificate or letter of credit shall be the same as that required for a surety bond under this section, and the interest, if any, shall be made payable to the purchaser. The bond shall be a principal amount, to the nearest one thousand dollars ($1,000), equal to ten percent (10%) of the aggregate dollar amount paid by the dealer to producers for grain purchased from them during the dealer's last completed fiscal year, or in the case of a dealer who has been engaged in business as a grain dealer for less than one (1) year or who has not previously been engaged as a grain dealer, ten percent (10%) of the estimated aggregate dollar amount to be paid by the dealer to producers for grain purchased from them during the next fiscal year. The bond shall not be less than twenty-five thousand dollars ($25,000) nor more than one million dollars ($1,000,000), except as otherwise authorized by this section.

(4) The Commissioner shall, when he questions a grain dealer's ability to pay producers for grain purchased, or when he determines that the grain dealer does not have a sufficient net worth to meet his financial obligations, require a grain dealer to post an additional bond in a dollar amount equal to the insufficiency or shall require an additional certificate of deposit or an irrevocable letter of credit equal to the insufficiency, as deemed appropriate by the Commissioner. Failure to post the additional bond or certificate of deposit or an irrevocable letter of credit constitutes grounds for suspension or revocation of a license issued under this section.

(5) The bond or additional bond shall be made payable to the Commonwealth of Kentucky, with the Commissioner as trustee, and shall be conditioned on the grain dealer's faithful performance of his duties as a grain dealer and his compliance with this section. It shall be for the use and benefit of any producer from whom the grain dealer may purchase grain and who is not paid by the grain dealer, and shall not be canceled, except upon at least sixty (60) days' notice in writing to the department. In no event shall the total aggregate liability of a surety exceed the face amount of its bond.

(6) An incidental grain dealer whose total purchases of grain from producers during any fiscal year do not exceed an aggregate dollar amount of two hundred fifty thousand dollars ($250,000) may satisfy the bonding requirements of this section by filing with the department a bond, certificate of deposit, or an irrevocable letter of credit at the rate of one thousand dollars ($1,000) for each ten thousand dollars ($10,000) or fraction of ten thousand dollars ($10,000) with a minimum bond, certificate of deposit, or an irrevocable letter of credit of five thousand dollars ($5,000), and a current financial statement.

(7) Failure of a grain dealer to file a bond, certificate of deposit, or an irrevocable letter of credit and to keep the bond, certificate of deposit, or an irrevocable letter of credit in force or to maintain assets adequate to assure payment to producers for grain purchased from them shall be grounds for the suspension or revocation of a license issued under this section.

(8) When the Commissioner has determined that a grain dealer has defaulted payment to producers for grain which he has purchased from them, the Commissioner shall determine, through appropriate legal procedures, the producers and the amount of defaulted payment, and, as trustee of the bond, shall immediately after the determination call for the dealer's surety bond or bonds to be paid to him for distribution to those producers who should receive the benefits. Should the defaulted amount owed producers be less than the principal amount of the bond or bonds, then the surety shall be obligated to pay only the amount of the default.

~~[(9) Any grain dealer who is also in the business of storing grain and is a warehouseman as defined in KRS 251.610 may be exempted from the licensing fee and bonding requirements of KRS 251.451 as long as his storage capacity and storage obligations are considered in formulating his grain dealer bond requirement.]~~

(9) ~~[(10)]~~ The department may refuse to issue a license to any applicant or revoke the existing license of one who furnishes false or misleading information or conceals a material fact on the application or other supporting documents, has been convicted of fraud or deceptive practice, is currently adjudicated incompetent by a court of competent jurisdiction, fails to maintain an asset to liability ratio of one to one (1:1) or fails to post additional surety to cover the deficiency, or for other good cause shown. Any individual denied a license for these reasons shall be given written notice within thirty (30) days of receipt of application. Any applicant who is denied a license or has had his license revoked and feels he has been aggrieved may request a hearing by writing to the Commissioner of Agriculture. Upon request, a hearing shall be conducted in accordance with KRS Chapter 13B.

(10) ~~[(11)]~~ All applications for a grain dealer license shall be accompanied by a current financial statement~~[, or an irrevocable letter of credit from a financial institution]~~.

(11) ~~[(12)]~~ (a) A grain dealer license shall become invalid upon the cessation of operations, change of partners in a partnership, change of corporate structure of a corporation, sale, or failure to remit license fees or fines. Licensed grain dealers shall immediately notify the department as to any changes and shall surrender the invalid license to the department. In the case of a successor, the successor shall apply for a new license.

(b) If there is a cessation of operations or sale, the department, when deemed appropriate, may cause an audit and examination to be made. In this case, all records required in this chapter shall be available to the department until the department is satisfied that all obligations have been met.

(12) ~~[(13)]~~ In addition to the other provisions required by this section, any person who is engaged in the business of buying grain from producers and who purchases or takes title to grain valued at more than one million dollars ($1,000,000) within a calendar month shall:

(a) Notify the department, in writing, by submitting a detailed position report outlining the:

1. Type of grain;

2. Quantity of each grain, in bushels;

3. Disposition of the grain, whether paid, forward price contracted, or other; and

4. Aggregate value of the grain purchased within the calendar month.

The report shall be submitted to the department within ten (10) days following the close of the calendar month. Failure to submit the report may result in the revocation of the person's license;

(b) Upon request of the department, submit a balance sheet on a form provided by the department, current through the end of the calendar month. Additional surety shall be required, on a dollar-for-dollar basis, if the total value of purchases of grain exceeds the combined value of the licensee's net worth and existing surety. If the licensee has an asset-to-liability ratio falling below one to one (1:1) or has outstanding payables to producers, other than legitimate forward price contracted grain, over thirty (30) days due and exceeding one million dollars ($1,000,000), the licensee's license shall be suspended until the deficit is corrected; and

(c) Be placed on an accelerated audit schedule as determined by the department. If, in the determination of the department, the licensee cannot meet a minimum asset-to-liability ratio of one-half to one (0.5:1), the department shall revoke the license. The department shall also place liens on licensee assets up to the amount of indebtedness to producers. If the department determines the licensee is insolvent, the Commissioner shall have the power to seize assets up to the value of the indebtedness to producers.

➔Section 4. KRS 251.990 is amended to read as follows:

(1) Any person who violates the provisions of KRS 251.430 to 251.720 shall be guilty of a violation. He shall be guilty of a Class A misdemeanor for each subsequent offense. Each day of operation in violation of the provisions of KRS 251.430 to 251.720 shall constitute a separate offense.

(2) Any person who operates without a license as required by KRS 251.430 or 251.720 shall be fined not ~~[less than five thousand dollars ($5,000) nor]~~more than ten thousand dollars ($10,000) for each violation, ***not to exceed a total of five hundred thousand dollars ($500,000),*** or imprisoned for at least one (1) but not more than five (5) years, or both.

(3) Any person who intentionally refuses or fails to pay moneys collected for assessment of grain under the Kentucky Grain Insurance Fund Program as set forth in KRS 251.640 shall be subject to a fine of not ~~[less than one hundred dollars ($100) nor]~~more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both.

(4) Any person who fails or refuses to maintain at all times grain in storage, rights in grain, proceeds from the sale of grain, or a combination of the grain, rights, and proceeds equal to eighty percent (80%) of the value of a licensed grain storage establishment's unpaid obligations to producers for grain delivered under a forward pricing (delayed pricing) contract as required by KRS 251.485 or 251.675 shall be fined not ~~[less than five thousand dollars ($5,000) nor]~~more than ten thousand dollars ($10,000) for each violation, ***not to exceed a total of five hundred thousand dollars ($500,000),*** or imprisoned for at least one (1) year but not more than five (5) years, or both.

(5) Any person who knowingly makes any false statement, representation, or certification, or who knowingly fails to make any statement, representation, or certification in any record, report, or other document filed or required to be maintained by the Commissioner in violation of KRS 251.485(2) shall upon conviction be fined not ~~[less than one thousand dollars ($1,000) nor]~~more than ***one***~~[five]~~ thousand dollars ***($1,000)***~~[($5,000)]~~ for each violation, ***not to exceed a total of five hundred thousand dollars ($500,000),*** or imprisoned for at least one (1) year but not more than five (5) years, or both.

(6) Any person who transfers or disburses grain, property, or assets from the licensed grain establishment's handler account in violation of KRS 251.485(2) shall upon conviction be fined not ~~[less than five thousand dollars ($5,000) nor]~~more than ten thousand dollars ($10,000) for each violation, ***not to exceed a total of five hundred thousand dollars ($500,000),*** or be imprisoned for at least one (1) year but not more than five (5) years, or both.

(7) Except as permitted by law, any person who willfully and knowingly resists, prevents, impedes, or interferes with the Commissioner or other agents or employees of the department in performance of the duties assigned by KRS 251.485 or 251.675, shall upon conviction be fined not ~~[less than one thousand dollars ($1,000) nor]~~more than five thousand dollars ($5,000) for each violation, or imprisoned for not more than one (1) year, or both.

(8) If a corporate grain establishment license holder violates any provision of KRS 251.485 or 251.675 or any administrative regulations that pertain to KRS 251.485 or 251.675, or if it fails or refuses to comply with any lawful order issued by the Commissioner, any director, officer, or agent of the corporation who willfully and knowingly authorized, ordered, or carried out the violation, failed, or refused to comply with any lawful order issued by the Commissioner shall be subject to the same penalties, fines, and imprisonment as may be imposed upon a person in accordance with this section.

(9) Any person who fails to renew a license within the time frame required by KRS 251.430 or 251.720 shall be fined one hundred fifty dollars ($150).

(10) All fines or penalties collected from violators of the provisions of this chapter shall be used to carry out the provisions of this chapter.

Signed by Governor April 5, 2016.

CHAPTER 37

(HB 38)

AN ACT relating to aerial recreational facilities 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 247 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "ACCT Standard" means the latest standards and specifications as set forth by the Association for Challenge Course Technology;

(b) 1. "Aerial recreational device" means a device that provides for a unit of human activity, including but not limited to devices to simulate rock climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, zip lines, or jump systems that are installed on or in trees, poles, portable structures, buildings, or that are part of a self-supporting structure.

2. Unless designated by administrative regulation promulgated by the Commissioner, "aerial recreational device" does not include nonmechanical playground equipment, such as swings,

seesaws, slides less than fifteen (15) feet in height at their highest point, rider-propelled merry-go-rounds, stationary spring-mounted animal devices, and physical fitness equipment.

3. The Commissioner may, by administrative regulation, designate other devices that are not included in the definition of "aerial recreational device";

(c) "Aerial recreational facility" means a commercial or educational facility, including those offering canopy tours or zip line tours, consisting of one (1) or more aerial recreational device;

(d) "ASTM Standard" shall have the same meaning as in KRS 247.232;

(e) "Canopy tour" means a guided aerial exploration or transit of the forest canopy, most commonly by means of a series of one (1) or more aerial recreational devices; and

(f) "Zip line tour" means a guided aerial exploration or transit of a landscape by means of a series of zip lines and platforms.

(2) The department shall promulgate administrative regulations, pursuant to KRS Chapter 13A, necessary to establish requirements and standards recognized by the department for the operation and regulation of aerial recreational devices, aerial recreational facilities, canopy tours, and zip line tours in the state.

(3) In establishing the requirements and standards for the operation and regulation of aerial recreational facilities in the state, the department may:

(a) Rely on applicable ACCT, ASTM standards, or other accepted industry standards; and

(b) Provide for acceptance of third-party inspections and investigations of aerial recreational facilities.

(4) The department may assess reasonable fees for the administration of any aerial recreational facility regulatory requirements.

(5) The department shall promulgate administrative regulations relating to aerial recreational devices, aerial recreational facilities, canopy tours, and zip line tours that establish a comprehensive set of administrative violations, administrative sanctions, and civil penalties not to exceed ten thousand dollars ($10,000).

(6) (a) All administrative fees and proceeds from civil penalties collected by the department under this section shall be deposited in the fund established in paragraph (b) of this subsection for the use of the department in enforcing the provisions of this section.

(b) The aerial recreational facilities administration fund is hereby created as a separate trust fund in the State Treasury. The aerial recreational facilities administration fund shall consist of amounts deposited in the fund under paragraph (a) of this subsection, as well as amounts received from appropriations and any other proceeds from gifts, grants, federal funds, or any other funds, both public and private, made available for the purposes of this section.

(c) Notwithstanding KRS 45.229, aerial recreational facilities administration fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.

(d) Any interest earnings of the aerial recreational facilities administration fund shall become a part of the aerial recreational facilities administration fund and shall not lapse.

(e) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

Became law without Govenor's signature.

CHAPTER 38

(HB 497)

AN ACT relating to seeds.

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

➔SECTION 1. A NEW SECTION OF KRS 250.021 TO 250.111 IS CREATED TO READ AS FOLLOWS:

(1) No city, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding the registration, packaging, labeling, sale, storage, distribution, use, application, or propagation of seeds as regulated pursuant to KRS 250.021 to 250.111. Any local legislation in violation of this section is void and unenforceable.

(2) Nothing in this section shall be construed to:

(a) Abrogate the planning and zoning authority granted local government pursuant to KRS Chapter 100; or

(b) Preempt or limit remedies available under common law or statutes.

➔Section 2. KRS 250.021 is amended to read as follows:

As used in KRS 250.021 to 250.111, unless the context requires otherwise:

(1) "Advertised" means all representations, other than those on the label, disseminated by the public press, circular, catalog, or other media, relating to agricultural, vegetable, or flower seed, or combination seed, mulch, and fertilizer products within the scope of KRS 250.021 to 250.111***;*** ~~[.]~~

(2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, tobacco, and other kinds of crop seed commonly recognized within Kentucky as agricultural seed, lawn seed, and combinations of these seed. Regardless of the name used to describe seed, the product shall be seed if its intended use is for plant production***;*** ~~[.]~~

(3) ***"Blend" means seed consisting of more than one (1) variety of a kind, each in excess of five percent (5%) by weight of the whole;***

(4) "Brand" means a word, name, symbol, number, or design used to identify seed of one (1) person to distinguish it from seed of another person;

(5) "Certified seed" means seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified***;*** ~~[.]~~

(6) ~~[(4)]~~ "Certified custom seed conditioner" means a person who has been approved by the Kentucky Seed Improvement Association (KSIA) to condition seed for distribution as certified seed***;*** ~~[.]~~

(7) ~~[(5)]~~ "Certified seed grower" means a person who has been approved by the Kentucky Seed Improvement Association to produce seed to be sold as Kentucky certified seed***;*** ~~[.]~~

(8) ~~[(6)]~~ "Certifying agency" means:

(a) An agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under ***paragraph*** ~~[subsection (6)]~~(a) of this ***subsection*** ~~[section]~~***;*** ~~[.]~~

(9) ~~[(7)]~~ "Conditioning" means drying, cleaning, applying seed treatment, scarifying, and other operations which could change the purity or germination of the seed***;*** ~~[.]~~

(10) ~~[(8)]~~ "Crop seed" means seed of crop plants other than the kind or variety included in the pure seed***;*** ~~[.]~~

(11) ~~[(9)]~~ "Distribute" means to consign, offer for sale, sell, advertise for sale, barter, or otherwise supply agricultural seed***;*** ~~[.]~~

(12) ~~[(10)]~~ "Distributor" means any person who distributes agricultural seed***;*** ~~[.]~~

(13) ~~[(11)]~~ "Dormant" means seed, excluding hard seed, which fail to germinate, even though viable, when provided the specified germination conditions for the kind of seed in question***;*** ~~[.]~~

(14) ~~[(12)]~~ "Flower seed" includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed or wildflower seed, except for seed which have been placed on the Kentucky noxious weed seed list***;*** ~~[.]~~

(15) ~~[(13)]~~ "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, indicate the ability to produce a normal plant under favorable conditions***;*** ~~[.]~~

(16) ~~[(14)]~~ "Hard seed" means seed which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat***;*** ~~[.]~~

(17) ~~[(15)]~~ "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining:

(a) Two (2) or more inbred lines;

(b) One (1) inbred or a single cross with an open-pollinated variety; or

(c) Two (2) varieties or species, excluding open-pollinated varieties of corn;

and excludes the second generation or subsequent generations from those crosses***;*** ~~[.]~~

(18) ~~[(16)]~~ "Inert matter" means all matter not seed, including broken seed, sterile florets, chaff, fungus bodies, and stones***;*** ~~[.]~~

(19) ~~[(17)]~~ "Innoculant" means a formulation containing nitrogen-fixing bacteria which is applied as a treatment to legume seed to increase the nitrogen-fixing capabilities of the plants produced from the seed***;*** ~~[.]~~

(20) ~~[(18)]~~ "Inspection fee" means a fee, based on volume or value of product distributed, collected by the director from permit holders in Kentucky***;*** ~~[.]~~

(21) ~~[(19)]~~ "Kind" means one (1) or more related species or subspecies which singly or collectively is known by one (1) common name, for example, corn, oats, alfalfa, and timothy***;*** ~~[.]~~

(22) ~~[(20)]~~ "Label" includes a tag or other device attached to or written, stamped, or printed on any container of seed or accompanying any lot of bulk seed purporting to set forth the information required on the seed label by KRS 250.021 to 250.111, and it may include other information relating to the labeled seed***;*** ~~[.]~~

(23) ~~[(21)]~~ "Lot" means a definite quantity of seed identified by a number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling***;*** ~~[.]~~

(24) ~~[(22)]~~ "Mixture" means seed consisting of more than one (1) kind, each in excess of five percent (5%) by weight of the whole***;*** ~~[.]~~

(25) ~~[(23)]~~ "Mulch" means a protective covering of any suitable substance placed with seed which acts to retain moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil water, the control of weeds, and the prevention of erosion***;*** ~~[.]~~

(26) ~~[(24)]~~ "Noncertified custom seed conditioner" means a person other than a certified seed conditioner who conditions agricultural seed which is to be distributed***;*** ~~[.]~~

(27) ~~[(25)]~~ "Noxious weed seed" means one (1) of two (2) classes:

(a) "Prohibited noxious weed seed" means those weed seed which are prohibited from being present in agricultural, vegetable, or flower seed, and are seed of weeds which are highly destructive and difficult to control***; or*** ~~[.]~~

(b) "Restricted noxious weed seed" means those weed seed which are objectionable in agricultural crops, lawns, or gardens of Kentucky, but which can be controlled using conventional methods***;*** ~~[.]~~

(28) ~~[(26)]~~ "Pelleted seed" means seed coated with a layer of inert materials that may obscure the original shape and size of the seed resulting in a substantial weight increase and improved plantability. The addition of polymers, biologicals, pesticides, identifying colorants or dyes, or other ingredients may be included in the pelleting material***;*** ~~[.]~~

(29) ~~[(27)]~~ "Permit holder" means a person who has obtained a permit from the director to label agricultural, vegetable, or flower seed; or combination mulch, seed, and fertilizer products distributed in Kentucky and whose name and address is required to appear on labels of those products distributed in Kentucky as a condition for obtaining the permit***;*** ~~[.]~~

(30) ~~[(28)]~~ "Person" means an individual, partnership, company, corporation, or other type of business establishment***;*** ~~[.]~~

(31) ~~[(29)]~~ "Pure seed" means seed exclusive of inert matter and all other seed not of the kind or variety being considered***;*** ~~[.]~~

(32) ~~[(30)]~~ "Informal hearing" means a discussion of facts between the person involved in an apparent law violation and the director***;*** ~~[.]~~

(33) ~~[(31)]~~ "Record" means information which relates to the origin, treatment, germination, purity, kind, and variety of each lot of seed sold. The information shall include seed samples and documents showing declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, or examinations***;*** ~~[.]~~

(34) ~~[(32)]~~ "Retail agricultural seed dealer" means a person who engages in the business of distributing agricultural seed in containers or bulk units of forty (40) pounds or more***;*** ~~[.]~~

(35) ~~[(33)]~~ "Seizure" means a legal process carried out by court order against a specified seed lot***;*** ~~[.]~~

(36) ~~[(34)]~~ "Stop sale" means an administrative order provided by law, which restrains the distribution of a specified seed lot***;*** ~~[.]~~

(37) ~~[(35)]~~ "Treated seed" means seed which has received an application of a substance or has been subjected to a process for which a claim is made***;*** ~~[.]~~

(38) ~~[(36)]~~ "Variety" means a subdivision of a species which is distinct, uniform, and stable; distinct in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, or other characteristics from all other publicly known varieties; uniform in the sense that the variations in essential and distinctive characteristics are describable; and stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties***; and*** ~~[.]~~

(39) ~~[(37)]~~ "Vegetable seed" means the seed of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seed in Kentucky.

➔Section 3. KRS 250.041 is amended to read as follows:

(1) Every lot of agricultural seed, when in bulk or a container of one (1) pound or more, or in the case of tobacco seed of one-twelfth (1/12) ounce or more; each packet or other container of vegetable or flower seed; each preplanted container, mat, tape, or other planting device containing vegetable or flower seed; and each container of a combination mulch, seed, and fertilizer product distributed in Kentucky for planting purposes shall bear or have attached in a conspicuous place a plainly written or printed label in the English language providing the information stipulated in subsection (10) of this section.

(2) Labels shall be obtained as described in KRS 250.051.

(3) The label specified in this section shall be delivered to the purchaser with every distribution of agricultural seed, if the distribution amounts to one (1) pound or more, whether the distribution is in bulk or in package.

(4) Seed remaining in the inventory of a retail agricultural seed dealer or a permit holder after the germination test has expired shall be removed from sale or relabeled. New tags are preferred for relabeling, but new percentages of germination, hard seeds, or dormant seed and the new date of germination test may be entered on the tags or labels previously attached to the container if inserted in a way to be clearly legible and the old percentages of germination, hard seeds, or dormant seed and date of test are completely obliterated. The person upon whose premises the seed is located shall be held responsible for obtaining the new germination test and for subsequent relabeling of the seed.

(5) Labeling of seed supplied to or owned by a permit holder may be a single tag or laboratory report accompanying the invoice, if each bag or other container is clearly identified by a lot number stenciled or taped on the container. Each bag or container that is not so identified shall carry complete labeling.

(6) All soybean seed, except black soybean (hay bean) seed shall be labeled by variety name.

(7) All tobacco seed or winter rape (Canola) seed shall be certified by the Kentucky Seed Improvement Association (KSIA) or by the agency responsible for certification in the state, province, or country where the seed originated, but only if the standards there are not lower than KSIA standards.

(8) The label for treated seed shall provide the following as additional information:

(a) A word or statement indicating that the seed has been treated.

(b) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.

(c) A caution statement such as "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals. The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.

(d) The expiration date if the treatment is an innoculant.

(9) The label for agricultural seed which have been pelleted ***or coated*** shall provide the following as additional information:

(a) Percentage by weight of pure seed with pelleting ***or coating*** material removed.

(b) Percentage by weight of pelleting ***or coating*** material.

(c) Percentage by weight of inert material exclusive of pelleting ***or coating*** material.

(d) Percentage of germination, which is to be determined on four hundred (400) pellets.

(10) Labels giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container, shall be used:

(a) For agricultural seed***, except for cool season grass seed and seed mixtures as provided in paragraph (b) of this subsection,*** when in bulk or a container of one (1) pound or more or in the case of tobacco seed of one-twelfth (1/12) ounce or more:

1. The name and address of the person who labeled the seed;

2. The name of the kind and variety for each agricultural seed component present in excess of five percent (5%). If the variety of those kinds generally labeled as to variety as designated in the administrative regulations ***promulgated under KRS 250.021 to 250.111*** is not known, the label shall show the kind and the words~~[,]~~ "Variety Unknown." ***If the variety of those kinds generally labeled as to variety as designated in the administrative regulations promulgated under KRS 250.021 to 250.111 is not stated, the label shall show the kind and the words "Variety Not Stated" or "VNS."*** Hybrid designations, when applicable, shall be used in place of variety names. If more than one (1) component is present in excess of five percent (5%), the word ***"mixed," "mixture," or "blend"***~~["mixed" or "mixture"]~~ shall be stated with the name of the mixture ***or blend***, and each component shall be listed in columnar form in order of its prominence***;***~~[.]~~

3. Lot number or other lot identification;

4. Percentage by weight of all weed seed;

5. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;

6. Percentage by weight of crop seed;

7. Percentage by weight of inert matter;~~[and]~~

8. ***The totality of pure seed, weed seed, crop seed, and inert matter described in subparagraphs 2., 4., 6., and 7. of this paragraph shall total one hundred percent (100%); and***

9. For each named agricultural seed:

a. Percentage of germination, exclusive of hard or dormant seed;

b. Percentage of hard or dormant seed, if present;

c. Origin (state or foreign country); and

d. The calendar month and year in which the germination test was completed***;***~~[.]~~

(b) ***For cool season grasses, including but not limited to Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass, and mixtures of the grasses:***

1. For single kinds, the name of the kind and variety shall be listed. If the variety of those kinds generally labeled as to variety as designated in the administrative regulations promulgated under KRS 250.021 to 250.111 is not known, the label shall show the kind and the words "Variety Unknown." If the variety of those kinds generally labeled as to variety as designated

in the administrative regulations promulgated under KRS 250.021 to 250.111 is not stated, the label shall show the name and the kind with the words "Variety Not Stated" or "VNS";

2. For mixtures:

a. The word "mix," "mixed," "mixture," or "blend" shall be stated with the name of the mixture;

b. The heading "Pure Seed," "Germination," or "Germ" shall be used in the proper places; and

c. The commonly accepted name of the kind, or kind and variety, of each agricultural seed component in excess of five percent (5%) of the whole, and the percentage by weight of pure seed shall be written in order of its predominance and in columnar form. If the variety of those kinds generally labeled as to variety as designated in the administrative regulations promulgated under KRS 250.021 to 250.111 is not stated, the label shall show the name of the kind and the word "Variety Not Stated";

3. The percentage by weight of crop seed;

4. The percentage by weight of inert matter;

5. The percentage by weight of all weed seeds;

6. The totality of pure seed, pure seed mix, crop seed, inert matter, and weed seed described in subparagraphs 1., 2., 3., 4., and 5. of this paragraph shall total one hundred percent (100%);

7. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;

8. For each cool season grass seed named under subparagraphs 1. and 2. of this paragraph:

a. The percentage of germination, exclusive of hard seed;

b. The percentage of hard seed, if present;

c. The calendar month and year the test was completed to determine such percentages; and

d. The test to determine the percentage of germination shall be completed within a fifteen (15) month period immediately prior to sale, exposure for sale, or offering for sale or transportation, exclusive of the calendar month in which the test was completed; and

9. The name and address of the person who labeled the seed;

(c) For vegetable seed in packets as prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;
2. Name of kind and variety of seed;
3. Lot identification, such as by lot number or other means;
4. The year for which the seed was packed for distribution as "Packed for ------" or the percentage germination and the calendar month and year the test was completed to determine such percentage;
5. For seed which germinate less than the standard last established by the director under KRS 250.021 to 250.111:
   a. Percentage of germination, exclusive of hard seed;
   b. Percentage of hard seed, if present; and
   c. The words "Below Standard" in not less than eight (8) point type.
6. For vegetable seed placed in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container***;***~~[.]~~

(d)~~[(c)]~~ For vegetable seed in containers other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

2. The name of each kind and variety present in excess of five percent (5%) and the percentage by weight of each in order of its predominance;

3. Lot number or other lot identification; and

4. For each named vegetable seed:

   a. Percentage of germination, exclusive of hard seed;

   b. Percentage of hard seed, if present; and

   c. The calendar month and year the test was completed to determine the percentages.

~~[5.]~~The labeling requirements for vegetable seed in containers of more than one (1) pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser***;***~~[.]~~

(e) ~~[(d)]~~ For flower seed in packets prepared for use in home gardens or household plantings, or flower seed in preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;

3. The calendar month and year the seed was tested or the year for which the seed was packaged; and

4. If seed are of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of KRS 250.021 to 250.111:

   a. Percentage of germination, exclusive of hard seed; and

   b. The words "Below Standard" in not less than eight (8) point type***; and***~~[.]~~

5. If seed are in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container***;***~~[.]~~

(f) ~~[(e)]~~ For flower seed in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;

3. The lot number or other lot identification;

4. The calendar month and year that the seed was tested or the year for which the seed was packaged; ***and***

5. If seed are of a kind for which standard testing procedures are prescribed:

   a. Percentage of germination, exclusive of hard seed; and

   b. Percentage of hard seed, if present***; and***~~[.]~~

(g) ~~[(f)]~~ For combination mulch, seed, and fertilizer products:

1. The name and address of the person who labeled the seed***;***~~[.]~~

2. The word "combination" followed by the words "mulch - seed - fertilizer" (if appropriate) shall appear on the upper thirty percent (30%) of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch - seed - fertilizer" shall be no smaller than half the size of the word "combination" and in close proximity to the word "combination." These products shall contain a minimum of seventy percent (70%) mulch***; and***~~[.]~~

3. Agricultural, lawn, and turf seed placed in a germination medium, mat, tape, or other device or mixed with mulch shall, in addition, be labeled as follows:

   a. Product name;

   b. Lot number;

   c. Percentage by weight of pure seed of each kind and variety named which may be less than five percent (5%) of the whole***;*** ~~[.]~~

   d. Percentage by weight of crop seed;

   e. Percentage by weight of inert matter which shall not be less than seventy percent (70%);

   f. Percentage by weight of weed seed;

   g. Name and number of noxious weed seed per pound, if present; and

   h. Percentage of germination and hard seed (if appropriate) of each kind or kind and variety named and date of test.

➔Section 4. KRS 250.051 is amended to read as follows:

(1) The following shall apply with regard to permits for labeling:

   (a) Each person who labels agricultural seed in accordance with KRS 250.041 shall obtain a labeling permit from the director and pay a ***semiannual*** ~~[quarterly]~~ inspection fee unless labels attached to the seed containers were issued by the Kentucky Seed Improvement Association, or purchased from the director***;*** ~~[.]~~

   (b) Each person who labels vegetable seed, flower seed, or combination mulch, seed, and fertilizer product shall obtain a labeling permit from the director***;*** ~~[.]~~

   (c) Permit holders shall be assessed a yearly fee of twenty-five dollars ($25) based on a calendar year or fraction thereof. The procedure for obtaining a permit, the responsibilities of the permit holders, method to be used in determining inspection fees, and the procedure for payment of inspection fees by permit holders distributing agricultural seed shall be established by administrative regulations promulgated by the director. Permits may be revoked if the director determines that the permit holder is not complying with the provisions of KRS 250.021 to 250.111***;*** ~~[.]~~

   (d) Labels for agricultural seed may be purchased from the director at a price established by administrative regulation promulgated by the director.

(2) Each person who distributes agricultural seed in containers of forty (40) pounds or more at retail in Kentucky and each person, other than a certified seed conditioner, who conditions agricultural seed for distribution in Kentucky shall register with the director.

(3) Certified seed growers and certified seed conditioners shall be registered with the director by the Kentucky Seed Improvement Association at no additional fee as a part of the certification process.

(4) The yearly registration fee for retail agricultural seed dealers and for noncertified custom seed conditioners shall be twenty-five dollars ($25). If a person is required to both register and obtain a permit, the permit fee shall apply, and if a person is required to register both as a retail agricultural seed dealer and noncertified custom seed conditioner, only one (1) registration fee shall be paid.

➔Section 5. KRS 250.071 is amended to read as follows:

It shall be unlawful:

(1) To distribute any agricultural seed, mixtures of agricultural seed, vegetable seed, or flower seed, for seeding purposes which is not labeled in compliance with the provisions of KRS 250.041 or which has false or misleading labeling***;*** ~~[.]~~

(2) To perform or hold oneself out as being authorized to perform any of the acts for which registration or a permit is required without complying with requirements of KRS 250.051***;*** ~~[.]~~

(3) To detach, alter, deface, or destroy any label provided for in KRS 250.021 to 250.111 or administrative regulations promulgated thereunder, or to alter or to falsely label seed***;*** ~~[.]~~

(4) To disseminate false or misleading advertisements concerning seed subject to KRS 250.021 to 250.111***;*** ~~[.]~~

(5) To hinder or obstruct any authorized person in the performance of his or her duties under KRS 250.021 to 250.111***;*** ~~[.]~~

(6) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed, or tags attached thereto, held under a "stop sale" order, except with express permission of the director and for the purpose specified thereby***;*** ~~[.]~~

(7) To distribute agricultural, vegetable, or flower seed subject to the requirements of KRS 250.021 to 250.111:

(a) ***If subject to the germination requirements in Section 3 of this Act, or unless otherwise stipulated in Section 3, subsection (10)(b) of this Act, the test to determine the percentage of germination required by Section 3 of this Act shall be completed within a nine (9) month period immediately prior to sale, exposure for sale, or offering for sale or transportation, exclusive of the calendar month in which the test was completed*** ~~[Unless the test to determine the percentage of germination shall have been completed within a nine (9) month period exclusive of the calendar month in which the test was completed]~~. However, agricultural or vegetable seed packaged in hermetically sealed containers may be distributed for a period of thirty-six (36) months after the germination test was completed***;*** ~~[.]~~

(b) Consisting of or containing prohibited noxious weed seed***;*** ~~[.]~~

(c) Having a combined germination and hard seed or germination and dormant seed percentage that is under sixty percent (60%), unless exception is specifically granted by the director***;*** ~~[.]~~

(d) Consisting of or containing restricted noxious weed seed in amounts in excess of the number prescribed by administrative regulations promulgated under KRS 250.021 to 250.111, or in excess of the number declared on the label***;*** ~~[.]~~

(e) Containing more than two percent (2%) by weight of all weed seed***; or*** ~~[.]~~

(f) Labeled with the word "trace" or other word as a substitute for a percentage amount***;*** ~~[.]~~

(8) To distribute agricultural seed not certified by an official seed-certifying agency if it is a variety for which a certificate of plant variety protection under the Federal Plant Variety Protection Act, 7 U.S.C. secs. 2321 et seq., specifies distribution only as a class of certified seed. Agricultural seed from a certified lot may be included and labeled by variety name in a mixture provided that the approval of the owner of the variety has been obtained***;*** ~~[.]~~

(9) To sell or offer for sale any seed bearing the certified label of any growers' association whose requirements for certification are in any regard lower than those of the Kentucky Seed Improvement Association***;*** ~~[.]~~

(10) To mix seed, including "feed wheat" or "wheat," with fertilizer and distribute the mixture unless the seed have been tested and labeled and are in full compliance with KRS 250.021 to 250.111***;*** ~~[.]~~

(11) To condition seed belonging to one (1) person and deliver the conditioned seed to, or allow its pick-up by, any other person unless the seed have been tested and labeled in accordance with KRS 250.041***; and*** ~~[.]~~

(12) To use relabeling stickers without having both the calendar month and year the germination test was completed and the lot number that matches the existing original lot number.

Became law without Governor's signature April 6, 2016.

CHAPTER 39

(HB 529)

AN ACT relating to water resources policy.

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

➔SECTION 1. A NEW SECTION OF KRS 151.100 TO 151.460 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Water Resources Board is hereby created for the purposes of assisting the cabinet in the implementation of Section 2 of this Act and KRS 151.112. The board shall be attached to the cabinet for administrative purposes.

(2) The Kentucky Water Resources Board shall:

(a) Assist the cabinet in conducting research and developing recommendations to enhance the quality of water resources accessible for agricultural production in the state;

(b) Research emerging water resources issues, including the adequacy of water supplies available for agricultural production and in rural Kentucky;

(c) Examine potential actions to address deficiencies in water supplies identified by the board; and

(d) Make recommendations for developing new and reliable water sources for key areas of farm production in Kentucky.

(3) The Kentucky Water Resources Board shall consist of eleven (11) members as follows:

(a) The secretary of the cabinet or the secretary's designee, who shall serve as chair;

(b) The Commissioner of the Kentucky Department of Agriculture or the Commissioner's designee, who shall serve as vice chair;

(c) The dean of the University of Kentucky College of Agriculture, Food, and Environment or the dean's designee;

(d) Six (6) members appointed by the Governor as follows:

1. One (1) member selected from a list of three (3) submitted by the Kentucky Association of Conservation Districts, who shall serve an initial term of four (4) years;

2. One (1) member selected from a list of three (3) submitted by the Kentucky Chamber of Commerce, who shall serve an initial term of four (4) years;

3. One (1) member selected from a list of three (3) submitted by the Kentucky County Judge/Executive Association, who shall serve an initial term of three (3) years;

4. One (1) member selected from a list of three (3) submitted by the Kentucky Farm Bureau, who shall serve an initial term of three (3) years;

5. One (1) member selected from a list of three (3) submitted by the Kentucky League of Cities, who shall serve an initial term of two (2) years; and

6. One (1) member selected from a list of three (3) submitted by the Kentucky Rural Water Association, who shall serve an initial term of two (2) years; and

(e) The board shall have two (2) nonvoting liaisons who are members of the General Assembly, one (1) of whom shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives, and one (1) of whom shall be a member of the Senate appointed by the President of the Senate.

(4) Members appointed under subsection (3)(d) of this section shall serve a term of four (4) years and may be reappointed. A person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) (a) The Kentucky Water Resources Board shall meet at the call of the chair, and members shall not receive compensation for serving on the board.

(b) Six (6) members shall constitute a quorum for the purposes of conducting business.

(6) The Kentucky Water Resources Board shall:

(a) Develop and provide the cabinet with recommendations regarding water use efficiency for all agricultural water uses;

(b) Develop recommendations for a strategy to promote water conservation in agricultural uses;

(c) Develop and provide recommendations to the cabinet, the Department of Agriculture, and the Soil and Water Conservation Commission regarding on-farm and rural community drought and water assessment, monitoring, and improvements for agricultural purposes; and

(d) Request technical assistance from the following groups in order to establish a process for the collection and coordination of data on surface and ground water availability, water quality, the presence of point and nonpoint sources of pollution, instream flow, water withdrawal and use, flood damage and storm water management, and the identification and assessment of future data needs:

1. Kentucky Geological Survey;

2. United States Geological Survey;

3. Kentucky Water Resources Institute;

4. Interagency Technical Advisory Committee on Groundwater;

5. Soil and Water Conservation Commission; and

6. Any other water group the board deems necessary.

➔Section 2. KRS 151.110 is amended to read as follows:

(1) (a) The conservation, development, and proper use of the water resources of the Commonwealth of Kentucky have become of vital importance as a result of population expansion and concentration, industrial growth, technological advances, and an ever increasing demand for water for varied domestic, ***agricultural,*** industrial, municipal, and recreational uses. It is recognized by the General Assembly that excessive rainfall during certain seasons of the year causes damage from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural, and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness, and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development, and most beneficial use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or nonbeneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefore, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical, or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of KRS Chapters 146, 149, 151, 224, 262, and KRS 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to require local communities to develop long range water supply plans; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance, and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky, and to ensure adequate supply of water for domestic, agricultural, recreational, and economic development uses.

(b) The cabinet shall:

1. Provide leadership in water use efficiency for all water uses;

2. Promote conservation;

3. Offer technical assistance and conduct research;

4. Be the lead agency with other state and local agencies to incorporate conservation measures and incentives into their programs;

5. Sponsor "technology transfer sessions" on water conservation to commercial and industrial operations;~~[and]~~

6. Provide leadership to communities looking for information and methods for coping with the issues of growth and water supply***;***

7. Provide leadership for on-farm and rural community drought and water assessment, monitoring, and improvement for agricultural purposes; and

8. Have the authority to receive and disperse federal, state, and other funds for the purpose of on-farm and community drought and water assessment, monitoring, and improvements.

(c) Subsection (1)(b) shall not be construed as changing the relationship between the cabinet and the Kentucky River Authority and their respective responsibilities for oversight of the Kentucky River as set out in KRS 151.700 and 151.720.

(2) It is a finding of the General Assembly that groundwater is an important but vulnerable natural resource of this state, that the majority of rural Kentuckians rely exclusively on groundwater for drinking, and that groundwater is inextricably linked to surface waters which may also serve as a drinking water resource. It is also a finding that groundwater is a resource equally vital for agricultural, commercial, and industrial purposes and that useable groundwater is critical to the future development of these industries. Therefore, it shall be the policy of this state to manage groundwater for the health, welfare, and economic prosperity of all citizens.

Became law without Governor's signature April 6, 2016.

CHAPTER 40

(SB 188)

AN ACT relating to oil and gas well sites.

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

➔Section 1. KRS 353.510 is amended to read as follows:

As used in KRS 353.500 to 353.720, unless the context otherwise requires:

(1) "Department" means the Department for Natural Resources;

(2) "Commissioner" means the commissioner of the Department for Natural Resources;

(3) "Director" means the director of the Division of Oil and Gas as provided in KRS 353.530;

(4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;

(5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator, or fiduciary of any kind, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;

(6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive or receive, without waste, the oil and gas in and under or produced from a tract or tracts in which the person owns or controls an interest, or proceeds thereof;

(7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined in subsection (7) of this section as oil;

(9) "Pool" means:

(a) An underground reservoir containing a common accumulation of oil or gas or both; or

(b) An area established by the commission as a pool.

Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool";

(10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field," unlike "pool," may relate to two (2) or more pools;

(11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool underlying his tract or tracts;

(12) "Abandoned," when used in connection with a well or hole, means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of oil or gas or for the injection or disposal of fluid therein;

(13) "Workable bed" means:

(a) A coal bed actually being operated commercially;

(b) A coal bed that the department decides can be operated commercially and the operation of which can reasonably be expected to commence within not more than ten (10) years; or

(c) A coal bed which, from outcrop indications or other definite evidence, proves to the satisfaction of the commissioner to be workable, and which, when operated, will require protection if wells are drilled through it;

(14) "Well" means a borehole:

(a) Drilled or proposed to be drilled for the purpose of producing gas or oil;

(b) Through which gas or oil is being produced; or

(c) Drilled or proposed to be drilled for the purpose of injecting any water, gas, or other fluid therein or into which any water, gas, or other fluid is being injected;

(15) "Shallow well" means any well drilled and completed at a depth of six thousand (6,000) feet or less except, in the case of any well drilled and completed east of longitude line 84 degrees 30'; shallow well means any well drilled and completed at a depth of six thousand (6,000) feet or above the base of the lowest member of the Devonian Brown Shale, whichever is the deeper in depth;

(16) "Deep well" means any well drilled and completed below the depth of six thousand (6,000) feet or, in case of a well located east of longitude line 84 degree 30', a well drilled and completed at a depth below six thousand (6,000) feet or below the base of the lowest member of the Devonian Brown Shale, whichever is deeper;

(17) "Operator" means:

(a) For a deep well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others. In the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as ***the royalty***~~[theroyalty]~~ owner to the extent of the prevailing royalty in the oil and gas in that portion of the pool underlying the tract owned by the owner, and as operator as to the remaining interest in such oil and gas. In the event the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool; and

(b) For a shallow well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas therefrom, either for himself or herself, or for himself or herself and others. If there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as operator to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by the owner, and as a royalty owner as to the one-eighth (1/8) interest in the oil and gas. If the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as operator as to the pool;

(18) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that the owner is not an operator as defined in subsection (17) of this section;

(19) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one (1) well so as to produce the reasonable maximum oil or gas reasonably recoverable in the area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, the area shall be a drilling unit;

(20) "Underground source of drinking water" means those subsurface waters identified as in regulations promulgated by the department which shall be consistent with the definition of underground source of drinking water in

regulations promulgated by the Environmental Protection Agency pursuant to the Safe Drinking Water Act, 42 U.S.C. secs. 300(f) et seq.;

(21) "Underground injection" means the subsurface emplacement of fluids by well injection but does not include the underground injection of natural gas for purposes of storage;

(22) "Endangerment of underground sources of drinking water" means underground injection which may result in the presence in underground water, which supplies or can reasonably be expected to supply any public water system, of any contaminant and if the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons;

(23) "Class II well" means wells which inject fluids:

(a) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

(b) For enhanced recovery of oil or natural gas; and

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure;

(24) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state;

(25) "Horizontal well" means a well, the wellbore of which is initially drilled on a vertical or directional plane and which is curved to become horizontal or nearly horizontal, in order to parallel a particular geological formation and which may include multiple horizontal or stacked laterals;

(26) "Vertical well" means a well, the wellbore of which is drilled on a vertical or directional plane into a formation and is not turned or curved horizontally to allow the wellbore additional access to the oil and gas reserves in the formation;

(27) "Prevailing royalty" means the royalty rate or percentage that the commission determines is the royalty most commonly applicable with regard to the tract or unit in the issue. The royalty rate set by the commission shall not be less than one-eighth (1/8) or twelve and one-half percent (12.5%);

(28) "Best management practices" means demonstrated practices intended to control site runoff and pollution of surface water and groundwater to prevent or reduce the pollution of waters of the Commonwealth;

(29) "Abandoned storage tank facility" means any aboveground storage tank or interconnected grouping of tanks that is no longer being actively used and maintained in conjunction with the production and storage of crude oil or produced water;

(30) "Spill prevention, control, and countermeasure structures" means containment structures constructed around a storage facility to contain facility discharges;

(31) "Landowner" means any person who owns real property where an abandoned storage tank facility is currently located;

(32) "Chemical Abstracts Service" means the division of the American Chemical Society that is the globally recognized authority for information on chemical substances;

(33) "Chemical abstracts service number" means the unique identification number assigned to a chemical by the Chemical Abstracts Service;

(34) "Chemical" means any element, chemical compound, or mixture of elements or compounds that has its own specific name or identity, such as a chemical abstracts service number;

(35) "Chemical disclosure registry" means the chemical registry known as FracFocus developed by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission. If that registry becomes permanently inoperable, the chemical disclosure registry shall mean another publicly accessible Web site that is designated by the commissioner;

(36) "Division" means the Kentucky Division of Oil and Gas;

(37) "Emergency spill or discharge" means an uncontrolled release, spill, or discharge associated with an oil or gas well or production facility that has an immediate adverse impact to public health, safety, or the environment as declared by the secretary of the cabinet;

(38) "Health professional" means a physician, physician assistant, nurse practitioner, registered nurse, or emergency medical technician licensed by the Commonwealth of Kentucky;

(39) "High-volume horizontal fracturing treatment" means the stimulated treatment of a horizontal well by the pressurized application of more than eighty thousand (80,000) gallons of water, chemical, and proppant, combined for any stage of the treatment or three hundred twenty thousand (320,000) gallons in the aggregate for the treatment used to initiate or propagate fractures in a geological formation for the purpose of enhancing the extraction or production of oil or natural gas;

(40) "Proppant" means sand or any natural or man-made material that is used in a hydraulic fracturing treatment to prop open the artificially created or enhanced fractures once the treatment is completed;

(41) "Total water volume" means the total quantity of water from all sources used in a high-volume hydraulic fracturing treatment;

(42) "Trade secret" means information concerning the volume of a chemical or relative concentration of chemicals used in a hydraulic fracturing treatment that:

(a) Is known only to the hydraulic fracturing treatment's owners, employees, former employees, or persons under contractual obligation to hold the information in confidence;

(b) Has been perfected and appropriated by the exercise of individual ingenuity which gives the hydraulic fracturing treatment's owner an opportunity to retain or obtain an advantage over competitors who do not know the information; and

(c) Is not required to be disclosed or otherwise made available to the public under any federal or state law or administrative regulation;~~[and]~~

(43) "Cabinet" means the Energy and Environment Cabinet***; and***

(44) "Stratigraphic test well" means an exploratory borehole drilled for the sole purpose of acquiring subsurface geological and structure test data.

➔Section 2. KRS 353.570 is amended to read as follows:

(1) No person shall drill or deepen a well, ***drill a stratigraphic test well,*** or reopen a plugged well for the production of oil or gas or for the injection of water, gas or other fluid into any oil or gas producing formation (except seismograph test holes) after June 16, 1960, or drill or deepen a water supply well~~[, and geological or structure test holes]~~ after June 16, 1966, until such person shall obtain a permit from the department, except as provided in KRS 353.730.

(2) When any applicant for a permit as required by this section has complied with the provisions of this chapter and all rules and regulations promulgated hereunder, the department shall issue the permit.

(3) The department may authorize the commencement of the drilling, deepening or reopening of any well prior to the issuance of a permit therefor; except if the location of the well is known to be underlaid by a coal-bearing stratum and consent of the owner, operator, and lessee of the coal-bearing stratum has not been granted. Consent shall be implied, when the coal-bearing stratum is owned by the oil and gas lessor or lessee, and the coal is not under lease to any third party.

➔Section 3. KRS 353.590 is amended to read as follows:

(1) Any person seeking a permit required by KRS 353.570 shall submit to the department a written application in a form prescribed by the department.

(2) Each application shall be accompanied by a specified fee as follows:

(a) The fee shall be three hundred dollars ($300) for each well to be drilled, deepened, or reopened for any purpose relating to the production, repressuring, or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole.

(b) If the department receives delegation of authority for administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Pub. L. 93-523 as amended), the department may, by administrative regulation, establish a fee or schedule of fees in an amount not to exceed fifty dollars ($50) per well, in addition to the fees imposed by paragraph (a) of this subsection, upon each application to drill, deepen, or reopen a well for any purpose relating to the production, repressuring, or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole. The fees or schedule of fees to be established by administrative regulation shall not exceed an

amount sufficient to recover the costs incurred by the department in administering the Underground Injection Control Program less any other state or federal funds which are made available for this purpose.

(c) All money paid to the State Treasurer for fees required by paragraph (b) of this subsection shall be for the sole use of the department in the administration of the Underground Injection Control Program under Section 1425 of the Safe Drinking Water Act (Pub. L. 93-523 as amended).

(3) Applications for each deep well shall be assessed a fee according to the following schedules:

(a) For a vertical deep well:

1. With a total vertical depth of seven thousand (7,000) feet or less, the fee shall be five hundred dollars ($500); and

2. With a total vertical depth greater than seven thousand (7,000) feet, the fee shall be six hundred dollars ($600); and

(b) For a horizontal deep well:

1. With a total measured well depth of ten thousand (10,000) feet or less, the fee shall be five thousand dollars ($5,000);

2. With a total measured well depth greater than ten thousand (10,000) feet, the fee shall be six thousand dollars ($6,000); and

3. Five hundred dollars ($500) for each additional lateral.

(4) For a horizontal deep well, each additional deep horizontal well located on the same well pad shall be assessed the following fee:

(a) Three thousand dollars ($3,000) for a total measured well depth up to ten thousand (10,000) feet; and

(b) Four thousand dollars ($4,000) for a total measured well depth greater than ten thousand (10,000) feet.

(5) All money paid to the State Treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the General Assembly for the use of the department.

(6) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the administrative regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by a professional land surveyor licensed in accordance with the provisions of KRS Chapter 322.

(7) When any person submits to the Department for Natural Resources an application for a permit to drill a well, or to reopen, deepen, or temporarily abandon any well which is not covered by surety bond, the department shall, except as provided in this section, require from the well operator the posting of a bond. Bonds for deep wells are posted for the purpose of ensuring well plugging and reclamation of disturbed areas. The bond for plugging shallow wells shall be posted in accordance with the following schedule:

Well Depth	Bond Amount
0 to 500 feet	$500.00
501 feet to 1,000 feet	$1,000.00
1,001 feet to 1,500 feet	$1,500.00
1,501 feet to 2,000 feet	$2,000.00
2,001 feet to 2,500 feet	$2,500.00
2,501 feet to 3,000 feet	$3,000.00
3,001 feet to 3,500 feet	$3,500.00
3,501 feet to 4,000 feet	$4,000.00
4,001 feet to 4,500 feet	$5,000.00
4,501 feet to 5,000 feet	$6,000.00
5,001 feet to 5,500 feet	$7,000.00

5,501 feet to 6,000 feet $8,000.00

(8) Plugging and reclamation bonds for vertical deep wells shall be twenty-five thousand dollars ($25,000). However, the commission may establish a higher bonding amount for vertical deep wells if the anticipated plugging and reclamation costs exceed the minimum bonding amounts established in this section.

(9) The minimum amount of plugging and reclamation bond for a horizontal deep well shall be forty thousand dollars ($40,000). However, the commission may establish a bond amount greater than forty thousand dollars ($40,000) if the anticipated plugging and reclamation costs exceed the minimum bond.

(10) (a) All bonds required to be posted under this section for plugging shallow wells shall:

1. Be made in favor of the Department for Natural Resources;

2. Be conditioned that the wells, upon abandonment, shall be plugged in accordance with the administrative regulations of the department and that all records required by the department be filed as specified; and

3. Remain in effect until the plugging of the well is approved by the department, or the bond is released by the department.

(b) All bonds required to be posted under this section for plugging deep wells shall:

1. Be made in favor of the Department for Natural Resources;

2. Be conditioned that the wells, upon abandonment, shall be plugged and the disturbed area reclaimed in accordance with the statutes and the administrative regulations of the department and that all records required by the department be filed as specified; and

3. Remain in effect until the plugging of the well and the reclamation of the disturbed area is approved by the department or the bond is released by the department.

(11) An operator may petition the department to amend the drilling depth and bond amount applicable to a particular well and shall not proceed to drill to a depth greater than that authorized by the department until the operator is so authorized, except pursuant to administrative regulations promulgated by the department.

(12) (a) Any qualified shallow well operator, in lieu of the individual bond, may file with the department a blanket bond according to the following tiered structure:

1. One (1) to twenty-five (25) wells require a ten thousand dollar ($10,000) bond;

2. Twenty-six (26) to one hundred (100) wells require a twenty-five thousand dollar ($25,000) bond;

3. One hundred one (101) to five hundred (500) wells require a fifty thousand dollar ($50,000) bond; and

4. Five hundred one (501) or more wells require a one hundred thousand dollar ($100,000) bond.

(b) Any nonqualified shallow well operator, in lieu of an individual bond, may file with the department a blanket bond according to the following tiered structure:

1. One (1) to one hundred (100) wells require a fifty thousand dollar ($50,000) bond; and

2. One hundred one (101) or more wells require a one hundred thousand dollar ($100,000) bond.

(13) To qualify for a blanket bond for a shallow well under the tiered structure set forth in subsection (12)(a) of this section, an operator shall:

(a) Have a blanket bond in place filed with the department prior to July 15, 2006, and have no outstanding, unabated violations of KRS Chapter 353 or regulations adopted pursuant thereto which have not been appealed;

(b) Demonstrate for a period of thirty-six (36) months prior to the request for blanket bonding a record of compliance with the statutes and administrative regulations of the division; or

(c) Provide proof of financial ability to plug and abandon wells covered by the blanket bond.

(14) In addition to the requirements set forth in subsection (15) of this section, proof of financial ability set forth in subsection (13)(c) of this section shall be established by an audited financial statement that satisfies at least two (2) of the following ratios:

(a) A ratio of total liabilities to net worth less than two (2); or

(b) A ratio of the sum of net income plus depreciation, depletion, and amortization to total liability greater than one-tenth (0.1); or

(c) A ratio of current assets to current liabilities greater than one and five-tenths (1.5).

(15) If the operator is a corporate subsidiary, the operator further shall provide a corporate guarantee in which the guarantor shall be the parent corporation of the operator of the wells covered under the bond. The corporate guarantee shall provide:

(a) That if the operator fails to perform with the proper plugging and abandonment of any well covered by the blanket bond, the guarantor shall do so or provide for alternate financial assurance; and

(b) The corporate guarantee shall remain in force unless the guarantor sends notice of the cancellation by certified mail to the operator and to the department. Cancellation shall not occur, however, during the one hundred twenty (120) day period beginning on the first day that both the operator and the department have received notice of cancellation, as evidenced by the certified mail return receipts.

(16) An operator shall not be eligible for blanket bonding if the operator has:

(a) More than ten (10) violations of KRS Chapter 353 or the regulations adopted pursuant thereto within the thirty-six (36) month period;

(b) Any outstanding, unabated violations of KRS Chapter 353 or the regulations adopted pursuant thereto which have not been appealed;

(c) A forfeiture of a bond, whether an individual bond or portion of a blanket bond, on any permit where the operator has not entered into an agreed order with the department for the plugging and proper abandonment of the well or wells on the forfeited permit or permits; or

(d) A permit or permits, upon which a bond or portion of a bond has been forfeited and the proceeds from the forfeiture have been spent by the department to plug or reclaim the permitted well or wells, unless the operator has made restitution to the department for all costs associated with the forfeiture, plugging, and proper abandonment.

(17) Any deep well operator, in lieu of an individual bond, may file with the department a blanket bond according to the following:

(a) One (1) to ten (10) vertical deep wells require a two hundred thousand dollar ($200,000) bond; and

(b) One (1) to ten (10) horizontal deep wells require a three hundred twenty thousand dollar ($320,000) bond.

(18) A deposit in cash or a bank-issued irrevocable letter of credit may serve in lieu of either of the individual well or blanket bonds.

(19) Individuals acquiring a single well for domestic use may post a combination bond which shall consist of a cash bond in the amount of one thousand dollars ($1,000) plus a lien on the property to cover future plugging costs. Only one (1) combination bond may be posted by each individual.

(20) A certificate of deposit, the principal of which is pledged in lieu of a bond and whose interest is payable to the party making the pledge, may serve for an individual well bond. A certificate of deposit, the principal of which is pledged in lieu of a bond and whose interest is payable to the party making the pledge, may serve for a blanket bond, provided that the first five thousand dollars ($5,000) of the blanket bond is posted with the department in cash.

(21) The bond or bonds referred to in this section shall be executed by the well operator as principal and, if a surety bond, by a corporate surety authorized to do business in the Commonwealth.

(22) A deposit in cash shall serve in lieu of either of the above bonds; all cash bonds accepted by the department shall be deposited into an interest-bearing account, with the interest thereon payable to the special agency account known as the oil and gas well plugging fund, created in subsection (28) of this section, to be used in accordance with the purposes described therein. All cash bonds being held by the department on July 13, 1990, shall likewise be deposited in the interest-bearing account, with the proceeds to be used for the purposes established for the oil and gas well plugging fund.

(23) The bond amounts prescribed by subsection (7) of this section shall be applicable only to permits issued upon and after July 15, 2006. All bonds posted for permits issued prior to July 15, 2006, shall remain in full force and effect for the duration of the permits.

(24) The blanket bond amounts prescribed by subsection (12) of this section shall be effective upon and after July 15, 2006. Any operator having filed a blanket bond with the department prior to July 15, 2006, may at its discretion increase the level of the blanket bond incrementally by increasing the blanket bond by the amount of the individual bond prescribed by subsection (12) of this section on any wells drilled subsequent to July 15, 2006, until the blanket bond has reached the level prescribed by subsection (12) of this section.

(25) A successor to the well operator shall post bond, pay a twenty-five dollar ($25) fee per well to the department, and notify the department in writing in advance of commencing use or operation of a well or wells. The successor shall assume the obligations of this chapter as to a particular well or wells and relieve the original permittee of responsibility under this chapter with respect to the well or wells. It shall be the responsibility of the selling operator to require the successor operator to post bond before use or operation is commenced by the successor and relief of responsibility under this chapter is granted to the original permittee.

(26) If the requirements of this section with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department, by administrative regulation, or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit.

(a) The notice shall specify in what respects the operator has failed to comply with this chapter or the administrative regulations of the department.

(b) If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall be forfeited to the department.

(27) A bond forfeited pursuant to the provisions of this chapter may be collected by an attorney for the department or by the Attorney General, after notice from the director of the Division of Oil and Gas.

(28) All sums received under this section or through the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency account to be designated as the oil and gas well plugging fund, which shall be an interest-bearing account with the interest thereon payable to the fund. This fund shall be available to the department and shall be expended for the plugging of any abandoned wells coming within the authority of the department pursuant to this chapter. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for the plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(29) ***(a) Any permitted stratigraphic test well:***

1. Is subject to all requirements under KRS 353.590, 353.5901, 353.550, 353.610, and subsections (1) and (4) of section 4 of this Act as if the stratigraphic test well were defined as a "well" in subsection (14) of Section 1 of this Act; and

2. Shall be plugged within one hundred eighty (180) days of completion of drilling the well.

(b) A stratigraphic test well shall be permitted as an oil and gas production well prior to:

1. Producing oil or gas; or

2. Deviating from true vertical.

(c) Any stratigraphic test well converted to an oil or gas production well under paragraph (b) of this subsection shall be subject to the requirements of subsections (1) to (3) of Section 4 of this Act~~[Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of the hole confidential until the information is allowed to be released by the person obtaining the permit]~~.

(30) For the purpose of this chapter, "water supply well" shall not include:

(a) Any well for a potable water supply for domestic use or for livestock; or

(b) Any water well used primarily for cooling purposes in an industrial process.

(31) Notwithstanding the provisions of KRS Chapter 353 or this section, no operator shall be eligible to receive additional permits if that operator or any entity in which it has an ownership interest has:

(a) Any outstanding, unabated violations of KRS Chapter 353 or the regulations adopted pursuant thereto, which have not been appealed;

(b) A forfeiture of a bond, whether an individual bond or portion of a blanket bond, on any permit where the operator has not entered into an agreed order with the department for the plugging and proper abandonment of the well or wells on the forfeited permit or permits; or

(c) A permit or permits upon which a bond or portion of a bond has been forfeited, and the proceeds therefrom having been spent by the department to plug or reclaim the permitted well, or wells, unless the operator has made restitution to the department for all costs associated with the forfeiture, plugging, and proper abandonment.

➔Section 4. KRS 353.660 is amended to read as follows:

(1) Any person to whom a permit is issued pursuant to KRS 353.500 to 353.720 shall file, within ninety (90) days after termination of operations conducted under the permit, with the department for transmittal to the Kentucky Geological Survey on forms to be furnished by the department the following information relating to the well:

(a) A copy of the driller's log certified to be true and accurate;

(b) The depth and thickness of all water zones encountered and logged;

(c) The depth of all showings of oil or gas;

(d) The depth and thickness of all coal seams encountered; and

(e) A true copy of all electrical surveys and similar logs and surveys taken. If the person to whom the permit is issued obtains a copy of the electrical survey or similar log or survey in electronic form, the operator shall submit the electrical survey or similar log in electronic form if requested by the department.

(2) Upon request by the department, any person to whom a permit is issued shall save for the Kentucky Geological Survey samples of all cuttings from the well drilled or deepened pursuant to the permit for a period of ninety (90) days after completion thereof.

(3) Upon request by any person furnishing information under this section, the information shall be kept confidential, for a period of one (1) year after the information is furnished by such person.

(4) ***(a) Upon request by any person applying for a permit for a stratigraphic test well, the division shall grant a three (3) year period of confidentiality for all drilling records required by this section from the date of completion of drilling the well.***

(b) Well records, surveys, and logs conducted on stratigraphic wells which are subsequently granted an oil or gas production permit shall comply with the confidentiality requirements in subsection (3) of this section~~[This section shall not apply to wells drilled or deepened as geological or structure test holes]~~.

Became law without Governor's signature April 6, 2016.

CHAPTER 41

(SB 225)

AN ACT relating to homelessness prevention.

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

➔Section 1. KRS 194A.735 is amended to read as follows:

(1) Subject to sufficient funding, the Cabinet for Health and Family Services and the Justice and Public Safety Cabinet, in consultation with any other state agency as appropriate, shall develop and implement ***the***

Homelessness Prevention Project, which~~[a homelessness prevention pilot project that]~~ offers institutional discharge planning on a voluntary basis to***:***

(a) Persons with serious mental illness, persons between the ages of eighteen (18) and twenty-five (25) who may be at risk of developing serious mental illness who are being released from a mental health facility operated or contracted by the cabinet, or persons with a history of multiple utilizations of health care, mental health care, or judicial systems;

(b) Persons who are being released after serving out a sentence from any state-operated prison or persons who are being paroled from any state-operated prison; or

(c) Persons who will be aging out of foster care or who have aged out of foster care~~[persons exiting from state-operated or supervised institutions involving mental health and foster care programs, and persons serving out their sentences in any state-operated prison in Oldham County]~~.

(2) The primary goal of the project shall be to prepare a limited number of persons in a foster home under supervision by the Cabinet for Health and Family Services, state-operated ***prisons***~~[prison in Oldham County]~~under supervision by the Justice and Public Safety Cabinet, and mental health ***facilities operated or contracted***~~[facility under supervision]~~ by the Cabinet for Health and Family Services for return or reentry into the community, and to offer information about any necessary linkage of the person to needed community services and supports.

(a) The ~~[pilot]~~project shall be jointly supported by each of the cabinets ***and managed under the direction of the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, Division of Behavioral Health***.

(b) Subject to sufficient funding as provided by an executive branch budget bill, the Division of Behavioral Health shall select the Homelessness Prevention Project sites. These sites shall be in addition to and integrated with the site located in and serving Jefferson County and the site located in a community mental health center serving Clinton, Cumberland, McCreary, and Wayne Counties~~[One (1) office for the pilot project shall be located in a family resource center or Department for Community Based Services building in Jefferson County, due to its urban population, and one (1) office shall be located in Clinton, Cumberland, McCreary, or Wayne County, due to its rural population. The pilot project office in Jefferson County shall serve persons intending to locate in Jefferson County who are being released from a mental health facility under supervision by the Cabinet for Health and Family Services and persons intending to locate in Jefferson County who are being released after serving out their sentences from any state-operated prison in Oldham County. The pilot project office in Clinton, Cumberland, McCreary, or Wayne County shall serve persons intending to locate in Clinton, Cumberland, McCreary, or Wayne County who are aging out of the foster care program following placement in Clinton, Cumberland, McCreary, or Wayne County]~~.

(c)~~[(b)]~~ Within thirty (30) days ***of the effective date of this Act***~~[following July 13, 2004]~~, the cabinets shall supply ***the***~~[each pilot]~~ project director ***at each site*** with the collection of information on available employment, social, housing, educational, medical, mental health, and other community services in the county. The information shall include but not be limited to the service area of each public and private provider of services, the capacity of each provider to render services to persons served by the ~~[pilot]~~project, the fees of each provider, contact names and telephone numbers for each provider, and an emergency contact for each provider.

(d)~~[(c)]~~ Within thirty (30) days ***of the effective date of this Act***~~[following July 13, 2004]~~, the cabinets and directors shall begin a program of education for each of the cabinet and foster home and mental health and appropriate state-operated prison facility staff who will participate in the development of a discharge plan for volunteer participants under this section.

(3) The ~~[pilot]~~project shall operate on a voluntary basis. ***Persons***~~[One (1) of each five (5) persons]~~ eligible for discharge or completing their sentence ***or who are being paroled from any state-operated prison*** shall be offered the opportunity to participate in the ***project***~~[pilot program]~~. This offer shall be made at least six (6) months prior to discharge. There shall be a cap on the number of persons served in each ***Homelessness Prevention Project*** office, to be determined by available funding and staffing requirements.

(a) The staff member designated as the homelessness prevention coordinator for each foster home or mental health facility shall maintain a file for each volunteer participant in the foster home or mental health facility, relating to the participant's employment, social, housing, educational, medical, and mental health needs. This file shall be updated from time to time as appropriate and pursuant to an administrative regulation promulgated by the cabinet in accordance with KRS Chapter 13A that establishes standards

for the discharge summary. The staff member designated as the homelessness prevention coordinator for the appropriate state-operated prison participating in the ~~[pilot]~~project shall maintain a file containing appropriate forms completed and updated by each person voluntarily participating in the ~~[pilot]~~project, relating to the information provided under subsection (6) of this section. All applicable privacy and confidentiality laws shall be followed in assembling and maintaining this file.

(b) Six (6) months prior to the expected date of discharge, the discharge coordinator for each foster home and mental health and state-operated prison facility shall contact the homelessness prevention director for ***the appropriate site where the volunteer participant chooses to locate following discharge*** ~~[Jefferson County or the homelessness prevention director for Clinton, Cumberland, McCreary, or Wayne County, as appropriate,]~~ about the pending release of the volunteer participant who is eligible for discharge from a foster home or mental health facility**,** ~~[or]~~who will have served out his or her sentence in a state-operated prison facility***, or who is being paroled from any state-operated prison*** that is participating in the ~~[pilot]~~project. The director shall visit the home or facility, as appropriate, to assist with the preparation of the final comprehensive discharge plan.

(c) The ***homelessness prevention*** director ***from the site where the participant chooses to locate*** and the discharge coordinator for each participating foster home and mental health and state-operated prison facility shall work together to develop a final comprehensive discharge plan that addresses the employment, health care, educational, housing, and other needs of the person to be released, subject to the consent of the person and the funding and staffing capabilities of the director. Information provided by the coordinator may include and be limited to, subject to the staffing and funding capabilities of the coordinator, information provided by the person to be released on a form or forms made available by the foster home or mental health or state-operated prison facility. The discharge plan shall contain but not be limited to the following:

1. Estimated discharge date from the foster home, state-operated prison facility, or mental health facility***, or identification by a social service provider of a person who meets the criteria listed in subsection (1) of this section***;

2. Educational background of the person to be released, including any classes completed or skills obtained by the person while in the foster home, state-operated prison facility, or mental health facility;

3. The person's medical and mental health needs;

4. Other relevant social or family background information;

5. A listing of previous attempts to arrange for post-release residence, employment, medical and mental health services, housing, education, and other community-based services for the person; and

6. Other available funding and public programs that may reimburse any services obtained from a provider listed in the discharge plan. Every effort shall be made in the discharge plan to refer the person to a provider that has agreed to an arranged public or private funding arrangement.

No discharge plan shall be completed unless the written consent, consistent with state and federal privacy laws, to compile the information and prepare the plan has been given by the person eligible for release who has volunteered to participate in the ***project*** ~~[pilot program]~~.

(4) The ***homelessness prevention*** director ***from the site where the participant chooses to locate*** shall assist with the completion of a final comprehensive discharge plan that may include but need not be limited to the following:

(a) Availability of appropriate housing, including but not limited to a twenty-four (24) month transitional program, supportive housing, or halfway house. Planning discharge to an emergency shelter is not appropriate to meet the housing needs of the person being discharged from foster care, a state-operated prison facility, or a mental health facility;

(b) Access to appropriate treatment services for participants who require follow-up treatment;

(c) Availability of appropriate employment opportunities, including assessment of vocational skills and job training; and

(d) Identification of appropriate opportunities to further education.

(5) Discharge planning shall be individualized, comprehensive, and coordinated with community-based services.

(a) Each discharge plan shall create a continuous, coordinated, and seamless system that is designed to meet the needs of the person.

(b) Staff of the foster home or facility and staff of community-based services providers shall be involved in the planning.

(c) Each facility shall utilize, wherever possible, community-based services within the facility to establish familiarity of the person residing in the facility with the community services.

(6) The Department of Corrections shall, through an administrative regulation promulgated in accordance with KRS Chapter 13A, develop a discharge plan that addresses the education; employment, technical, and vocational skills; and housing, medical, and mental health needs of a person who is to be released after serving out his or her sentence in a state-operated prison facility participating in the ~~[pilot]~~project.

(7) Appropriate data about discharge placements and follow-up measures shall be collected and analyzed. The analysis shall be included in the interim and final reports of the ***project***~~[pilot program]~~ specified in subsection (8) of this section.

(8) Each homelessness prevention director shall have regular meetings with appropriate state cabinet and agency staff to review the ~~[pilot]~~project and make recommendations for the benefit of the ***project***~~[program]~~. Each director shall be assisted by a local advisory council composed of local providers of services and consumer advocates who are familiar with homelessness prevention issues. Priority for membership on the advisory council shall be given to existing resources and regional mental health and substance abuse advisory councils at the discretion of the director.

(9) Each cabinet shall collect data about the discharge plans, referrals, costs of services, and rate of recidivism related to the homelessness prevention ***project***~~[program]~~, and shall submit an annual report to the Governor and the Legislative Research Commission no later than October 1 that summarizes the data and contains recommendations for the improvement of the ***project***~~[program]~~. The annual report also shall be forwarded to the Kentucky ***Interagency Council on Homelessness***~~[Commission on Services and Supports for Individuals with an Intellectual Disability and Other Developmental Disabilities, Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses, and the Kentucky Housing Corporation Homelessness Policy Council]~~.

(10) (a) The Kentucky Interagency Council on Homelessness is hereby established to plan, develop, coordinate, and implement programs for the purpose of improving the well-being of homeless Kentuckians. The council shall be attached to the Homeless and Housing Coalition of Kentucky for administrative purposes.

(b) The council shall include but not be limited to the following members:

1. The secretary of the Cabinet for Health and Family Services;

2. The executive director of the Homeless and Housing Coalition of Kentucky;

3. The chief executive officer of the Kentucky Housing Corporation;

4. The commissioner of the Kentucky Department for Veterans' Affairs;

5. The secretary of the Justice and Public Safety Cabinet;

6. The secretary of the Education and Workforce Development Cabinet;

7. The secretary of the Transportation Cabinet;

8. The executive director of the Administrative Office of the Courts;

9. The state budget director;

10. A representative from the Kentucky Housing Association, representing public housing authorities, appointed by the Governor for a two (2) year term; and

11. An individual who has previously experienced homelessness and addiction, appointed by the Governor for a two (2) year term.

(c) The chair of the council shall be appointed by the Governor for a two (2) year term and the vice chair shall be elected by the members of the council for a two (2) year term.

(d) Members of the council who are not state employees shall be reimbursed for actual expenses incurred in the performance of their duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder.

(e) The council shall have the following functions and duties:

1. To serve as the single statewide homeless planning and policy development resource for the Commonwealth of Kentucky;

2. To review, update, and recommend changes to Kentucky's Ten-Year Plan to End Homelessness and monitor its implementation;

3. To serve as a state clearinghouse for information on services and housing options for the homeless population;

4. To conduct other activities as appropriate and necessary; and

5. To report to the Governor and General Assembly as requested.

Became law without Governor's signature April 6, 2016.

CHAPTER 42

(HB 115)

AN ACT relating to colon cancer prevention and declaring an emergency.

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

➔Section 1. KRS 214.542 is amended to read as follows:

(1) The program shall provide colon cancer screening for uninsured ***and underinsured*** individuals who are ***eligible based upon the current American Cancer Society Colorectal Cancer Screening Guidelines***~~[age fifty (50) to sixty-four (64) and other uninsured individuals determined to be at high risk for developing colon cancer]~~.

(2) Services provided under the program may be undertaken by private contract for services or operated by the department. The program may also provide referral***, examination, and rescreening*** services for the benefit of ***uninsured and underinsured*** individuals for whom further examination or treatment is indicated by the colon cancer screening. ***Colon cancer treatment and surveillance may be provided to uninsured and underinsured individuals if program funding is available.***

(3) The department ***shall***~~[may]~~ adopt a schedule of income-based fees ***that may***~~[to]~~ be charged for colon cancer screening***, examination, surveillance, treatment, and rescreening for uninsured and underinsured individuals***. The schedule adopted shall be such that the screening***, examination, and rescreening*** is affordable and accessible to the largest possible number of ***uninsured and underinsured*** individuals throughout the Commonwealth.

(4) The department may accept any grant or award of funds from federal or private sources for carrying out the provisions of this section.

(5) The department shall establish a data collection system ***including***~~[to document]~~ the number of individuals screened, the demographic characteristics of the individuals screened, and the types of colon cancer screening tests***, examinations, surveillance, treatments, and rescreening services*** performed under the program.

(6) The department shall promulgate administrative regulations to implement the provisions of this section***, including:***

(a) A schedule of income-based fees that may be charged for colon cancer screening, examination, surveillance, treatment, and rescreening as required by subsection (3) of this section; and

(b) A data collection system as required by subsection (5) of this section.

➔Section 2. Whereas timely colon cancer screening for uninsured and underinsured individuals is important for the public health of the citizens of the Commonwealth, 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.

Became law without Governor's signature April 6, 2016.

CHAPTER 43

(HB 149)

AN ACT relating to work periods within consolidated local governments and declaring an emergency.

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

➔Section 1. KRS 337.285 is amended to read as follows:

(1) No employer shall employ any of his employees for a work week longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he is employed.

(2) This provision shall not apply to the following:

(a) Employees of retail stores engaged in work connected with selling, purchasing, and distributing merchandise, wares, goods, articles, or commodities;

(b) Employees of restaurant, hotel, and motel operations;

(c) Employees as defined and exempted from the overtime provision of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(6), 213(b)(10), and 213(b)(17) of Title 29, U.S.C.;

(d) Employees whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private nonprofit childcaring facilities licensed by the Cabinet for Health and Family Services under KRS 199.640 to 199.670; or

(e) Any individual who is employed by a third-party employer or agency other than the family or household using his or her services to provide in-home companionship services for a sick, convalescing, or elderly person.

(3) As used in subsection (2) of this section, "companionship services" means those services which provide in-home fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. These services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work, provided that the household work is incidental, i.e., does not exceed twenty percent (20%) of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse.

(4) Notwithstanding the provisions of subsection (1) of this section or any other chapter of the KRS to the contrary, upon written request by a county or city employee, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee before the performance of the work, a county or city employee who is authorized to work one (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on an hour-for-hour basis. Upon the written request by a county or city employee, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee before the performance of the work, a county or city employee who is not exempt from the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., may be granted compensatory time in lieu of overtime pay, at the rate of not less than one and one-half (1-1/2) hours for each hour the county or city employee is authorized to work in excess of forty (40) hours in a work week.

(5) (a) Upon the request of the county or city employee, and as provided in subsection (4) of this section, compensatory time shall be awarded as follows:

1. A county or city employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not more than four hundred eighty (480) hours of compensatory time; or

2. A county or city employee engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time.

(b) A county or city employee who has accrued four hundred eighty (480) hours of compensatory time off pursuant to paragraph (a)1. of this subsection, or two hundred forty (240) hours of compensatory time off pursuant to paragraph (a)2. of this subsection, shall for additional overtime hours of work, be paid overtime compensation.

(6) A county or city employee who has accrued compensatory time off as provided in subsection (4) of this section, and who requested the use of compensatory time, shall be permitted by the employer to use the compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer. Mere inconvenience to the employer shall not constitute a sufficient basis for denial of a county or city employee's request for compensatory time off.

(7) If compensation is paid to a county or city employee for accrued compensatory time off, the compensation shall be paid at the regular rate earned by the county or city employee at the time the county or city employee receives the payment.

(8) Upon a county or city employee's termination of employment, all unused accrued compensatory time shall be paid at a rate of compensation not less than:

(a) The average regular rate received by the county or city employee during the last three (3) years of the county or city employee's employment; or

(b) The final regular rate received by the county or city employee, whichever is higher.

(9) Compensatory time shall not be used as a means to avoid statutory overtime compensation. A county or city employee shall have the right to use compensatory time earned and shall not be coerced to accept more compensatory time than an employer can realistically and in good faith expect to be able to grant within a reasonable period upon the county or city employee making the request for compensatory time off.

(10) Nothing in subsections (4) to (9) of this section shall be construed to supersede any collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representative of the county or city employees.

(11) As used in subsections (4) to (9) of this section, "county or city employee" means an employee of any county, city, charter county, consolidated local government, unified local government, or urban-county government, including an employee of a county or city elected official.

(12) In addition to the designation of a work week under subsection (1) of this section, local governments, as defined in KRS 95A.210(3), may designate a work period for professional firefighter employees as defined in KRS 95A.210. The designated work period shall be not less than one (1) work week of seven (7) consecutive days and not more than four (4) work weeks of twenty-eight (28) consecutive days for purposes of complying with the requirements of the Federal Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq. This subsection shall not exempt local governments from complying with the overtime requirements set forth in subsection (1) of this section and is intended to:

(a) Clarify the option to designate both a work week for compliance with Kentucky law and a work period for compliance with the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq.; and

(b) Allow for the application of the partial exemption set forth in 29 U.S.C. sec. 207(k) in determining overtime pay under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., only.

(13) (a) A law enforcement department of a consolidated local government organized under KRS Chapter 67C shall not be deemed to have violated subsection (1) of this section with respect to the employment of a peace officer if:

1. The officer works eighty (80) hours or less in a work period of fourteen (14) consecutive days; and

2. The law enforcement department and a representative of a collective bargaining unit certified under KRS 67C.408 that includes the officer agree to the exception.

(b) It is the intent of this subsection to allow the employment of a peace officer for longer than forty (40) hours in any seven (7) consecutive days within a fourteen (14) day work period without incurring the obligation to pay a rate of not less than one and one-half (1-1/2) times the officer's hourly wage under subsection (1) of this section.

➔Section 2. Whereas work schedules for law enforcement are a matter of public safety, 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 6, 2016.

CHAPTER 44

(HB 106)

AN ACT relating to chemical munitions disposal and declaring an emergency.

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

➔Section 1. KRS 224.50-130 is amended to read as follows:

(1) The General Assembly of Kentucky finds that:

(a) The compounds listed in subsection (2) of this section were designed and configured to be utilized for warfare, with the purpose of incapacitating or inducing lethality in persons who come in contact with the compounds, and that the compounds have no legitimate civilian use;

(b) The Commonwealth of Kentucky owes to its residents a duty of utmost care to assure that no person will be exposed to these compounds or the degradation by-products of these compounds through purposeful or accidental release of the compounds into the air, land, or water of the Commonwealth, and also owes a duty to utilize the police powers of the Commonwealth to guarantee the safe demilitarization, decommissioning, dismantling, and disposal of weapons containing these compounds and to eliminate potential risks of exposure from the treatment and disposal of the compounds;

(c) Section 6929 of Title 42 of the United States Code, specifically recognizes and reserves to the Commonwealth the authority to impose reasonable restrictions directly relating to public health and safety with respect to the management of hazardous wastes beyond the minimum standards established under federal law; and

(d) ~~[There exist substantial gaps in information concerning]~~The acute and chronic health effects and environmental consequences of exposure to the compounds and the degradation by-products of the compounds listed in subsection (2) of this section, ~~[which,]~~given the high acute toxicity of the compounds relative to other regulated hazardous wastes, justify the imposition of standards correlative to the uncertainties and severity of risks potentially posed by the treatment or disposal of the compounds.

(2) Notwithstanding any other provision of this chapter, within thirty (30) days after July 15, 1988, the cabinet shall list the following compounds as hazardous wastes for the purposes of regulation of the treatment, storage, and disposal of the wastes under the delegated authority of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.: GB (isopropyl methyl phosphonoflouridate); VX (O-ethyl-S-(2-diisopropylaminoethyl) methyl phosphonothiolate); and H (bis(2-chloroethyl) sulfide) and related compounds.

(3) In addition to the requirements of KRS 224.46-520(1), the cabinet shall consider the criteria set forth in this subsection in making a determination to issue, deny, or condition a permit for any person desiring a permit to construct or operate a hazardous-waste site or facility for treatment or disposal of any of the compounds identified in subsection (2) of this section. The applicant shall affirmatively demonstrate, and the cabinet shall find prior to issuance, conditional issuance, or denial of the permit or draft permit, that:

(a) The proposed treatment or destruction technology has been fully proven in an operational facility of scale, configuration, and throughput comparable to the proposed facility, or has been demonstrated as effective, within the chemical weapons disposal programs as directed in Pub. L. 104-208 and other applicable federal laws, sufficient to provide assurance of destruction or neutralization ***and removal*** ~~[at an]~~ efficiency of ninety-nine and nine thousand, nine hundred, and ninety-nine ten thousandths percent (99.9999%) for each compound listed in subsection (2) of this section that is proposed to be treated or destroyed, with the efficiency to be demonstrated as achievable under all operating conditions. During the occurrence of malfunctions, upsets, or unplanned shutdowns, all quantities of any compound listed in subsection (2) of

this section shall be contained, reprocessed or otherwise controlled so as to ensure that the required efficiency is attained prior to any release to the environment;

(b) Monitoring data from an operational facility or alternative disposal program as described in paragraph (a) of this subsection reflects that the emissions from treatment and destruction facilities or fugitive sources, including, but not limited to, the emissions of the compounds identified in subsection (2) of this section and products of combustion, incomplete combustion, and other processes alone or in combination present no more than a minimal risk of acute or chronic human health effect, as demonstrated by sufficient and applicable toxicological data, or adverse environmental effect; and

(c) An emergency response plan has been submitted to the cabinet and approved, after public notice and an opportunity to be heard, providing for sufficient training, coordination, and equipment for state and local emergency response personnel, including health, police, fire, and other responders, to assure the ability of the community to respond to releases from such a facility. The plan shall demonstrate the capability of evacuating prior to exposure, or otherwise mitigating exposure for all individuals that might be exposed to releases from the facility during a credible worst-case release. In determining the population and area of potential exposure during a worst-case release, all possible climatic conditions and population distributions shall be assumed for the largest area where any exposure to the release could induce acute or chronic health consequences or environmental impact. If such a plan has not been fully implemented at the time of permit approval, the Division of Emergency Management shall advise the cabinet of critical shortcomings. Any permit issued shall include, as conditions, the resolution of critical shortcomings in the implementation of the plan, and shall not allow actual destruction of any of the compounds identified in subsection (2) of this section to begin until those permit conditions have been met to the satisfaction of the Division of Emergency Management. No later than January 1, 2001, the Division of Emergency Management shall complete an assessment of a draft plan previously submitted by the applicant and the respective counties and, after public notice and an opportunity to be heard, shall approve or reject the draft plan. The cabinet shall conduct no technical review of a permit application for treatment or disposal of these compounds until notified in writing by the Division of Emergency Management that the draft plan has been approved.

(4) In considering any application for a permit subject to this section, and supporting information which shall be provided by the applicant on request by the cabinet, the cabinet shall not issue a permit unless, as part of the alternatives analysis of KRS 224.46-520(1), the cabinet makes an affirmative finding after public notice and an opportunity to be heard, that no alternative method of treatment or disposal exists in an operational facility or alternative disposal program as described in subsection (3)(a) of this section that create less risk of release, or acute or chronic health effect, or adverse environmental effect.

(5) In addition to the definition of the term as defined in this chapter, the term "treatment", as used in this section, shall include the manual or mechanical handling of the chemical compounds listed in subsection (2) of this section and of any munitions containing the compounds during the processing of munitions to remove the compounds, to separate munitions components, and to otherwise prepare the components and compounds for destruction, neutralization, dismantling, or decommissioning. The term "treatment" shall not include the handling, movement, or overpacking of containers or munitions containing a compound listed in subsection (2) of this section within the fenced boundaries of an area used for the storage of those munitions if:

(a) A plan for the handling, movement, or overpacking is submitted and approved by the cabinet, after public notice and opportunity to be heard, before the handling, movement, or overpacking occurs; or

(b) An emergency has occurred and the handling, movement, or overpacking is necessary to protect human health, safety, or the environment, if a report describing the handling, movement, or overpacking is submitted to the cabinet as soon as possible after the emergency is abated.

(6) No site or facility for treatment or disposal of any of the substances identified in subsection (2) of this section shall be issued a permit to treat or destroy a live chemical agent as a research, development, or demonstration permit except for a pilot scale operation.

(7) ***After the compounds listed in subsection (2) of this section have been treated to the treatment or destruction values identified in subsection (3)(a) of this section, or to comparable destruction or treatment values established by the cabinet where those values identified in subsection (3)(a) are inapplicable, the cabinet shall reclassify any residues of the demilitarization process (secondary wastes) to ensure proper management and disposal consistent with the toxicity and hazard potential of those residual waste streams.***

(8) In addition to other requirements of KRS 224.46-520(1) and subsections (1) to (6) of this section, the cabinet shall not issue a permit or authorization to construct or operate a hazardous waste site or facility for treatment or disposal of any of the compounds identified in subsection (2) of this section unless the applicant provides written documentation from the host county certifying that:

(a) All infrastructure improvements identified in the final emergency response plan required in subsection (3)(c) of this section as being reasonably necessary to assure the ability of the community to effectively respond to releases from the facility in order to protect public health and the environment under the emergency response plan, have been or will be completed by the applicant prior to operation of the facility; and

(b) The applicant has provided to the host county sufficient funding for reasonable direct and indirect costs of the creation and maintenance of the position of host community liaison. The host community liaison will be determined by the host county and will act as the single point of contact for community relations, emergency planning, and community oversight of the construction, operation, closure, and emergency response of the facility.

➔Section 2. Whereas operations to dispose of chemical weapons are scheduled to commence in 2017, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 6, 2016.

CHAPTER 45

(SB 211)

AN ACT relating to establishing ALS Awareness Day.

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) February 21 of each year is designated as "ALS Awareness Day" throughout the Commonwealth.

(2) The Governor shall proclaim February 21 of each year as "ALS Awareness Day" and shall encourage Kentuckians to support research into effective treatments and an eventual cure.

Signed by Governor April 8, 2016.

CHAPTER 46

(SB 214)

AN ACT relating to notaries public.

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

➔Section 1. KRS 64.300 is amended to read as follows:

~~[(1) The fees of notaries public for the following services shall be not more than set out in the following schedule:~~

~~Every attestation, protestation, or taking acknowledgment~~
~~of any instrument of writing, and certifying the same under~~
~~seal including, but not limited to, the notarization of votes~~
~~of absentee voters .....$0.50~~

~~Recording same in book to be kept for that purpose .....0.75~~

~~Each notice of protest .....0.25~~

~~Administering oath and certificate thereof .....0.20~~

~~(2)]~~No fee or compensation shall be allowed or paid for affixing the jurat of a notary public to any application, affidavit, certificate or other paper necessary to be filed in support of any claim for the benefits of federal legislation for any person or his dependents who has served as a member of the ***National Guard or a reserve component or as an active member of the*** Army, Navy, ***Air Force, Coast Guard,*** or Marine Corps of the United States.

Signed by Governor April 8, 2016.

CHAPTER 47

(SB 256)

AN ACT relating to military service.

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

➔Section 1. KRS 159.035 is amended to read as follows:

(1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.

(2) Notwithstanding the provisions of any other statute, any student in a public school shall be considered present for all purposes for up to ten (10) days while attending basic training required by a branch of the United States Armed Forces.

(3)~~[(2)]~~ Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

(a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

(b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.

(c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.

(d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

(e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under KRS 158.6453 or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.

(4)~~[(3)]~~ (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:

1. An excused absence for one (1) day when the member is deployed;

2. An additional excused absence for one (1) day when the service member returns from deployment; and

3. Excused absences for up to ten (10) days for visitation when the member is stationed out of the country and is granted rest and recuperation leave.

(b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

(c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

Signed by Governor April 8, 2016.

CHAPTER 48

(SB 269)

AN ACT relating to hair braiding.

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

➔Section 1. KRS 317A.010 is amended to read as follows:

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

(1) "Beauty salon" means any establishment in which the practice of cosmetology is conducted for the general public or for consideration;

(2) "Cosmetologist" means a person who engages in the practice of cosmetology for the public generally or for consideration, regardless of the name under which the practice is conducted;

(3) "Cosmetologist board" or "board" means the Kentucky Board of Hairdressers and Cosmetologists;

(4) "Cosmetology" means the practice upon the human neck and head of cutting hair, permanent waving, or hairdressing, and may also include but is not limited to:

(a) Nail technology and finger waving;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or any contrivance;

(c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the hair, or applying hair products;

(d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other products;

(e) Eyelash extensions;

(f) Facial hair removal; and

(g) Eyebrow shaping, design, threading or removal.

The practice of cosmetology does not include acts performed incident to treatment of an illness or a disease;

(5) "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment in or through which persons are trained or taught the practice of cosmetology and nail technology;

(6) "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;

(7) "Nail technician" means a person who practices nail technology for the general public or for consideration;

(8) "Nail technology" means the practice of cutting, trimming, polishing, coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying the hands and feet of any human, for which a license is required by this chapter;~~[and]~~

(9) ***"Natural hair braiding" means a service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with mechanical devices. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles.***

(a) Natural hair braiding shall include:

1. The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, decorative beads, and other hair accessories;

2. Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;

3. The use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos; and

4. The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions;

(b) Natural hair braiding shall not include:

1. The application of dyes, reactive chemicals, or other preparation to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or

2. The use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds;

(c) For the purposes of this subsection, "mechanical devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders.

(10) "Threading" means the process of removing hair from below the eyebrow by use of a thread woven through the hair to be removed.

➔Section 2. KRS 317A.020 is amended to read as follows:

(1) No person shall engage in the practice of cosmetology or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology or nail technology for the treatment of physical or mental ailments. The provisions of this chapter do not apply to:

(a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology and nail technology in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States Army, Navy, Air Force, or Marine Hospital Service who perform incidental practices of cosmetology or nail technology in the course of their duties;~~[and]~~

(c) Cosmetology or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice***; and***

(d) Persons engaged in natural hair braiding.

(2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.

(3) No person unless duly and properly licensed pursuant to this chapter shall:

(a) Teach cosmetology or nail technology;

(b) Operate a beauty salon;

(c) Engage in a cosmetology apprenticeship;

(d) Operate a nail salon;

(e) Act as a nail technician; or

(f) Conduct or operate a school for cosmetologists or nail technicians.

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.

(5) No licensed cosmetology instructors, licensed cosmetologists, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional hairdresser's, cosmetologist's, or nail technician's group.

(6) Whenever a person engages in different practices separately licensed, certified, or permitted by the provisions of this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.

Signed by Governor April 8, 2016.

CHAPTER 49

(HCR 187)

A CONCURRENT RESOLUTION urging and petitioning the United States Customs and Border Protection Agency and the Department of Homeland Security to require advance electronic data screening of all inbound shipments to the United States to facilitate identification and interception of illegal synthetic drugs and chemicals.

WHEREAS, The Commonwealth of Kentucky has experienced a significant increase in the illegal use, sale, and trafficking of dangerous and potentially fatal synthetic drugs, including synthetic cannabinoids, opioids, and cathinones; and

WHEREAS, there are more than 300 synthetic drugs imported into the United States and more than 500 distributed globally, most of them produced in China, according to the United States Department of State; and

WHEREAS, the United States Customs and Border Protection Agency has implemented advance electronic manifesting and security screening as a key tool for identifying and intercepting high-risk shipments that may include illegal or dangerous goods such as synthetic drugs; and

WHEREAS, the United States Customs and Border Protection Agency is authorized by the Trade Act of 2002 to require foreign postal services to provide advance electronic manifests and security screening data; and

WHEREAS, a major avenue for the importation of synthetic drugs is shipping small parcels through the international mail system via foreign postal services, and are the only commercial import shipments that do not currently provide advance electronic manifests and security screening data;

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 United States Customs and Border Protection Agency and the Department of Homeland Security are hereby urged and petitioned to expeditiously promulgate federal regulations requiring advance electronic screening data on all package shipments inbound into the United Sates, including shipments from foreign postal services.

➔Section 2. The Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to the Honorable Jeh Johnson, Secretary of Homeland Security, Washington, D.C. 20528; R. Gil Kerlikowske, Commissioner of United States Customs and Border Protection, 1300 Pennsylvania Ave, NW; Senate Majority Leader Mitch McConnell, 317 Russell Senate Office Building, Washington, D.C. 20610; Senator Rand Paul, 167 Russell Senate Office Building, Washington D.C. 20510; Representative Andy Barr, 1432 Longworth House Office Building, Washington, D.C. 20515; Representative Thomas Massie, 314 Cannon House Office Building, Washington, D.C. 20515; Representative Brett Guthrie, 2434 Rayburn House Office Building, Washington, D.C. 20515; Representative Harold Rogers, 2406 Rayburn House Office Building, Washington, D.C. 20515; Representative John Yarmuth, 403

Cannon House Office Building, Washington, D.C. 20515; and Representative Edward Whitfield, 2184 Rayburn House Office Building, Washington, D.C. 20515.

Signed by Governor April 8, 2016.

CHAPTER 50

(HB 261)

AN ACT relating to water utilities and declaring an emergency.

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

➔Section 1. KRS 278.020 is amended to read as follows:

(1) No person, partnership, public or private corporation, or combination thereof shall commence providing utility service to or for the public or begin the construction of any plant, equipment, property, or facility for furnishing to the public any of the services enumerated in KRS 278.010, except retail electric suppliers for service connections to electric-consuming facilities located within its certified territory and ordinary extensions of existing systems in the usual course of business, until that person has obtained from the Public Service Commission a certificate that public convenience and necessity require the service or construction. Upon the filing of an application for a certificate, and after any public hearing which the commission may in its discretion conduct for all interested parties, the commission may issue or refuse to issue the certificate, or issue it in part and refuse it in part, except that the commission shall not refuse or modify an application submitted under KRS 278.023 without consent by the parties to the agreement. The commission, when considering an application for a certificate to construct a base load electric generating facility, may consider the policy of the General Assembly to foster and encourage use of Kentucky coal by electric utilities serving the Commonwealth. The commission, when considering an application for a certificate to construct an electric transmission line, may consider the interstate benefits expected to be achieved by the proposed construction or modification of electric transmission facilities in the Commonwealth. Unless exercised within one (1) year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

(2) For the purposes of this section, construction of any electric transmission line of one hundred thirty-eight (138) kilovolts or more and of more than five thousand two hundred eighty (5,280) feet in length shall not be considered an ordinary extension of an existing system in the usual course of business and shall require a certificate of public convenience and necessity. However, ordinary extensions of existing systems in the usual course of business not requiring such a certificate shall include:

   (a) The replacement or upgrading of any existing electric transmission line; or

   (b) The relocation of any existing electric transmission line to accommodate construction or expansion of a roadway or other transportation infrastructure; or

   (c) An electric transmission line that is constructed solely to serve a single customer and that will pass over no property other than that owned by the customer to be served.

(3) ***Prior to granting a certificate of public convenience and necessity to construct facilities to provide the services set forth in KRS 278.010(3)(f), the commission shall require the applicant to provide a surety bond, or a reasonable guaranty that the applicant shall operate the facilities in a reasonable and reliable manner for a period of at least five (5) years. The surety bond or guaranty shall be in an amount sufficient to ensure the full and faithful performance by the applicant or its successors of the obligations and requirements of KRS Chapter 278 and of all applicable federal and state environmental requirements. However, no surety bond or guaranty shall be required for an applicant that is a water district or water association or for an applicant that the commission finds has sufficient assets to ensure the continuity of sewage service.***

(4) No utility shall exercise any right or privilege under any franchise or permit, after the exercise of that right or privilege has been voluntarily suspended or discontinued for more than one (1) year, without first obtaining from

the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity authorizing the exercise of that right or privilege.

(5) ~~[(4)]~~ No utility shall apply for or obtain any franchise, license, or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

(6) ~~[(5)]~~ No person shall acquire or transfer ownership of, or control, or the right to control, any utility under the jurisdiction of the commission by sale of assets, transfer of stock, or otherwise, or abandon the same, without prior approval by the commission. The commission shall grant its approval if the person acquiring the utility has the financial, technical, and managerial abilities to provide reasonable service.

(7) ~~[(6)]~~ No individual, group, syndicate, general or limited partnership, association, corporation, joint stock company, trust, or other entity (an "acquirer"), whether or not organized under the laws of this state, shall acquire control, either directly or indirectly, of any utility furnishing utility service in this state, without having first obtained the approval of the commission. Any acquisition of control without prior authorization shall be void and of no effect. As used in this subsection, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a utility, whether through the ownership of voting securities, by effecting a change in the composition of the board of directors, by contract or otherwise. Control shall be presumed to exist if any individual or entity, directly or indirectly, owns ten percent (10%) or more of the voting securities of the utility. This presumption may be rebutted by a showing that ownership does not in fact confer control. Application for any approval or authorization shall be made to the commission in writing, verified by oath or affirmation, and be in a form and contain the information as the commission requires. The commission shall approve any proposed acquisition when it finds that the same is to be made in accordance with law, for a proper purpose and is consistent with the public interest. The commission may make investigation and hold hearings in the matter as it deems necessary, and thereafter may grant any application under this subsection in whole or in part and with modification and upon terms and conditions as it deems necessary or appropriate. The commission shall grant, modify, refuse, or prescribe appropriate terms and conditions with respect to every such application within sixty (60) days after the filing of the application therefor, unless it is necessary, for good cause shown, to continue the application for up to sixty (60) additional days. The order continuing the application shall state fully the facts that make continuance necessary. In the absence of that action within that period of time, any proposed acquisition shall be deemed to be approved.

(8) ~~[(7)]~~ Subsection ***(7)*** ~~[(6)]~~ of this section shall not apply to any acquisition of control of any:

(a) Utility which derives a greater percentage of its gross revenue from business in another jurisdiction than from business in this state if the commission determines that the other jurisdiction has statutes or rules which are applicable and are being applied and which afford protection to ratepayers in this state substantially equal to that afforded such ratepayers by subsection ***(7)*** ~~[(6)]~~ of this section;

(b) Utility by an acquirer who directly, or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, the utility, including any entity created at the direction of such utility for purposes of corporate reorganization; or

(c) Utility pursuant to the terms of any indebtedness of the utility, provided the issuance of indebtedness was approved by the commission.

(9) ~~[(8)]~~ In a proceeding on an application filed pursuant to this section, any interested person, including a person over whose property the proposed transmission line will cross, may request intervention, and the commission shall, if requested, conduct a public hearing in the county in which the transmission line is proposed to be constructed, or, if the transmission line is proposed to be constructed in more than one county, in one of those counties. The commission shall issue its decision no later than ninety (90) days after the application is filed, unless the commission extends this period, for good cause, to one hundred twenty (120) days. The commission may utilize the provisions of KRS 278.255(3) if, in the exercise of its discretion, it deems it necessary to hire a competent, qualified and independent firm to assist it in reaching its decision. The issuance by the commission of a certificate that public convenience and necessity require the construction of an electric transmission line shall be deemed to be a determination by the commission that, as of the date of issuance, the construction of the line is a prudent investment.

(10) The commission shall not approve any application under subsection (6) or (7) of this section for the transfer of control of a utility described in KRS 278.010(3)(f) unless the commission finds, in addition to findings

required by those subsections, that the person acquiring the utility has provided evidence of financial integrity to ensure the continuity of sewage service in the event that the acquirer cannot continue to provide service.

(11) The commission shall not accept for filing an application requesting authority to abandon facilities that provide services as set forth in KRS 278.010(3)(f) or to cease providing services unless the applicant has provided written notice of the filing to the following:

(a) Kentucky Division of Water;

(b) Office of the Attorney General; and

(c) The county judge/executive, mayor, health department, planning and zoning commission, and public sewage service provider of each county and each city in which the utility provides utility service.

(12) The commission may grant any application requesting authority to abandon facilities that provide services as set forth in KRS 278.010(3)(f) or to cease providing services upon terms and conditions as the commission deems necessary or appropriate, but not before holding a hearing on the application and no earlier than ninety (90) days from the date of the commission's acceptance of the application for filing, unless the commission finds it necessary for good cause to act upon the application earlier.

(13) ~~[(9)]~~ If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to that end the provisions are declared to be severable.

➔Section 2. KRS 278.021 is amended to read as follows:

(1) If the commission, after notice and hearing, enters an order in which it finds that a utility is abandoned, the commission may bring an action in the Franklin Circuit Court for an order attaching the assets of the utility and placing those assets under the sole control and responsibility of a receiver.

(2) For purposes of this section, a utility shall be considered abandoned if it:

(a) Disclaims, renounces, relinquishes, or surrenders all property interests or all rights to utility property, real or personal, necessary to provide service;

(b) Notifies the commission of its intent to abandon the operation of the facilities used to provide service;

(c) Fails to comply with an order of the commission in which the commission determined that the utility is not rendering adequate service, specified the actions necessary for the utility to render adequate service, and fixed a reasonable time for the utility to perform such actions, and the failure of the utility to comply with the order presents a serious and imminent threat to the health or safety of a significant portion of its customers; or

(d) Fails to meet its financial obligations to its suppliers and is unable or unwilling to take necessary actions to correct the failure after receiving reasonable notice from the commission, and the failure poses an imminent threat to the continued availability of gas, water, electric, or sewer utility service to its customers.

(3) Within twenty (20) days after commencing an action in Franklin Circuit Court, the commission shall file a certified copy of the record of the administrative proceeding in which the commission entered its finding of abandonment.

(4) Any action brought pursuant to KRS 278.410 for review of an order of the commission containing a finding that a utility is abandoned shall be consolidated with any action brought pursuant to subsection (1) of this section and based upon the same order.

(5) Any receiver appointed by the court shall file a bond in an amount fixed by the court. The receiver shall operate the utility to preserve its assets, to restore or maintain a reasonable level of service, and to serve the best interests of its customers.

(6) During the pendency of any receivership, the receiver may bring or defend any cause of action on behalf of the utility and generally perform acts on behalf of the utility as the court may authorize.

(7) The receiver shall control and manage the assets and operations of the utility until the Franklin Circuit Court, after reasonable notice and hearing, orders the receiver to return control of those assets to the utility or to liquidate those assets as provided by law.

(8) (a) Notwithstanding subsection (1) of this section, the commission may petition the Franklin Circuit Court to appoint temporarily a receiver to operate and manage the assets of an abandoned utility. After notice to the utility and a hearing, the court may grant a petition, upon terms and conditions as it deems appropriate, upon a showing by a preponderance of the evidence:

1. That a utility has been abandoned;

2. That the abandonment is an immediate threat to the public health, safety, or the continued availability of service to the utility's customers; and

3. That the delay required for the commission to conduct a hearing would place the public health, safety, or continued utility service at unnecessary risk.

(b) Sixty (60) days after its entry, the order of temporary receivership shall terminate and control and responsibility for the assets and operations of the utility shall revert to the utility without further action of the court unless the commission brings an action under subsection (1) of this section.

(9) Nothing contained in this section shall be construed as requiring the commission to approve an application made pursuant to subsection (6) of Section 1 of this Act for authority to abandon a utility or other assets of a utility or to cease the provision of utility service.

➔Section 3. KRS 278.516 is amended to read as follows:

(1) The legislature finds and determines that:

(a) Small telephone utilities lack the resources to fully participate in the existing regulatory processes, particularly under traditional rate of return and certificate of public convenience and necessity regulation;

(b) Regulation, if not tailored specifically to the needs of small telephone utilities, can retard the growth and development of small telephone utilities by requiring the expenditure of excessive time and money responding to and addressing regulatory processes instead of devoting those resources to customer service and more productive business concerns and issues; and

(c) It is in the public interest to provide regulatory flexibility to small telephone utilities to better enable them to adjust to the competition and innovation that has come and is coming to the telecommunications industry as found and determined by the legislature at KRS 278.512(1).

(2) In addition to the definitions set forth at KRS 278.010, the following definitions shall apply to this section:

(a) "Telephone utility" means a telephone utility as defined at KRS 278.010(3)(e) except that it includes local exchange carriers only;

(b) "Local exchange carrier" means a traditional wireline telephone utility which provides its subscribers with access to the national public switched telephone network;

(c) "Traditional wireline telephone utility" means one whose delivery of its telephone utility services is characterized by the predominant use of wire or wireline connections carrying communications transmissions between the subscriber of the utility and the national public switched telephone network;

(d) "Small telephone utility" means a local exchange carrier providing telephone utility service and having not more than fifty thousand (50,000) access lines in Kentucky;

(e) "Largest telephone utility" means the local exchange carrier providing telephone utility service in Kentucky and having the greatest number of access lines in Kentucky;

(f) "Access lines" mean the telephone lines provided by a local exchange carrier. In calculating the number of access lines provided by a local exchange carrier, the number of access lines provided by all telephone utilities under common ownership or control, as defined in KRS 278.020***(7)***~~[(6)]~~, with that telephone utility shall be counted;

(g) "GDP" means the real Gross Domestic Product Price Index, as it may be amended from time to time, as it is published by the Bureau of Economic Analysis of the United States Department of Commerce;

(h) "Annual percent change in the GDP" means, for any given calendar year, the annul percentage change in the GDP as it is calculated by the Bureau of Economic Analysis of the United States Department of Commerce;

(i) "Basic business rate" and "basic residential rate" mean the total rates or charges which must be paid by a business or residential subscriber, respectively, to a local exchange carrier in order to receive, outside of

a standard metropolitan statistical area, telephone utility service within a specified geographic area for local calling and for which tariffed rates or charges are assessed, regardless of the amount of use of local calling;

(j) "Standard metropolitan statistical area" means any area in Kentucky designated as such, or as a part thereof, pursuant to 44 U.S.C. sec. 3504(d)(3) and 31 U.S.C. sec. 1104(d), as they may be amended, by the Office of Management and Budget of the Executive Office of the President of the United States; provided, however, that for purposes of this section, "standard metropolitan statistical area" shall include only the two (2) largest, as measured by population, standard metropolitan statistical areas, regardless of whether that area is located wholly or partially in Kentucky;

(k) "Basic business service" or "basic residential service" means the service for which basic business rates or basic residential rates are charged;

(l) "Average basic business or residential rate, including zone charges," means the total revenues which should be produced by the imposition of those rates or charges divided by the number of access lines to which those rates or charges are applicable;

(m) "Zone charges" mean mileage or zone charges and are the charges assessed by a telephone utility on the basis of a subscriber's distance from a central office in order that the subscriber may receive basic business or residential services;

(n) "Subscriber" means the person or entity legally and financially responsible for the bill rendered by a telephone utility for its services;

(o) "Intrastate access charges" mean the charges assessed for use of the telecommunications facilities of one telephone utility by another person or entity in order to deliver to the public for compensation telephone messages originating and terminating within Kentucky;

(p) "Interstate access charges" mean the charges assessed for use of the telecommunications facilities of one (1) telephone utility by another person or entity in order to deliver to the public for compensation telephone messages originating or terminating, but not both, in Kentucky; and

(q) "Pic charges" are charges assessed by a local exchange carrier in order to implement a change in a subscriber's long distance carrier.

(3) (a) If a small telephone utility elects to be regulated as provided in subsection (7) of this section, a small telephone utility once during any twenty-four (24) month period may adjust or implement each of the following rates or charges: basic business rate; basic residential rate; zone charges; or installation charges for basic business or basic residential services by an amount not to exceed the sum of the annual percentage changes in the GDP for the immediately preceding two (2) calendar years multiplied by the existing rate or charge to be adjusted. However, in no event shall a small telephone utility so adjust:

1. Its basic business rate, including zone charges, if the resulting average basic business rate, including zone charges, would thereby exceed the average basic business rate, including zone charges, of the largest telephone utility;

2. Its basic residential rate, including zone charges, if the resulting average basic residential rate would thereby exceed the average basic residential rate including zone charges, of the largest telephone utility; or

3. If its average basic business rate, including zone charges, its average basic residential rate, including zone charges, or its installation charges for basic business or basic residential services would be increased by more than twenty percent (20%).

(b) At least sixty (60) calendar days before the effective date of such an adjustment of its rates or charges, a small telephone utility shall file a copy of its revised rates and tariffs with the commission and shall mail notice of the proposed rate adjustment to each affected subscriber and the commission. The notice shall state:

1. The GDP for the preceding two (2) calendar years;

2. The amount by which any of the small telephone utility's rates or charges identified in subsection (3)(a) of this section will be adjusted; and

3. The right of subscribers to object to the adjustment and request commission review by filing a letter or petition with the commission.

(c) If by the forty-fifth calendar day following the date of the notice to subscribers of such a proposed adjustment to its rates or charges, the commission has received letters or petitions requesting commission review of the adjustment signed by at least five hundred (500) subscribers or five percent (5%) of subscribers, whichever is greater, the commission shall immediately notify the small telephone utility of this fact, and the proposed rate adjustment shall not become effective as scheduled. The small telephone utility may withdraw the proposed rate or charge adjustment, or if it decides to proceed, the commission shall review the proposed rate adjustment as though no election had been made pursuant to subsection (7) of this section.

(4) Any other provision of this chapter notwithstanding, a small telephone utility which has elected to be regulated pursuant to this section may adjust any of its rates, charges, or tariffs, except for:

(a) Its basic business rate;

(b) Its basic residential rate;

(c) Its zone charges;

(d) Its installation charges for basic business or basic residential services;

(e) Its access charges; or

(f) Its pic charges,

without regard to the effect on its revenues, by filing its proposed rates, charges, or tariffs with the commission and by notifying its subscribers, both at least thirty (30) calendar days prior to the effective date of its proposed rates, charges, or tariffs.

(5) A small telephone utility which has elected to be regulated pursuant to this section shall not:

(a) Adjust its intrastate access charges if the adjustment requires the small telephone utility's access charge customers, including interexchange carriers, to pay intrastate access charges at levels exceeding the small telephone utility's interstate access charge levels; or

(b) Adjust its intrastate pic charges if the adjustment requires the small telephone utility's customers to pay intrastate pic charges at levels exceeding the small telephone utility's interstate pic charge levels.

The small telephone utility may decrease its intrastate access charges or intrastate pic charges to any level without restriction. Adjustments to intrastate access charge rates or intrastate pic charges shall be effective thirty (30) calendar days following the filing of access charge tariffs or pic charge tariffs with the commission.

(6) The rates, charges, earnings, or revenues of a small telephone utility which has elected to be regulated pursuant to this section and is in compliance with the provisions of this section shall be deemed by the commission to be in compliance with KRS 278.030(1).

(7) A small telephone utility may elect, at any time, to be regulated by the provisions, in their entirety only, of this section by filing a verified resolution of the utility's board of directors, or other governing body, so electing with the commission. An election shall be effective immediately upon filing with the commission and shall remain effective until withdrawn by the filing with the commission of a verified resolution of the small telephone utility's board of directors or other governing body; provided, however, that all resolutions of election or withdrawal shall remain in effect for at least one (1) year from the date of their filing with the commission. A resolution electing to be regulated by the provisions of this section shall mean that the small telephone utility so electing shall be regulated by this section and shall not be regulated by KRS 278.020(1) and 278.300. Nothing in this section, however, shall be construed to alter the applicability of KRS 278.020***(5)*** ~~[(4)]~~ or 278.030(2) to small telephone utilities electing to be regulated by the provisions of this section.

(8) A small telephone utility which has elected to be regulated pursuant to this section may file an application with the commission pursuant to KRS 278.020(1), and, if a utility does so, that application shall be deemed to have been granted unless within thirty (30) calendar days following the filing of the application, the commission denies the application. If the application is denied or none is filed, the small telephone utility electing to be regulated pursuant to this section may engage in the construction of the plant or facilities, or the purchase of equipment or properties, to provide the services described in KRS 278.010(3)(e). However, if the small telephone utility subsequently files a resolution of withdrawal under subsection (7) of this section, the increased value of property that resulted from any construction project denied approval by the commission or not submitted to the commission for approval may be excluded from the small utility's rate base for rate making purposes if

the cost of construction exceeded one million dollars ($1,000,000) or five percent (5%) of the value of the small telephone utility's property as reflected in the utility's most recent annual report filed with the commission.

➔Section 4. KRS 65A.050 is amended to read as follows:

(1) (a) As used in this subsection, "entity seeking dissolution" shall mean:

1. The DLG;

2. If the special purpose governmental entity was established by one (1) county, or by one (1) city, the governing body of the county or city that established the special purpose governmental entity;

3. If the special purpose governmental entity was established by multiple counties and cities, the governing bodies of all establishing entities; or

4. If the special purpose governmental entity was established other than by an establishing entity, the governing body or bodies of the county or counties in which the special purpose governmental entity provides or provided services, or operates or operated.

(b) Any special purpose governmental entity that meets at least one (1) of the following criteria may be administratively dissolved:

1. The special purpose governmental entity has taken no action for two (2) or more consecutive years;

2. Following a written inquiry from the entity seeking dissolution, the chair of the special purpose governmental entity either:

a. Notifies the entity seeking dissolution in writing that the special purpose governmental entity has not had a governing board, or has not had a sufficient number of governing board members to constitute a quorum for two (2) or more consecutive years; or

b. Fails to respond to the inquiry within thirty (30) days;

3. The special purpose governmental entity fails to register with the DLG as required by KRS 65A.090;

4. The special purpose governmental entity fails to file the information required by KRS 65A.020 for two (2) or more consecutive years; or

5. The governing body of the special purpose governmental entity provides documentation to the DLG or the governing body or bodies of the establishing entity that it has unanimously adopted a resolution declaring the special purpose governmental entity inactive.

(c) To begin the process of administrative dissolution, the entity seeking dissolution shall provide notification of the proposed administrative dissolution as provided in this paragraph:

1. The entity seeking dissolution shall:

a. Post a notice of proposed administrative dissolution on the registry established by KRS 65A.020;

b. For administrative dissolutions under subparagraphs 3., 4., and 5. of paragraph (b) of this subsection, publish, in accordance with the provisions of KRS Chapter 424, a notice of proposed administrative dissolution, with the cost of the publication billed to the special purpose governmental entity for which administrative dissolution is sought;

c. Mail a copy of the notice to the registered contact for the special purpose governmental entity, if any; and

d. Mail a copy of the notice as follows:

i. If the dissolution is sought by the DLG, to the governing body of the establishing entity or county, and to all entities at the state level having oversight of or responsibility for the special purpose governmental entity; and

ii. If the dissolution is sought by an establishing entity or county, to the DLG and any other establishing entities or counties, and to all entities at the state level having oversight of or responsibility for the special purpose governmental entity; and

2. The notice shall include:

a. The name of the entity seeking dissolution, and contact information for the entity;

b. The name of the special purpose governmental entity for which dissolution is sought;

c. The statutes under which the special purpose governmental entity was organized and operating;

d. A description of the services provided and the territory of the special purpose governmental entity;

e. If there is a plan of dissolution as required by paragraph (e) of this subsection, identification of the place where the plan of dissolution may be reviewed;

f. A statement that any objections to the administrative dissolution shall be filed in writing with the entity seeking to dissolve the special purpose governmental entity within thirty (30) days after the publication date, and the address and process for submitting such objections; and

g. A statement that if no written objections are received within thirty (30) days of publication of the notice, the special purpose governmental entity shall be administratively dissolved.

(d) 1. Any resident living in or owning property in the area served by the special purpose governmental entity for which dissolution is sought, who is not a member of the governing body of the special purpose governmental entity or an immediate family member of a member of the governing body of the special purpose governmental entity, may file a written objection to the dissolution with the entity seeking dissolution. The written objection shall state the specific reasons why the special purpose governmental entity shall not be dissolved, and shall be filed within thirty (30) days after the posting of the notice on the registry as required by paragraph (c) of this subsection.

2. a. Upon the passage of thirty (30) days with no objections filed, and satisfaction of all outstanding obligations of the special purpose governmental entity, the special purpose governmental entity shall be deemed dissolved and, if a dissolution plan was required, the entity seeking dissolution shall proceed to implement the dissolution plan.

b. Notification of dissolution shall be provided by the entity seeking dissolution to all other entities listed under paragraph (a) of this subsection. The DLG shall maintain a list of all dissolved special purpose governmental entities and the date of dissolution on the registry established by KRS 65A.020.

3. If written objections are received within thirty (30) days of the publication on the registry required by paragraph (c) of this subsection, the dissolution process shall be aborted, and the process established by subsection (2) of this section shall be utilized if it is determined that dissolution should still be sought, notwithstanding any other dissolution process that may exist in the Kentucky Revised Statutes for the type of special purpose governmental entity for which dissolution is sought.

(e) If the special purpose governmental entity for which administrative dissolution is sought:

1. Is providing services;

2. Has outstanding liabilities; or

3. Has assets;

the entity seeking dissolution shall, as part of the dissolution process, develop a dissolution plan that includes, as relevant, provisions addressing the continuation of services, the satisfaction of all liabilities, and the distribution of assets of the special purpose governmental entity.

(2) Any special purpose governmental entity not meeting the requirements for dissolution under subsection (1) of this section, and for which no specific dissolution provisions apply in the Kentucky Revised Statutes, may be dissolved as provided in this subsection:

(a) The dissolution of a special purpose governmental entity may be initiated upon:

1. The affirmative vote of two-thirds (2/3) of the governing body of the special purpose governmental entity and the adoption of an ordinance by the affirmative vote of two-thirds (2/3) of the governing body of each establishing entity;

2. The adoption of an ordinance by an affirmative vote of two-thirds (2/3) of the governing body of each establishing entity; or

3. If there is no establishing entity, by the adoption of an ordinance by an affirmative vote of two-thirds (2/3) of the governing body of each county in which the special purpose governmental entity provides services or operates;

(b) Upon initiation of a dissolution after an affirmative vote as provided in paragraph (a) of this subsection, the special purpose governmental entity for which dissolution is sought shall not assume any new obligations or duties, contract for any new debt, or levy any additional fees or taxes unless the new obligations, duties, debt, fees, or taxes are included in the dissolution plan required by paragraph (c) of this subsection. Any contract or agreement or plan for new obligations, duties, debt, fees, or taxes entered into or devised in violation of this paragraph shall be void;

(c) After voting to commence dissolution of a special purpose governmental entity, the governing body or bodies initiating the dissolution shall:

1. Develop a dissolution plan which, if adopted by an establishing entity shall be by ordinance, which shall include but not be limited to:

   a. A description of how the necessary governmental services provided by the special purpose governmental entity will be provided upon dissolution of the entity or a statement that the services are no longer needed;

   b. A plan for the satisfaction of any outstanding obligations of the special purpose governmental entity, including the continuation of any tax levies or fee payments necessary to meet the outstanding obligations;

   c. Assurances from any organization or entity that will be assuming responsibility for services provided by the special purpose governmental entity, or that will assume the obligations of the special purpose governmental entity, that the organization or entity will, in fact, provide the services or assume the obligations;

   d. A plan for the orderly transfer of all assets of the special purpose governmental entity in a manner that will continue to benefit those to whom services were provided by the special purpose governmental entity;

   e. A date upon which final dissolution of the special purpose governmental entity shall occur; and

   f. Any other information the governing body wishes to include.

   The dissolution plan shall be available for public review at least thirty (30) days prior to the public hearing required by subparagraph 2. of this paragraph;

2. Hold a public hearing in each county and city that is participating in the dissolution to present the proposed dissolution plan and receive feedback from the public. The time and location of the hearing, as well as the location where a copy of the dissolution plan may be reviewed by the public prior to the hearing, shall be advertised as provided in KRS 424.130, and shall be posted on the registry established by KRS 65A.020. The hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days, after the publication of the notice in the newspaper;

3. Send a copy of the notice required by subparagraph 2. of this paragraph to the DLG and to any state entity with oversight authority of the special purpose governmental entity;

4. If the dissolution plan is amended after the public hearing, make the amended dissolution plan available for public inspection for at least fifteen (15) days prior to the final vote of the governing body under subparagraph 6. of this paragraph;

5. If the special purpose governmental entity is a utility as defined in KRS 278.010(3), obtain approval from the Public Service Commission pursuant to KRS 278.020***(6)***~~[(5)]~~; and

6. Within sixty (60) days after the date of the public hearing, finally approve or disapprove the dissolution of the special purpose governmental entity and the dissolution plan. Approval shall require:

a. If initiated by the governing board of the special purpose governmental entity, the affirmative vote of two-thirds (2/3) of the members of the governing body of the special purpose governmental entity and the adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each establishing entity;

b. The adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each establishing entity; or

c. If there is no establishing entity, by the adoption of an ordinance by two-thirds (2/3) of the members of the governing body of each county in which the special purpose governmental entity provided services or operated;

(d) The governing body or bodies shall notify the DLG of the outcome of the vote or votes taken pursuant to subparagraph 6. of paragraph (c) of this subsection; and

(e) Notwithstanding any other provision of this section, the dissolution of a special purpose governmental entity shall not be final until all obligations of the special purpose governmental entity have been satisfied or have been assumed by another entity.

➔Section 5. Whereas the abandonment of utility services places an undue financial burden and the need to supplant the loss of essential utility services on the individual ratepayer, 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 8, 2016.

CHAPTER 51

(HB 354)

AN ACT relating to emergency management.

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

➔Section 1. KRS 39E.030 is amended to read as follows:

(1) The commission shall be composed of not more than twenty-five (25) members and shall be chaired by the director of the Division of Emergency Management of the Department of Military Affairs, who shall also be a member. Other members shall include, but not be limited to, the executive director of the Commission on Fire Protection Personnel Standards and Education or the executive director's designee, representatives of the Energy and Environment Cabinet, the state fire marshal, the Department of Kentucky State Police, the Office of the Attorney General, ***the Department of Agriculture,*** affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate.

(2) Members of the commission shall be appointed by the Governor. All appointments shall be for a term of two (2) years. Members shall serve until their successors are appointed and qualified and shall be eligible for reappointment.

(3) The commission shall meet not less than semi-annually, or as convened by the chairman.

(4) If a member misses three (3) consecutive meetings of the full commission or three (3) meetings in two (2) consecutive years, the position shall be declared vacant by the commission. In these cases, the Governor shall make an appointment to fill the unexpired term.

(5) The presence of thirteen (13) members shall constitute a quorum and actions taken at these meetings shall be considered as actions of the full commission.

(6) Members of the commission shall not receive a salary for serving on the commission, but travel and per diem may be paid if funds are appropriated or otherwise made available for these purposes.

Signed by Governor April 8, 2016.

CHAPTER 52

(SB 16)

AN ACT relating to the safety of minors and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) A person who enters a vehicle, as defined in KRS 503.010, for the purpose of removing a minor shall be immune from civil liability for any resulting damage to the vehicle if the person:

(a) Has a reasonable, good faith belief, based upon the circumstances known to the person at the time, that entry into the vehicle is necessary because the minor is in imminent danger of physical injury if not immediately removed from the vehicle;

(b) Has contacted local law enforcement, the local fire department, or a 911 emergency telephone service prior to entering the vehicle;

(c) Uses no more force to enter the vehicle and remove the minor than is reasonably necessary under the circumstances; and

(d) 1. Remains with the minor in a safe location, out of the elements but reasonably close to the vehicle, until law enforcement, firefighters, or other emergency responders arrive; or

2. Reasonably determines that emergency conditions require leaving the scene with the minor, and places written notice on the vehicle containing:

a. The person's contact information;

b. The reason entry into the vehicle was made;

c. The minor's location; and

d. Notice that authorities have been contacted.

(2) This section does not limit a person's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at common law.

➔Section 2. Section 1 of this Act shall be known and may be cited as the "Look Before You Lock Act."

➔Section 3. The Office of Highway Safety within the Transportation Cabinet is strongly encouraged to create and implement an educational campaign regarding the safety threat heatstroke poses for children left in vehicles.

➔Section 4. Whereas children left in vehicles are at risk for injury, an emergency is declared to exist, and Section 1 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2016.

CHAPTER 53

(SB 17)

AN ACT relating to physicians.

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

➔SECTION 1. A NEW SECTION OF KRS 311.530 TO 311.620 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(b) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(c) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(d) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the State Board of Medical Licensure's requirements to practice medicine.

(2) The board shall not require any form of maintenance of licensure as a condition of physician licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, shall suffice to demonstrate professional competency.

(3) The board shall not require any form of specialty medical board certification or any maintenance of certification to practice medicine in Kentucky.

Signed by Governor April 8, 2016.

CHAPTER 54

(SB 19)

AN ACT relating to the Board of Medical Licensure.

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

➔Section 1. KRS 311.530 is amended to read as follows:

(1) There is hereby created in state government an independent board to be known as the State Board of Medical Licensure which shall exercise all medical and osteopathic licensure functions heretofore exercised by the State Board of Health. The offices of the board shall be maintained at such place as is designated by the board.

(2) The board shall consist of fifteen (15) members, including the commissioner of public health, the dean of the University of Kentucky College of Medicine, the vice dean for clinical affairs of the University of Louisville School of Medicine, the dean of the University of Pikeville School of Osteopathic Medicine, and eleven (11) members appointed by the Governor.

(3) Of the Governor's appointees:

(a) One (1) member shall be a licensed osteopathic physician and shall be appointed from a list of three (3) names submitted by the Kentucky Osteopathic ***Medical*** Association;

(b) Seven (7) members shall be licensed medical physicians and ***shall***~~[may]~~ be appointed from a list of three (3) names submitted for each position by the Kentucky Medical Association~~[. In making appointments under this paragraph, the Governor shall ensure that the physician members represent different specialties from a broad cross section of the medical profession]~~; and

(c) Three (3) members shall be citizens at large who are representatives of any recognized consumer advocacy groups with an interest in the delivery of health care and are not associated with or financially interested in the practice or business regulated.

Signed by Governor April 8, 2016.

CHAPTER 55

(SB 20)

AN ACT relating to Medicaid provider appeals and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Administrative appeals hearing" means a formal adjudicatory proceeding conducted by the administrative hearing tribunal of the Cabinet for Health and Family Services in accordance with KRS Chapter 13B;

(b) "Department" means the Department for Medicaid Services;

(c) "External independent third-party review" means a review performed by an independent third party outside of the Medicaid managed care organization's internal appeal process pursuant to administrative regulations promulgated by the department;

(d) "Medicaid managed care organization" means an entity for which the Department for Medicaid Services has contracted to serve as a managed care organization as defined in 42 C.F.R. sec. 438.2; and

(e) "Provider" means any person or entity licensed in Kentucky as defined in KRS 304.17A-700(9) that provides covered services to enrollees.

(2) Notwithstanding any law to the contrary, a provider who has exhausted the written internal appeals process of a Medicaid managed care organization shall be entitled to an external independent third party review on the Medicaid managed care organization's final decision that denies, in whole or in part, a health care service to an enrollee or a claim for reimbursement to a provider for a health care service rendered by the provider to an enrollee of the Medicaid managed care organization. Multiple claims may be determined in one (1) action upon request of a party in accordance with administrative regulations promulgated by the department.

(3) A Medicaid managed care organization's letter to a provider reflecting the final decision of the provider's internal appeal shall include:

(a) A statement that the provider's internal appeal rights within the Medicaid managed care organization have been exhausted;

(b) A statement that the provider is entitled to an external independent third-party review; and

(c) The time period and address to request an external independent third-party review.

(4) A party shall be entitled to appeal a final decision of the external independent third-party review to the administrative hearing tribunal within the Cabinet for Health and Family Services for an administrative hearing to be held in accordance with KRS Chapter 13B. An appeal shall be filed within thirty (30) days from the appealing party's receipt of the final decision of the external independent third-party review. A decision of the administrative hearing tribunal shall be final for purposes of judicial appeal.

(5) Within one hundred twenty (120) days after the effective date of this Act, the department shall promulgate administrative regulations to implement the external independent third-party review as required by this section.

(6) The department shall promulgate administrative regulations to establish reasonable fees, not to exceed one thousand dollars ($1,000), to defray expenses associated with an administrative hearing that shall be paid by the party who does not prevail in the administrative hearing.

(7) This section shall apply to all contracts or master agreements between Medicaid managed care organizations and the Commonwealth of Kentucky entered into or renewed on or after July 1, 2016.

➔Section 2. KRS 13B.020 is amended to read as follows:

(1) The provisions of this chapter shall apply to all administrative hearings conducted by an agency, with the exception of those specifically exempted under this section. The provisions of this chapter shall supersede any other provisions of the Kentucky Revised Statutes and administrative regulations, unless exempted under this section, to the extent these other provisions are duplicative or in conflict. This chapter creates only procedural rights and shall not be construed to confer upon any person a right to hearing not expressly provided by law.

(2) The provisions of this chapter shall not apply to:

(a) Investigations, hearings to determine probable cause, or any other type of information gathering or fact finding activities;

(b) Public hearings required in KRS Chapter 13A for the promulgation of administrative regulations;

(c) Any other public hearing conducted by an administrative agency which is nonadjudicatory in nature and the primary purpose of which is to seek public input on public policy making;

(d) Military adjudicatory proceedings conducted in accordance with KRS Chapter 35;

(e) Administrative hearings conducted by the legislative and judicial branches of state government;

(f) Administrative hearings conducted by any city, county, urban-county, charter county, or special district contained in KRS Chapters 65 to 109, or any other unit of local government operating strictly in a local jurisdictional capacity;

(g) Informal hearings which are part of a multilevel hearing process that affords an administrative hearing at some point in the hearing process if the procedures for informal hearings are approved and promulgated in accordance with subsections (4) and (5) of this section;

(h) Limited exemptions granted for specific hearing provisions and denoted by reference in the text of the applicable statutes or administrative regulations;

(i) Administrative hearings exempted pursuant to subsection (3) of this section;

(j) Administrative hearings exempted, in whole or in part, pursuant to subsections (4) and (5) of this section; and

(k) Any administrative hearing which was commenced but not completed prior to July 15, 1996.

(3) The following administrative hearings are exempt from application of this chapter in compliance with 1994 Ky. Acts ch. 382, sec. 19:

(a) Finance and Administration Cabinet

1. Higher Education Assistance Authority

a. Wage garnishment hearings conducted under authority of 20 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410

b. Offset hearings conducted under authority of 31 U.S.C. sec. 3720A and sec. 3716, and 34 C.F.R. sec. 30.33

2. Department of Revenue

a. Any licensing and bond revocation hearings conducted under the authority of KRS 138.210 to 138.448 and 234.310 to 234.440

b. Any license revocation hearings under KRS 131.630 and 138.130 to 138.205

(b) Cabinet for Health and Family Services

1. Office of Health Policy

a. Certificate-of-need hearings and licensure conducted under authority of KRS Chapter 216B

b. Licensure revocation hearings conducted under authority of KRS Chapter 216B

2. Department for Community Based Services

a. Supervised placement revocation hearings conducted under authority of KRS Chapter 630

3. Department for Income Support

a. Disability determination hearings conducted under authority of 20 C.F.R. sec. 404

4. Department for Medicaid Services

a. Administrative appeal hearings following an external independent third-party review of a Medicaid managed care organization's final decision that denies, in whole or in part, a health care service to an enrollee or a claim for reimbursement to the provider for a health care service rendered by the provider to an enrollee of the Medicaid managed care organization, conducted under authority of Section 1 of this Act

(c) Justice and Public Safety Cabinet

1. Department of Kentucky State Police

a. Kentucky State Police Trial Board disciplinary hearings conducted under authority of KRS Chapter 16

2. Department of Corrections

a. Parole Board hearings conducted under authority of KRS Chapter 439

b. Prison adjustment committee hearings conducted under authority of KRS Chapter 197

c. Prison grievance committee hearings conducted under authority of KRS Chapters 196 and 197

3. Department of Juvenile Justice

a. Supervised placement revocation hearings conducted under KRS Chapter 635

(d) Energy and Environment Cabinet

1. Department for Natural Resources

a. Surface mining hearings conducted under authority of KRS Chapter 350

2. Department for Environmental Protection

a. Wild River hearings conducted under authority of KRS Chapter 146

b. Water resources hearings conducted under authority of KRS Chapter 151

c. Water plant operator and water well driller hearings conducted under authority of KRS Chapter 223

d. Environmental protection hearings conducted under authority of KRS Chapter 224

e. Petroleum Storage Tank Environmental Assurance Fund hearings under authority of KRS Chapter 224

3. Public Service Commission

a. Utility hearings conducted under authority of KRS Chapters 74, 278, and 279

(e) Labor Cabinet

1. Department of Workers' Claims

a. Workers' compensation hearings conducted under authority of KRS Chapter 342

2. Kentucky Occupational Safety and Health Review Commission

a. Occupational safety and health hearings conducted under authority of KRS Chapter 338

(f) Public Protection Cabinet

1. Board of Claims

a. Liability hearings conducted under authority of KRS Chapter 44

(g) Education and Workforce Development Cabinet

1. Unemployment Insurance hearings conducted under authority of KRS Chapter 341

(h) Secretary of State

1. Registry of Election Finance

a. Campaign finance hearings conducted under authority of KRS Chapter 121

(i) State universities and colleges

1. Student suspension and expulsion hearings conducted under authority of KRS Chapter 164

2. University presidents and faculty removal hearings conducted under authority of KRS Chapter 164

3. Campus residency hearings conducted under authority of KRS Chapter 164

4. Family Education Rights to Privacy Act hearings conducted under authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99

5. Federal Health Care Quality Improvement Act of 1986 hearings conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS Chapter 311.

(4) Any administrative hearing, or portion thereof, may be certified as exempt by the Attorney General based on the following criteria:

(a) The provisions of this chapter conflict with any provision of federal law or regulation with which the agency must comply, or with any federal law or regulation with which the agency must comply to permit the agency or persons within the Commonwealth to receive federal tax benefits or federal funds or other benefits;

(b) Conformity with the requirement of this chapter from which exemption is sought would be so unreasonable or so impractical as to deny due process because of undue delay in the conduct of administrative hearings; or

(c) The hearing procedures represent informal proceedings which are the preliminary stages or the review stages of a multilevel hearing process, if the provisions of this chapter or the provisions of a substantially equivalent hearing procedure exempted under subsection (3) of this section are applied at some level within the multilevel process.

(5) The Attorney General shall not exempt an agency from any requirement of this chapter until the agency establishes alternative procedures by administrative regulation which, insofar as practical, shall be consistent with the intent and purpose of this chapter. When regulations for alternative procedures are submitted to the Administrative Regulation Review Subcommittee, they shall be accompanied by the request for exemption and the approval of exemption from the Attorney General. The decision of the Attorney General, whether affirmative or negative, shall be subject to judicial review in the Franklin Circuit Court within thirty (30) days of the date of issuance. The court shall not overturn a decision of the Attorney General unless the decision was arbitrary or capricious or contrary to law.

(6) Except to the extent precluded by another provision of law, a person may waive any procedural right conferred upon that person by this chapter.

➔Section 3. Whereas the effective operation of the Medicaid program is of tantamount importance to the health and welfare of the Commonwealth, and a new fiscal year begins on July 1, 2016, 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 8, 2016.

CHAPTER 56

(SB 54)

AN ACT relating to donated clothing, household items, or other items.

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

➔Section 1. KRS 367.668 is amended to read as follows:

(1) Prior to orally requesting a contribution or when requesting a contribution in writing, a professional solicitor shall clearly disclose:

(a) The professional solicitor's name, as set out in the registration statement filed with the Attorney General pursuant to KRS 367.652, phone number or e-mail address, and the fact that the professional solicitor is being paid for providing services;

(b) The name of the charitable organization the professional solicitor represents and a description of how the contributions raised by the solicitation will be used for a charitable or civic purpose; and

(c) If the professional solicitor places or maintains a receptacle in public view for the purpose of collecting contributions in the form of clothing, household items, and other items, the receptacle shall contain a sign or label that:

1. Includes the information contained in paragraphs (a) and (b) of this subsection;

2. Includes a statement that reads as follows: "Items donated here support, in part, a for-profit professional solicitor.";

3. Is in lettering not less than ***two (2)*** ~~[three (3)]~~ inches in height and one-half (1/2) inch in width; and

4. Is placed immediately below the opening in the receptacle used to deposit donations.

(2) Any individual who acts on behalf of the professional solicitor and identifies himself by name shall give his legal name.

(3) Any responses given by or on behalf of a professional solicitor to an oral or written request for information shall be truthful.

(4) The written confirmation, receipt, or reminder sent to a contributor or one who has pledged to contribute, following an oral solicitation, shall clearly include the information required by subsections (1) and (2) of this section.

(5) If the person being solicited requests information regarding the amount or percentage of funds going to the charitable organization or for a charitable or civic purpose, the professional solicitor shall inform the person solicited of the percentage of the gross revenue or the reasonable estimate of the gross revenue that the charitable organization will receive from the solicitation campaign. The Attorney General shall promulgate administrative regulations necessary to effectuate this disclosure.

➔SECTION 2. A NEW SECTION OF KRS 367.650 TO 367.670 IS CREATED TO READ AS FOLLOWS:

(1) If any person places or maintains a receptacle in public view or establishes or maintains some form of drop-off site for collecting donations of clothing or any other items that do not qualify as a charitable contribution as defined by Section 170(c) of the Internal Revenue Code, the receptacle or drop-off site shall contain a permanently attached sign or label that includes, in lettering not less than two (2) inches in height and one-half (1/2) inch in width:

(a) The name, address, telephone number, and e-mail address of the person who places or maintains the receptacle or establishes or maintains the drop-off site; and

(b) A statement that reads as follows: "Donations do not qualify as a charitable contribution for federal tax purposes."

(2) The sign or label shall be placed immediately below the opening in the receptacle or shall be prominently displayed at the drop-off site.

Signed by Governor April 8, 2016.

CHAPTER 57

(SB 58)

AN ACT relating to automobile service contract insurance.

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

➔Section 1. KRS 304.5-070 is amended to read as follows:

(1) "Casualty insurance" includes:

(a) Vehicle insurance. Insurance against loss of or damage to any land vehicles or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability, or expense resulting from or incidental to ownership, maintenance, or use of any such vehicle, aircraft, or animal; together with insurance against accidental injury to individuals, irrespective of legal liability of the insured, including the named insured,

while in, entering, alighting from, adjusting, repairing, cranking, or caused by being struck by a vehicle, aircraft, or draft or riding animal, if the insurance is issued as an incidental part of insurance on the vehicle, aircraft, or draft or riding animal;

(b) Liability insurance. Insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provision of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(c) Workers' compensation and employer's liability. Insurance of the obligations accepted by, imposed upon, or assumed by employers under law for death, disablement, or injury of employees;

(d) Burglary and theft. Insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal or concealment, or from any attempt at any of the foregoing; including supplemental coverage for medical, hospital, surgical, and funeral expense incurred by the named insured or any other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents, resulting from any cause;

(e) Personal property floater. Insurance upon personal effects against loss or damage from any cause;

(f) Glass. Insurance against loss or damage to glass, including its lettering, ornamentation, and fittings;

(g) Boiler and machinery. Insurance against any liability and loss or damage to property or interest resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery, or apparatus, and the inspection of and issuance of certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured;

(h) Leakage and fire extinguishing equipment. Insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus, water pipes or containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus;

(i) Credit. Insurance, other than mortgage guaranty insurance, against loss or damage resulting from failure of debtors to pay their obligations to the insured;

(j) Malpractice. Insurance against legal liability of the insured, and against loss, damage, or expense incidental to a claim of such liability, and including medical, hospital, surgical, and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death, injury, or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service;

(k) Elevator. Insurance against loss of or damage to any property of the insured, resulting from the ownership, maintenance, or use of elevators, except loss or damage by fire, and the inspection of and issuance of certificates of inspection upon, elevators;

(l) Congenital defects. Insurance against congenital defects in human beings;

(m) Livestock. Insurance against loss of or damage to livestock from any cause;

(n) Entertainments. Insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment, or similar production, event, or exhibition against loss from interruption, postponement, or cancellation thereof due to death, accidental injury, or sickness of performers, participants, directors, or other principals;

(o) Failure of certain institutions to record documents. Insurance indemnifying against loss from failure or omission to record as public records, liens of any kind upon personal property, given, held, delivered, or possessed as security or collateral for loans, advances, debts, or obligations of all kinds;

(p) Automobile guaranty. Insurance of the mechanical condition or freedom from defective or worn parts of motor vehicles, other than as provided by manufacturer's warranty or as provided by KRS 190.090 to 190.140. Provided, however, the making of a ***service contract by a service contract provider that has***

obtained a reimbursement insurance policy shall not be considered a contract of or for insurance. As used in this paragraph:

1. "Reimbursement insurance policy" means a policy of insurance which:

a. Provides reimbursement to the service contract provider under the terms of the service contracts issued or sold by the service contract provider or, in the event of the service contract provider's nonperformance, pays on behalf of the service contract provider all covered contractual obligations incurred by the service contract provider under the terms of the service contracts issued or sold by the service contract provider; and

b. Is issued by an admitted or authorized registered insurer, or properly exported to a nonadmitted insurer by a licensed surplus lines broker, to a service contract provider;

2. "Service contract" means a contract or agreement given for a separately stated consideration for a specific duration to perform or to provide reimbursement for:

a. The repair, replacement, or maintenance of a motor vehicle for the operational or structural failure of the motor vehicle due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances including but not limited to towing, rental, and emergency road service;

b. The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;

c. The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

d. The repair of chips or cracks in or the replacement of motor vehicle windshields as a result of damage caused by road hazards including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps; or

e. The replacement of a motor vehicle key or key-fob if the key or key-fob becomes inoperable or is lost or stolen.

The term "service contract" does not include a contract for regular maintenance only or a product warranty provided under the Magnuson-Moss Warranty Act, 15 U.S.C. sec. 2301 et seq; and

3. "Service contract provider" means the person who is contractually obligated to the purchaser of a service contract under the terms of the service contract.

The requirement that the service contract provider have an insurance policy shall not apply where the service contract provider is a manufacturer or distributor of motor vehicles or a wholly owned subsidiary of a manufacturer or distributor~~[contract covering only defects in material and workmanship in exchange for a separately stated charge where it is merely incidental to the business of selling or leasing motor vehicles, shall not be deemed insurance, provided, that the maker of the contract has an insurance policy with an authorized motor vehicle insurer as defined in KRS 304.1-100 to assure the performance of the duties of the maker created by each on all of the contracts made by the maker. In the event that the maker of the contract is unable to perform the duties imposed thereby, the purchaser of the contract shall then be considered a policyholder of the insurer. The policy shall include a loss payee endorsement that provides coverage to any lending institution as its interest may appear. In addition, the contract shall conspicuously state the name and address of the licensed underwriting insurer and contain a statement that the holder shall be entitled to make a direct claim against that insurer upon the failure of the maker to pay any claim within sixty (60) days after proof of loss has been filed with the maker. The requirements that the maker of the contract have an insurance policy with an authorized motor vehicle insurer as defined in KRS 304.1-100 shall not apply where the maker is a manufacturer, distributor, or importer of motor vehicles. As used in this paragraph, the term "maker" shall include a warranty service company which issues automobile guaranties through a motor vehicle dealer, in which the motor vehicle dealer is not an obligor under the contract. The commissioner is authorized to promulgate regulations to interpret this paragraph]~~; and

(q) Miscellaneous. Insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in this subtitle, if the insurance is not disapproved by the commissioner as being contrary to law or public policy. A service contract to repair, replace, or maintain consumer products shall not be insurance, if the maker of the service contract registers with the commissioner and provides:

1. Evidence of a sufficient net worth, as determined by the commissioner, to assure the performance of the duties of the maker created by all of the contracts made by the maker; or

2. Evidence of an insurance policy or performance bond with an authorized insurer as defined in KRS 304.1-100, to assure the performance of the duties of the maker created by all of the service contracts made by the maker.

As set forth in subparagraph 2. of this paragraph, if the maker of the service contract is unable to perform the duties imposed thereby, the purchaser of the service contract shall then be considered a policyholder of the insurer. The service contract shall conspicuously state the name and address of the licensed underwriting insurer and contain a statement that the holder shall be entitled to make a direct claim against the insurer upon the failure of the maker to pay any claim within sixty (60) days after the claim has been filed with the maker. The requirements of this paragraph shall not apply where the maker is a manufacturer of consumer products. If the maker of the service contract registers with the commissioner and subsequently determines that the information submitted pursuant to subparagraph 1. of this paragraph no longer reflects a sufficient net worth as determined by the commissioner, to assure the performance of the duties of the maker created by all of the contracts made by the maker, the maker shall notify the commissioner of the change in circumstances. Each registration filing with the commissioner shall be filed within thirty (30) calendar days in advance of the selling of service contracts to repair, replace, or maintain consumer goods. The commissioner is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A to effectuate this paragraph.

(2) Provision of medical, hospital, surgical, and funeral benefits and of coverage against accidental death or injury, as incidental to and part of other insurance as stated under paragraphs (a) (vehicle), (b) (liability), (d) (burglary), (g) (boiler machinery), (j) (malpractice), and (k) (elevator) of subsection (1) of this section shall for all purposes be deemed to be the same kind of insurance to which it is so incidental, and shall not be subject to provisions of this code applicable to life and health insurances.

➔Section 2. 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" ***has the same meaning as in subsection (1)(p) of Section 1 of this Act***~~[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.

Signed by Governor April 8, 2016.

CHAPTER 58

(SB 63)

AN ACT relating to evidence and declaring an emergency.

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

➔Section 1. All sexual assault examination kits collected pursuant to KRS 216B.400 prior to the effective date of this Act which have not been subjected to serological or deoxyribonucleic acid testing shall be submitted to the Department of Kentucky State Police forensic laboratory by January 1, 2017. The Department of Kentucky State Police forensic laboratory shall collaborate with every Kentucky law enforcement and prosecutorial agency responsible for the collection, storage, and maintenance of sexual assault examination kits to develop a plan for the submission and testing of all such kits.

➔Section 2. KRS 15.440 is amended to read as follows:

(1) Each local unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

(a) Employs one (1) or more police officers;

(b) Pays every police officer at least the minimum federal wage;

(c) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council, for employment of police officers on or after July 1, 1972, and for all sheriffs appointed or elected on or after July 15, 1998, and all deputy sheriffs, and state or public university police officers employed after July 15, 1998; provided, however, that all police officers employed prior to July 1, 1972, shall be deemed to have met the requirements of this subsection, and that all sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to July 15, 1998, shall be deemed to have met the requirements of this subsection;

(d) Requires all police officers employed on or after July 1, 1972, and all sheriffs appointed or elected on or after July 15, 1998, and deputy sheriffs, and state or public university police officers employed on or after January 1, 1998, to successfully complete a basic training course of at least six hundred forty (640) hours' duration within one (1) year of the date of employment at a school certified or recognized by the Kentucky Law Enforcement Council. All sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to January 1, 1998, shall be deemed to have met the requirements of this subsection. The council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, set the number of hours for basic training at a number higher than six hundred forty (640) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis;

(e) Requires all police officers, whether originally employed before or after July 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998, and all deputy sheriffs and state or public police officers employed before, on, or after July 15, 1998, to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of his department, of at least forty (40) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;

(f) Requires compliance with all provisions of law applicable to local police, state or public university police, or sheriffs and their deputies, including transmission of data to the centralized criminal history record information system as required by KRS 17.150;

(g) Requires compliance with all reasonable rules and regulations, appropriate to the size and location of the local police department, state or public university police department, or sheriff's office, issued by the Justice and Public Safety Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;~~[and]~~

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include purpose statements; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to

the Cabinet for Families and Children, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records***; and***

(i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet, and which includes:

1. A requirement that evidence collected as a result of an examination performed under Section 4 of this Act be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;

2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the department be transmitted to a department with jurisdiction within ten (10) days of its receipt by the department;

3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the department;

4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and

5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched.

(2) No local unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund unless the local police department, state or public university police department, or sheriff's office actually begins and continues to comply with the requirements of this section; provided, further, that no local unit shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the local police department, state or public university police department, or sheriff's office has substantially complied with subsection (1)(f) and (g) of this section.

(3) A sheriff's office shall not lose eligibility to share in the distribution of funds from the Law Enforcement Foundation Program fund if the sheriff does not participate in the Law Enforcement Foundation Program fund.

(4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

➔Section 3. KRS 17.175 is amended to read as follows:

(1) A centralized database of DNA (deoxyribonucleic acid) identification records for convicted or adjudicated offenders, crime scene specimens, unidentified human remains, missing persons, and close biological relatives of missing persons shall be established in the Department of Kentucky State Police under the direction, control, and supervision of the Department of Kentucky State Police forensic laboratory. The established system shall be compatible with the procedures set forth in a national DNA identification index to ensure data exchange on a national level.

(2) The purpose of the centralized DNA database is to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes and the identification and location of missing and unidentified persons.

(3) ***(a)*** The Department of Kentucky State Police forensic laboratory shall receive, analyze, and classify DNA samples received from the Department of Corrections, the Department of Juvenile Justice, and other sources, and shall file the DNA results in the centralized databases for law enforcement identification and statistical purposes. ***The department shall analyze and classify all sexual assault evidence collection kits it receives. In cases where a suspect has been identified, the department may give priority to analysis and classification of sexual assault evidence collection kits where the reference standard for***

comparison is provided with the kit. Except as provided in subsection (3)(e) of this section, by July 1, 2018, the average completion rate for this analysis and classification shall not exceed ninety (90) days, and by July 1, 2020, the average completion rate for this analysis and classification shall not exceed sixty (60) days.

(b) Failure to meet the completion time goals established in subsection (3)(a) of this section shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of evidence.

(c) The Department of Kentucky State Police shall, by August 1 of each year, report to the Legislative Research Commission the yearly average completion rate for the immediately preceding five (5) fiscal years.

(d) With approval by the secretary of the Justice and Public Safety Cabinet in situations in which an equipment casualty necessitates the expedited acquisition or repair of laboratory equipment required for the analysis of evidence, the acquisition or repair shall be exempt from the Finance and Administration Cabinet's competitive bidding process for both acquisition and repair purposes. Each time the authority granted by this paragraph is used, the equipment acquisition or repair shall be fully documented within thirty (30) days by the agency head in a written or electronic letter to the secretary of the Finance and Administration Cabinet, attached to an ordering or payment document in the state's procurement system, which shall include:

1. An explanation of the equipment acquired or repaired;

2. The name of the vendor selected;

3. The amount of procurement;

4. Other price quotations obtained; and

5. The basis for selection of the vendor.

(e) To the extent appropriated funds are insufficient to meet the average completion time goals established in subsection (3)(a) of this section, the Department of Kentucky State Police forensic laboratory shall no longer be required to meet the average completion time goals.

(4) DNA identification records produced from the samples are not public records but shall be confidential and used only for law enforcement purposes. DNA identification records shall be exempt from the provisions of KRS 61.870 to 61.884.

(5) A person whose DNA profile has been included in the data bank pursuant to this chapter may request expungement on the grounds that the conviction or adjudication on which the authority for including the DNA profile was based has been reversed and the case dismissed, or that the person successfully completed the pretrial diversion program under KRS 533.258 and the charges were dismissed-diverted. The Department of Kentucky State Police shall expunge all identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of:

(a) A written request for expungement pursuant to this section; and

(b) Either:

1. A certified copy of the court order reversing and dismissing the conviction or adjudication; or

2. A certified copy of the court order deeming the charges dismissed-diverted.

(6) The cabinet shall promulgate administrative regulations necessary to carry out the provisions of the DNA database identification system to include procedures for collection of DNA samples and the database system usage and integrity.

(7) The Department of Kentucky State Police shall destroy all DNA samples that are not entered into the DNA database identification system.

(8) Any person who disseminates, receives, or otherwise uses or attempts to use information in the DNA database identification system, knowing that such dissemination, receipt, or use is for a purpose other than authorized by this section, shall be guilty of a Class D felony.

➔Section 4. KRS 216B.400 is amended to read as follows:

(1) Where a person has been determined to be in need of emergency care by any person with admitting authority, no such person shall be denied admission by reason only of his or her inability to pay for services to be rendered by the hospital.

(2) Every hospital of this state which offers emergency services shall provide that a physician, a sexual assault nurse examiner, who shall be a registered nurse licensed in the Commonwealth and credentialed by the Kentucky Board of Nursing as provided under KRS 314.142, or another qualified medical professional, as defined by administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, is available on call twenty-four (24) hours each day for the examinations of persons seeking treatment as victims of sexual offenses as defined by KRS ***510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130,*** ~~[510.010 to]~~ 510.140, 530.020, 530.064(1)(a), and 531.310.

(3) An examination provided in accordance with this section of a victim of a sexual offense may be performed in a sexual assault examination facility as defined in KRS 216B.015. An examination under this section shall apply only to an examination of a victim.

(4) The physician, sexual assault nurse examiner, or other qualified medical professional, acting under a statewide medical forensic protocol which shall be developed by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, and promulgated by the secretary of justice and public safety pursuant to KRS Chapter 13A shall, upon the request of any peace officer or prosecuting attorney, and with the consent of the victim, or upon the request of the victim, examine such person for the purposes of providing basic medical care relating to the incident and gathering samples that may be used as physical evidence. This examination shall include but not be limited to:

   (a) Basic treatment and sample gathering services; and

   (b) Laboratory tests, as appropriate.

(5) Each victim shall be informed of available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric problems. Pregnancy counseling shall not include abortion counseling or referral information.

(6) Each victim shall be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault.

(7) Notwithstanding any other provision of law, a minor may consent to examination under this section. This consent is not subject to disaffirmance because of minority, and consent of the parents or guardians of the minor is not required for the examination.

(8) (a) The examinations provided in accordance with this section shall be paid for by the Crime Victims' Compensation Board at a rate to be determined by the administrative regulation promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

   (b) Upon receipt of a completed claim form supplied by the board and an itemized billing for a forensic sexual assault examination or related services that are within the scope of practice of the respective provider and were performed no more than twelve (12) months prior to submission of the form, the board shall reimburse the hospital or sexual assault examination facility, pharmacist, health department, physician, sexual assault nurse examiner, or other qualified medical professional as provided in administrative regulations promulgated by the board pursuant to KRS Chapter 13A. Reimbursement shall be made to an out-of-state nurse who is credentialed in the other state to provide sexual assault examinations, an out-of-state hospital, or an out-of-state physician if the sexual assault occurred in Kentucky.

   (c) Independent investigation by the Crime Victims' Compensation Board shall not be required for payment of claims under this section; however, the board may require additional documentation or proof that the forensic medical examination was performed.

(9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth.

(10) (a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement, except where reporting of abuse and neglect of a child, spouse, and other vulnerable adult

is required, as set forth in KRS 209.030, 209A.030, and 620.030. No victim shall be denied an examination because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.

(b) ***If the victim chooses to report to law enforcement, the hospital shall notify law enforcement within twenty-four (24) hours.***

(c) 1. All samples collected during an exam where the victim has chosen not to immediately report to law enforcement shall be stored, released, and destroyed, if appropriate, in accordance with an administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

2. Facilities collecting samples pursuant to this section may provide the required secure storage, sample destruction, and related activities, or may enter into agreements with other agencies qualified to do so, pursuant to administrative regulation.

3. All samples collected pursuant to this section shall be stored for at least ***one (1) year***~~[ninety (90) days]~~ from the date of collection in accordance with the administrative regulation promulgated pursuant to this subsection.

4. Notwithstanding KRS 524.140, samples collected during exams where the victim chose not to report immediately or file a report within ***one (1) year***~~[ninety (90) days]~~ after collection may be destroyed as set forth in accordance with the administrative regulation promulgated pursuant to this subsection***. The victim shall be informed of this process at the time of the examination***. No hospital, sexual assault examination facility, or designated storage facility shall be liable for destruction of samples after the required storage period has expired.

➔Section 5. KRS 403.707 is amended to read as follows:

(1) The Council on Domestic Violence and Sexual Assault shall create a Sexual Assault Response Team Advisory Committee.

(2) The Sexual Assault Response Team Advisory Committee shall be co-chaired by the executive director of the Kentucky Association of Sexual Assault Programs and the commissioner of the Department of Kentucky State Police or the commissioner's designee.

(3) The membership of the Sexual Assault Response Team Advisory Committee shall consist of the following:

(a) The executive director of the Kentucky Board of Nursing or the executive director's designee;

(b) The executive director of the Kentucky Nurses Association or the executive director's designee;

(c) The executive director of the Kentucky Hospital Association or the executive director's designee;

(d) ***The executive director of the Kentucky Association of Children's Advocacy Centers;***

(e) The director of the Department of Kentucky State Police Crime Lab;

(f)~~[(e)]~~ The chief medical examiner or the chief medical examiner's designee;

(g)~~[(f)]~~ The commissioner of the Department for Community Based Services or the commissioner's designee;

(h)~~[(g)]~~ The director of the Victims' Advocacy Division of the Office of the Attorney General or the director's designee;

(i)~~[(h)]~~ A sexual assault nurse examiner serving on the Governor's Council on Domestic Violence and Sexual Assault;

(j)~~[(i)]~~ A representative from a sexual assault response team serving on the Council on Domestic Violence and Sexual Assault;

(k)~~[(j)]~~ A physician appointed by the co-chairs of the Council on Domestic Violence and Sexual Assault; and

(l)~~[(k)]~~ A Commonwealth's attorney or an assistant Commonwealth's attorney appointed by the co-chairs of the Council on Domestic Violence and Sexual Assault.

(4) Members appointed under subsection (3)***(i) to (l)***~~[(h) to (k)]~~ of this section shall serve at the pleasure of the appointing authority and shall not serve longer than four (4) years without reappointment.

(5) The Sexual Assault Response Team Advisory Committee shall:

(a) Serve in an advisory capacity to the Kentucky Board of Nursing in accomplishing the duties set forth under KRS 314.142;

(b) Serve in an advisory capacity to the Justice and Public Safety Cabinet in the development of the statewide sexual assault protocol required under KRS 216B.400(4);

(c) Develop a model protocol for the operation of sexual assault response teams which shall include the roles of sexual assault nurse examiners, physicians, law enforcement, prosecutors, and victim advocates;

(d) ***Provide assistance to each regional rape crisis center, as designated by the Cabinet for Health and Family Services, in establishing a regional sexual assault response team;***

(e) Develop model policies for law enforcement agencies related to handling sexual assault examination kits and investigating sexual assaults with a victim-centered, evidence-based approach;

(f) By January 1, 2018, report to the General Assembly on the results of the analysis of previously untested sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory pursuant to Section 1 of this Act, including whether analysis of those kits led to the identification and prosecution of suspects and the cost to society of the offenses committed by the suspects identified;

(g) By July 1, 2018, and by each July 1 thereafter, report to the General Assembly and to the secretary of the Justice and Public Safety Cabinet on the number of sexual assaults reported, the number of sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory, the number of kits tested, and the number of charges filed and convictions obtained in sexual assault cases in the previous calendar year;

(h) Provide information and recommendations concerning the activities of the agency or organization represented by each individual committee member as related to sexual assault issues and programs within the purview of the agency or organization; and

(i) ~~[(e)]~~ Recommend to the Council on Domestic Violence and Sexual Assault any changes in statute, administrative regulation, training, policy, and budget to promote a multidisciplinary response to sexual assault.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The Department of Kentucky State Police shall request from other law enforcement agencies, pursuant to KRS 17.150, and shall collect statistical data regarding the reporting and investigation of any person charged with committing, attempting to commit, or complicity to a sexual offense as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310, and on the number of sexual assault evidence kits, as defined in Section 4 of this Act, which are submitted to law enforcement agencies, the number of such kits submitted to the Department of Kentucky State Police forensic laboratory, and the number of kits tested.

(2) The information collected pursuant to this section for the previous calendar year shall be provided by May 1, 2018, and by each May 1 thereafter to the Sexual Assault Response Team Advisory Committee as defined in Section 5 of this Act.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

(1) The Administrative Office of the Courts shall collect statistical data regarding the prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.

(2) The information collected pursuant to this section for the previous calendar year shall be provided by May 1 of 2018 and by each May 1 thereafter to the Sexual Assault Response Team Advisory Committee as defined in Section 5 of this Act.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

(1) The secretary of the Cabinet for Health and Family Services shall designate as a SANE-ready hospital any acute care hospital which has certified, and recertifies annually, that a sexual assault nurse examiner as defined in KRS 314.011 is available on call twenty-four (24) hours each day for the examination of persons

seeking treatment as victims of sexual offenses as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.

(2) The secretary shall suspend or revoke an acute care hospital's designation as SANE-ready hospital if the hospital fails to recertify annually, or if it notifies the secretary that it no longer meets the requirements of this section.

(3) (a) The cabinet shall maintain a list of SANE-ready hospitals and post the list on its Web site. The cabinet shall provide the list and periodic updates to the Kentucky Board of Emergency Medical Services.

(b) The Kentucky Board of Emergency Medical Services shall share the list with each local emergency medical services provider at least annually, and as new centers and hospitals are designated and certified.

➔Section 9. KRS 15.334 is amended to read as follows:

(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:

(a) Abuse, neglect, and exploitation of the elderly and other crimes against the elderly, including the use of multidisciplinary teams in the investigation and prosecution of crimes against the elderly;

(b) The dynamics of domestic violence, pediatric abusive head trauma, as defined in KRS 620.020, child physical and sexual abuse, and rape; child development; the effects of abuse and crime on adult and child victims, including the impact of abuse and violence on child development; legal remedies for protection; lethality and risk issues; profiles of offenders and offender treatment; model protocols for addressing domestic violence, rape, pediatric abusive head trauma, as defined in KRS 620.020, and child abuse; available community resources and victim services; and reporting requirements. This training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with expertise in domestic violence, child abuse, and rape. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric abusive head trauma approved by the secretary of the Cabinet for Health and Family Services;

(c) Human immunodeficiency virus infection and acquired immunodeficiency virus syndrome;

(d) Identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin;~~[and]~~

(e) The characteristics and dynamics of human trafficking, state and federal laws relating to human trafficking, the investigation of cases involving human trafficking, including but not limited to screening for human trafficking, and resources for assistance to the victims of human trafficking***; and***

(f) Beginning January 1, 2017, the council shall require that a law enforcement basic training course include at least eight (8) hours of training relevant to sexual assault.

(2) (a) The council shall develop and approve mandatory professional development training courses to be presented to all certified peace officers. A mandatory professional development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years.

(b) Beginning January 1, 2011, the council shall require that one and one-half (1.5) hours of professional development covering the recognition and prevention of pediatric abusive head trauma be included in the curriculum of all mandatory professional development training courses such that all officers shall receive this training at least once by December 31, 2013. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.

(c) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual assault investigation training course. By January 1, 2019, agencies shall have one (1) or more officers trained in this curriculum, as follows:

1. Agencies with five (5) or fewer officers shall have at least one (1) officer trained in sexual assault investigation;

2. Agencies with more than five (5) officers but fewer than thirty (30) officers shall have at least two (2) officers trained in sexual assault investigation; and

3. Agencies with thirty (30) or more officers shall have at least four (4) officers trained in sexual assault investigation.

(3) The Justice and Public Safety Cabinet shall provide training on the subjects of domestic violence and abuse and may do so utilizing currently available technology. All certified peace officers shall be required to complete this training at least once every two (2) years.

(4) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish mandatory basic training and professional development training courses.

(5) The council shall make an annual report by December 31 each year to the Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.

➔Section 10. KRS 524.140 is amended to read as follows:

(1) As used in this section:

(a) "Defendant" means a person charged with a:

1. Capital offense, Class A felony, Class B felony, or Class C felony; or

2. Class D felony under KRS Chapter 510; and

(b) "Following trial" means after:

1. The first appeal authorized by the Constitution of Kentucky in a criminal case has been decided; or

2. The time for the first appeal authorized by the Constitution of Kentucky in a criminal case has lapsed without an appeal having been filed.

(2) No item of evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of prior to trial of a criminal defendant unless:

(a) ***The evidence has been in custody not less than fifty (50) years; or***

(b) The evidence has been in custody not less than ten (10) years; and

1. The prosecution has determined that the defendant will not be tried for the criminal offense; ***and***

2.~~[(b)]~~ The prosecution has made a motion***,*** before the court in which the case would have been tried***,*** to destroy the evidence~~[; and~~

~~(c) The court has, following an adversarial proceeding in which the prosecution and the defendant were heard, authorized the destruction of the evidence by court order]~~.

(3) No item of evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of following the trial unless:

(a) The evidence, together with DNA evidence testing and analysis results, has been presented at the trial, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial;

(b) The evidence was not introduced at the trial, or if introduced at the trial was not the subject of DNA testing and analysis, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial, and the trial court has ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant;

(c) The trial resulted in the defendant being found not guilty or the charges were dismissed after jeopardy attached, whether or not the evidence was introduced at the trial or was subject to DNA testing and analysis or not, and the trial court ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant; or

(d) The trial resulted in the dismissal of charges against the defendant, and the defendant may be subject to retrial, in which event the evidence shall be retained until after the retrial, which shall be considered a new trial for the purposes of this section.

(4) The burden of proof for a motion to destroy evidence that may be subject to DNA testing and analysis shall be upon the party making the motion, and the court may permit the destruction of the evidence under this section upon good cause shown favoring its destruction.

(5) It is recognized by the General Assembly that the DNA evidence laboratory testing and analysis procedure consumes and destroys a portion of the evidence or may destroy all of the evidence if the sample is small. The consuming and destruction of evidence during the laboratory analysis process shall not result in liability for its consumption or destruction if the following conditions are met:

(a) The Department of Kentucky State Police laboratory uses a method of testing and analysis which preserves as much of the biological material or other evidence tested and analyzed as is reasonably possible; or

(b) If the Department of Kentucky State Police laboratory knows or reasonably believes that the entire sample of evidence to be tested and analyzed that the laboratory, prior to the testing or analysis of the evidence, notifies in writing the court which ordered the testing and analysis and counsel for all parties:

1. That the entire sample of evidence may be destroyed by the testing and analysis;

2. The possibility that another laboratory may be able to perform the testing and analysis in a less destructive manner with at least equal results;

3. The name of the laboratory capable of performing the testing and analysis, the costs of testing and analysis, the advantages of sending the material to that other laboratory, and the amount of biological material or other evidence which might be saved by alternative testing and analysis; and

4. The Department of Kentucky State Police laboratory follows the directive of the court with regard to the testing and analysis; or

(c) If the Department of Kentucky State Police laboratory knows or reasonably believes that so much of the biological material or evidence may be consumed or destroyed in the testing and analysis that an insufficient sample will remain for independent testing and analysis that the laboratory follows the procedure specified in paragraph (b) of this subsection.

(6) Destruction of evidence in violation of this section shall be a violation of KRS 524.100.

(7) Subject to KRS 422.285(9), the appropriate governmental entity shall retain any biological material secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. The governmental entity shall have the discretion to determine how the evidence is retained pursuant to this section, provided that the evidence is retained in a condition suitable for DNA testing and analysis.

➔Section 11. Sections 1 to 10 of this Act shall be known as the Sexual Assault Forensic Evidence (SAFE) Act of 2016.

➔Section 12. Whereas delay in processing sexual assault evidence kits undermines public safety and confidence in the criminal justice system and no just cause exists for delay, 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 8, 2016.

CHAPTER 59

(SB 103)

AN ACT relating to funeral planning.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

(1) "Cemetery merchandise" has the same meaning as in KRS 367.932;

(2) "Declarant" means an individual who signs a funeral planning declaration executed under Sections 1 to 11 of this Act;

(3) "Declaration" means a funeral planning declaration setting forth the declarant's preferences regarding the manner of disposition of the declarant's remains that is executed under Sections 1 to 11 of this Act and in a form prescribed by administrative regulation promulgated by the Office of the Attorney General;

(4) "Designee" means an individual designated and directed by the terms of the declaration to:

(a) Carry out the funeral plan of the declarant; or

(b) Make any arrangements concerning the disposition of the declarant's remains, funeral services, cemetery merchandise, funeral merchandise, or ceremonies;

(5) "Funeral" has the same meaning as in KRS 316.010; and

(6) "Funeral merchandise" means caskets, outer burial containers, urns, clothing, register books, acknowledgement cards, other memorial products, and any other similar products that are commonly sold by or used in funeral homes.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) A person who is of sound mind and is at least eighteen (18) years of age may execute a declaration.

(2) A declaration shall not be included in:

(a) A will;

(b) A power of attorney; or

(c) A similar document.

(3) A declaration shall designate an individual to serve as the designee, or if no designee is designated shall provide instruction concerning funeral services, ceremonies, and the disposition of remains after death.

(4) A declaration, at a minimum, shall be:

(a) Voluntary;

(b) In writing;

(c) Signed by the declarant or by another person in the declarant's presence and at the direction of the declarant;

(d) Dated;

(e) Signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age at the time they sign the declaration; and

(f) Acknowledged before a notary public or other person authorized to administer oaths.

(5) A declaration is not binding upon a funeral home, a cemetery, or any person engaged in the business of providing funeral services, selling merchandise or grave markers, or providing a service or other property subject to the declaration until the funeral home, cemetery, or person receives full payment for the service, merchandise, or other property.

(6) A person is not considered to be entitled to any part of the declarant's estate solely by virtue of being designated by the declarant to serve as his or her designee.

(7) Unless an individual is related to the declarant by birth, marriage, or adoption, a declarant shall not designate an individual to be his or her designee or alternate designee who is:

(a) A provider of funeral or cemetery services;

(b) Responsible for any aspect of the disposition of the declarant's remains; or

(c) Associated with any entity that is responsible for providing funeral or cemetery services or disposing of the declarant's remains.

(8) The following shall not be a witness to a declaration:

(a) The person who signed the declaration on behalf of and at the direction of the declarant;

(b) A parent, spouse, or child of the declarant;

(c) The person identified as the designee; or

(d) An individual who is entitled to any part of the declarant's estate whether the declarant dies testate or intestate, including an individual who could take from the declarant's estate if the declarant's will is declared invalid.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

A declaration may specify the declarant's preferences concerning any of the following:

(1) The disposition of the declarant's remains after the declarant's death;

(2) Who may direct the disposition of the declarant's remains;

(3) Who may provide funeral services after the declarant's death;

(4) Specific directions about the type and form of funeral services desired;

(5) The ceremonial arrangements to be performed after the declarant's death;

(6) The funeral merchandise and cemetery merchandise for the disposition of the declarant's remains;

(7) Who may direct the ceremonial arrangements to be performed after the declarant's death; and

(8) Disinterment.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of the declarant's most recent declaration shall prevail over any other document executed by the declarant concerning any preferences described in Section 3 of this Act.

(2) The invalidity of any specific preference or direction shall not affect the validity of the declaration.

(3) This section shall not be construed to enable a legal representative to revoke a properly executed declaration or to invalidate a properly executed power of attorney with respect to any power or duty belonging to the legal representative that is not related to the declaration.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) A person who acts in good-faith reliance on a declaration is immune from liability to the same extent as if the person had dealt directly with the declarant and the declarant had been a competent and living person.

(2) A person who deals with a declaration may presume, in the absence of actual knowledge to the contrary, that:

(a) The declaration was validly executed and has not been revoked; and

(b) The declarant was competent at the time the declaration was executed.

(3) The directions of a declarant expressed in a declaration are binding as if the declarant were alive and competent.

(4) A crematory authority, licensed funeral director, or cemetery acting pursuant to the terms of a declaration shall not be held liable for good-faith reliance on representations made in the declaration.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) A declaration shall remain in effect until revoked by the declarant in writing.

(2) A revocation of a declaration shall be delivered to the person to whom the declaration was given or to the designee.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) The following events that occur subsequent to a declaration shall act as a revocation of a designation of authority in a declaration to the declarant's spouse to direct the disposition of the declarant's body or to make all arrangements concerning funeral services and other ceremonies after the declarant's death, unless otherwise expressly provided in a declaration:

(a) Dissolution of marriage;

(b) Annulment of marriage;

(c) Legal separation; or

(d) Court determination that the declarant and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrated an absence of affection, trust, and regard for the declarant.

(2) In the event a spouse's designation is disqualified pursuant to subsection (1) of this section, the alternate designee, if any, shall assume the responsibility for the declaration.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

If any designee, alternate designee, or person described in Section 9 of this Act fails to assume an obligation set forth in the declaration, within five (5) days of notification of the declarant's death, the authority to make arrangements shall devolve pursuant to the terms of the declaration or Section 9 of this Act.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

The right to control the disposition of a decedent's body, make arrangements for funeral services, make arrangements for burial, and to make other ceremonial arrangements after an individual's death devolves on the following in the priority listed:

(1) A person:

(a) Named as the designee or alternate designee in a declaration executed by the decedent under Sections 1 to 11 of this Act; or

(b) Named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense if the decedent died while serving in any branch of the United States Armed Forces, pursuant to KRS 36.440;

(2) The decedent's surviving spouse;

(3) A surviving adult child of the decedent or, if more than one (1) adult child is surviving, the majority of the adult children. Less than half of the surviving adult children have the right to control disposition under this section if the child or children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children and this has been attested to in writing;

(4) The surviving parent or parents of the decedent. If one (1) of the parents is absent, the parent who is present has the right to control disposition under this section if the parent who is present has used reasonable efforts to notify the absent parent and attests to that in writing;

(5) The surviving adult grandchild of the decedent or, if more than one (1) adult grandchild is surviving, the majority of the adult grandchildren. Less than half of the surviving adult grandchildren have the right to control disposition under this section if the grandchild or grandchildren have used reasonable efforts to notify the other surviving adult grandchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult grandchildren and this has been attested to in writing;

(6) The decedent's surviving adult sibling or, if more than one (1) adult sibling is surviving, the majority of the adult siblings. Less than half of the surviving adult siblings have the right to control disposition under this section if the sibling or siblings have used reasonable efforts to notify the other surviving adult siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult siblings and this has been attested to in writing;

(7) An individual in the next degree of kinship under KRS 391.010 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree of kinship. Less than half of the individuals who are of the same degree of kinship have the right to control disposition under this section if they used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship and this has been attested to in writing; or

(8) If none of the persons described in subsections (1) to (7) of this section are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home, that:

(a) Has a valid prepaid funeral plan that makes arrangements for the disposition of the decedent's remains; and

(b) Attests in writing that a good-faith effort has been made to contact any living individuals described in subsections (1) to (7) of this section.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

A person in Kentucky is not required to honor a declaration or similar instrument executed in another state, but may rely on a declaration or similar instrument executed in another state that complies with the requirements of Sections 1 to 11 of this Act.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

An action to contest or determine the validity of any declaration made under Sections 1 to 11 of this Act shall be:

(1) Brought in the same manner as an action to contest the validity of a will;

(2) Expedited on the docket of the court as a mater requiring priority; and

(3) Accompanied by a bond, cash deposit, or other surety sufficient to guarantee that the entity holding the declarant's remains is compensated for the safe-keeping charges incurred while the action is pending.

➔Section 12. KRS 367.97501 is amended to read as follows:

As used in KRS 367.97501 to 367.97537, unless the context requires otherwise:

(1) "Authorizing agent" means the person legally entitled to order the cremation of the human remains.~~[The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of disposition devolves upon the following in the order named:~~

~~(a) The decedent through a preneed cremation authorization;~~

~~(b) The surviving spouse of the decedent;~~

~~(c) The surviving adult children of the decedent;~~

~~(d) The surviving parents of the decedent;~~

~~(e) The surviving adult grandchildren of the decedent;~~

~~(f) The surviving adult siblings of the decedent;~~

~~(g) A next closest adult relative of the decedent; or~~

~~(h) In the absence of any of the above, by order of District Court.]~~

(2) "Casket" means a rigid container which is designed for the encasement of human remains constructed of wood, metal, or other material.

(3) "Closed container" means a sealed container or urn in which cremated remains are placed and enclosed in a manner that prevents leakage or spillage of cremated remains or the entrance of foreign material.

(4) "Cremated remains" means the fragments remaining after the cremation process has been completed.

(5) "Cremation" means the heating process that reduces human remains to bone fragments through combustion and evaporation.

(6) "Cremation authorization form" means a form promulgated by administrative regulation of the Attorney General ***that***~~[by which the next class of authorizing agent from the decedent in the order set forth in subsection (1) of this section]~~ expresses consent to the decedent's cremation. The form shall include information concerning the parties' rights and responsibilities.

(7) "Cremation chamber" means an enclosed space designed and manufactured for the purpose of cremating human remains.

(8) "Cremation container" means a container in which human remains may be delivered to a crematory for cremation that is:

(a) Rigid enough to support the weight of the corpse, closed, and leakproof;

(b) Composed of a combustible material or other material approved by the crematory authority; and

(c) A proper and dignified covering for the human remains.

(9) "Crematory authority" means the legal entity which is licensed by the Attorney General to operate a crematory and conduct cremations. Crematory authority does not include state university health science centers.

(10) "Crematory" means a fixed building or structure that contains one (1) or more cremation chambers for the reduction of bodies of deceased persons to cremated remains. "Crematory" includes crematorium.

(11) "Crematory operator" means the person in charge of a licensed crematory authority.

(12) "Declaration" has the same meaning as in Section 1 of this Act.

(13) ~~[(12)]~~ "Holding facility" means an area designated for the retention of human remains prior to cremation.

(14) ~~[(13)]~~ "Human remains" means the body of a deceased person or part of a body or limb that has been removed from a living person, in any state of decomposition, prior to cremation.

(15) ~~[(14)]~~ "Pathological waste" means human tissues, organs, and blood or body fluids, in liquid or semiliquid form that are removed from a person for medical purposes. "Pathological waste" does not include amputations.

~~[(15) "Preneed cremation authorization form" means a properly witnessed form promulgated by administrative regulation of the Attorney General by which a decedent, prior to his death, has authorized his cremation. The form shall include information concerning the parties' rights and responsibilities.]~~

(16) "Processed remains" means the end result of pulverization, by which the residual from the cremation process is reduced and cleaned leaving only fragments reduced to unidentified dimensions.

(17) "Retort operator" means a person operating a cremation chamber.

(18) "Scattering area or garden" means an area which may be designated by a cemetery and located on a dedicated cemetery property where cremated remains which have been removed from their container can be mixed with or placed on top of the soil or ground cover.

(19) "Temporary container" means a receptacle for cremated remains, usually made of plastic, cardboard, ceramics, plastic film, wood, or metal, designed to prevent the leakage of processed remains or the entrance of foreign materials which will hold the cremated remains until an urn or other permanent container is acquired.

➔Section 13. KRS 367.97514 is amended to read as follows:

(1) The simultaneous cremation of the remains of more than one (1) individual within the same cremation chamber is specifically declared unlawful. The fact that incidental and unavoidable residue remains in the cremation chamber or other equipment or any container used in a prior cremation is not a violation of this section.

(2) No human remains delivered to a crematory shall be removed from the cremation container, and the cremation container shall be cremated with the human remains. The identification from the outside of the cremation container shall be removed and placed near the cremation chamber control panel where it shall remain in place until the cremation process is complete.

(3) A body shall not be cremated with a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants, in place. If the authorizing agent is the decedent, ***the declarant shall disclose the existence of any pacemaker or other hazardous implants to the crematory authority, or in the event there is no declaration,*** then the next class of authorizing agent in the order set forth in KRS 367.97501(1) shall be responsible for disclosing the existence of any pacemaker or other hazardous implants to the crematory authority.

(4) No crematory authority or any person employed by or acting on behalf of a crematory authority shall remove or possess dental gold or dental silver from any human remains. The fact that there is incidental and unavoidable dental gold or dental silver remains in the cremation chamber, in other equipment, or in any container used in a prior cremation is not a violation of this section.

(5) The crematory or crematorium shall be secure from access by unauthorized persons.

(6) The crematory retort operator shall have at least forty eight (48) hours of on the job training supervised by the crematory operator, with verification of this training having been filed with the Attorney General.

➔Section 14. 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, 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 ***or funeral home*** 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.

➔Section 15. KRS 367.97527 is amended to read as follows:

(1) A person~~[, or anyone who has legal authority to act on behalf of that person,]~~ may authorize his or her own cremation and the final disposition of his or her cremated remains, by executing ***a declaration***~~[, as the authorizing agent, a preneed cremation authorization form]~~. The original ***declaration directing cremation***~~[preneed cremation authorization form]~~ shall be retained by the entity with which the arrangements are made. A copy of the ***declaration***~~[preneed cremation authorization form]~~ shall be provided to the person signing the preneed arrangements. The person prearranging his own cremation shall have the right to transfer or cancel ***the declaration***~~[this authorization]~~ at any time prior to death, by notifying the entity with which the ***declaration***~~[preneed cremation authorization form]~~ is filed by certified mail.

(2) In the event that no different or inconsistent instructions are provided to the crematory authority at the time of death, the crematory authority shall release or dispose of the cremated remains as indicated in the ***cremation authorization or declaration***~~[preneed agreement]~~.

(3) ~~[In the event that there is a conflict between the decedent's prearrangement and the demands of the next class of authorizing agent in the order set forth in KRS 367.97501(1) regarding cremation, the crematory shall not accept for cremation those human remains without an order deciding the issues entered by the District Court of the county of the decedent's residence or the county where the funeral home or the crematory authority is located. This order may be issued by the court after a petition for resolution has been initiated by any natural person listed in KRS 367.97501(1) or the crematory authority. Unless extraordinary circumstances exist, the court shall give due deference to the desires of the deceased as expressed in the prearrangement.~~

~~(4)]~~Neither the crematory authority nor a licensed funeral director arranging a cremation shall be held liable for the crematory authority's or the funeral director's good faith reliance on representations made by the ***declaration or*** authorizing agent regarding the authority or decision to cremate.

➔Section 16. KRS 367.97531 is amended to read as follows:

If the authorizing agent~~[or, in the event the authorizing agent is the decedent, the next class of authorizing agent in the order set forth in KRS 367.97501(1),]~~ is not available in person to execute the cremation authorization form, then the authorizing agent may send the crematory a notarized facsimile transmission stating that the person is legally entitled to authorize the cremation and stating the name, address, and relationship of the sender to the decedent. The crematory authority may rely upon the facsimile-transmitted cremation authorization form to perform the cremation without liability. The facsimile-transmitted cremation authorization form shall be followed by the original delivered by certified mail.

Signed by Governor April 8, 2016.

CHAPTER 60

(SB 140)

AN ACT relating to interstate distance education among postsecondary institutions.

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

➔Section 1. KRS 164.540 is amended to read as follows:

(1) The Council on Postsecondary Education in Kentucky as defined in KRS 164.011 is hereby designated as the agency of the Commonwealth of Kentucky charged with the responsibility and vested with all necessary authority, subject to the conditions and restrictions set out in subsection (2) of this section, to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits, and privileges, devolving upon the Commonwealth of Kentucky and its citizens pursuant to the regional compact referred to in KRS 164.530, and to do all such other acts and things as may be necessary or desirable to implement the provisions of said regional compact efficiently and impartially for the benefit of all citizens of the Commonwealth.

(2) In its participation in the regional compact, or in any other regional plan having a similar purpose, the Commonwealth of Kentucky shall not erect, acquire, develop, or maintain in any manner any educational institution within its borders to which any student would be refused entrance on the basis of race, national origin, gender, creed, or religion.

(3) Notwithstanding any other law governing the offering of postsecondary education in the state, the council shall be authorized to take the following actions on behalf of the Commonwealth:

(a) Enter into the State Authorization Reciprocity Agreement, which establishes uniform national standards for interstate offerings of postsecondary distance education and authorizes postsecondary educational institutions meeting those standards located in member states or territories to provide distance education to residents of the Commonwealth;

(b) Serve as the lead or "portal" agency on behalf of the Commonwealth's public and private postsecondary institutions seeking to offer distance education in member states by:

1. Managing functional and administrative state responsibilities under the State Authorization Reciprocity Agreement; and

2. Serving as the official contact for other states and students from other states on matters pertaining to the agreement; and

(c) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish procedures for participation by Kentucky postsecondary institutions in the State Authorization Reciprocity Agreement.

Signed by Governor April 8, 2016.

CHAPTER 61

(SB 141)

AN ACT relating to board membership for municipal utilities.

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

➔Section 1. 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 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 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 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 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. ***However, one (1) commission member may be appointed who lives in a portion of the utility's service area that is not within the city if that portion contains ten percent (10%) or more of the utility's customers and that member has been a customer of the utility for not less than one (1) year.*** 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 2. KRS 96.740 is amended to read as follows:

(1) Any municipality desiring to acquire and operate an electric plant under the provisions of KRS 96.550 to 96.900 or any municipality now owning and operating an electric plant may elect to operate under the provisions of KRS 96.550 to 96.900 by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate under the provisions of KRS 96.550 to 96.900 and by providing in the ordinance that the municipality accepts and agrees to all of the provisions of KRS 96.550 to 96.900, and to all of the provisions as they may be from time to time amended by the acts of the General Assembly of Kentucky. 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 as hereinafter in KRS 96.750 to 96.900 provided. Upon the passage of the ordinance the mayor or chief executive of any municipality may, with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of four (4) residents of the municipality who have resided therein for not less than one (1) year next preceding the date of the appointment. ***However, one (1) board member may be appointed who lives in a portion of the utility's service area that is not within the city if that portion contains ten percent (10%) or more of the utility's customers and that member is a customer of the***

utility for not less than one (1) year. The board must be appointed and qualified before the municipality shall have any authority to proceed further under the provisions of KRS 96.550 to 96.900. The board, when so appointed and qualified, shall be and hereby is declared to be a body politic and corporate, with perpetual succession; and 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 Plant Board of the City of _____" (The name of the municipality to be inserted.)

(2) No person shall be appointed a member of the board who has, within the last two (2) years next before his or her 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 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 mayor of the municipality or to any member of the governing body of that 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 or her public office, or employment, except that the one (1) year waiting period after the expiration of the term of public office or employment shall not apply to an employee of a municipality that is not related within the third degree to the mayor or any member of the governing body of the municipality, at the time of appointment or employment by the board.

(4) ***Except as provided in subsection (1) of this section,*** the members of the board shall be citizens, taxpayers, and legal voters of the municipality and shall not at the time of the appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of the municipality.

(5) If at any time during his or her term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he or she shall automatically vacate his or her membership from the board, and another person shall be appointed to his or her place.

(6) The municipality shall pay the cost of securing bonds for board members from a surety company qualified to do business in Kentucky, and members shall execute bond in an amount required by resolution of the governing body, and conditioned upon the faithful performance of their official duties.

(7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.

Signed by Governor April 8, 2016.

CHAPTER 62

(SB 169)

AN ACT relating to elections.

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

➔Section 1. KRS 121.180 is amended to read as follows:

(1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any preelection finance reports required by subsection (3) of this section if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that contributions will not be accepted or expended in excess of three thousand dollars ($3,000) in any one (1) election to further the candidacy or to support or oppose a constitutional amendment or public question which will appear on the ballot. For a candidate for judicial office who desires to be exempt from filing preelection campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in paragraph (l)1. or 2. of this subsection. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, unless the candidate, slate of candidates, or political issues committee chairman indicates on a request for exemption that the request will be applicable to more than one (1) election. The form

shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.

(b) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of one thousand dollars ($1,000) in any one (1) election. For a candidate for judicial office who desires to be exempt from filing any campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in subparagraph (l)1. or 2. of this subsection. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, unless the candidate, slate of candidates, or political issues committee chairman indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.

(c) For a primary election, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (d) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than twenty-five (25) days after the date of the preceding primary election, except as provided in subparagraph 2. of paragraph (d) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than twenty-five (25) days after the date on which the nomination for a special election is made. A political issues committee chairman shall file a request for exemption not later than ten (10) days after the date on which the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the date on which the request for exemption is filed.

(d) 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner may exercise the remaining option or may file all reports required of a candidate intending to raise or spend in excess of three thousand dollars ($3,000) in an election. If a candidate or slate of candidates elects to exercise a different option, the candidate or slate of candidates shall file the appropriate form with the officer who received the filing papers of the candidate or slate of candidates not later than the deadline for filing a revocation.

2. A candidate for any city or county office or for any school board office, who is exempted from some or all campaign finance reporting requirements pursuant to paragraph (a) or (b) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate accepts or receives in that election. The filing of applicable required reports by a candidate after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required and no penalty for exceeding the initial exempted amount shall be imposed against the candidate, except for failure to file applicable reports required after the exempted amount is exceeded.

(e) Any candidate or slate of candidates that is subject to an August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (d) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (d) of this subsection.

(f) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed either request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection if a candidate or slate of candidates that is subject to an August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided

in subparagraph 2. of paragraph (d) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (d) of this subsection.

(g) Except as provided in subparagraph 2. of paragraph (d) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection.

(h) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (d) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection.

(i) If the opponent of a candidate or slate of candidates is replaced due to his withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (d) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.

(j) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) or (b) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline for the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner may exercise the remaining exemption option or may file all reports required of a candidate intending to raise or spend in excess of three thousand dollars ($3,000) in an election. Except as provided in subparagraph 2. of paragraph (d) of this subsection, a person intending to be a write-in candidate who elects to exercise a different exemption option shall file the appropriate form with the officer who received the initial request for exemption not later than fifteen (15) days after the filing deadline for the regular or special election.

(k) Except as provided in subparagraph 2. of paragraph (d) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chairman has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner and no new request for exemption has been executed.

(l) 1. Except as provided in subparagraph 2. of paragraph (d) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (b), (e), or (j) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not more than five hundred dollars ($500) plus the amount by which the spending limit was exceeded.

2. Except as provided in subparagraph 2. of paragraph (d) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (b), (e), or (j) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.

(2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:

1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;

2. For other contributions in excess of one hundred dollars ($100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;

3. The total amount of cash contributions received during the reporting period; and

4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars ($25), and the amount, date, and purpose of each expenditure.

(b) This report shall be in the hands of the registry or postmarked within five (5) days after the thirtieth day following the primary and regular elections. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required, by this subsection, to be in the hands of the registry or postmarked within five (5) days after the thirtieth day following each regular election.

(3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars ($3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars ($3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:

1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;

2. For each contribution in excess of one hundred dollars ($100) made to a candidate or slate of candidates for a statewide-elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and

3. For each contribution in excess of one hundred dollars ($100) made to any candidate or campaign committee other than those specified in subparagraph 2. of this paragraph or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;

4. The total amount of cash contributions received during the reporting period; and

5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars ($25), and the amount, date, and purpose of each expenditure.

(b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:

1. Candidates as defined in KRS 121.015(8), slates of candidates, campaign committees, political issues committees, and fundraisers which register in the year before the year an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar

quarter thereafter, ending with the last calendar quarter of that year. Candidates, slates of candidates, committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place;

2. All candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall make reports on the thirty-second day preceding an election, including all previous contributions and expenditures;

3. All candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and

4. All reports to the registry shall be received by the registry or postmarked within five (5) days after each filing deadline.

(4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(b) of this section, all candidates, regardless of funds received or expended, campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election.

(5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars ($100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer and the employer of the spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-employed, the name under which he is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars ($100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer, or if the purchaser is self-employed, the name under which he is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.

(6) Each permanent committee, except a federally registered out-of-state permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:

(a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;

(b) For other contributions in excess of one hundred dollars ($100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;

(c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and

(d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be postmarked or received not later than five (5) days after each filing deadline.

(7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry or postmarked not later than ten (10) days after November 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit, or until the year before the candidate or a slate of candidates seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate or a slate of candidates shall file the supplemental annual report not later than ten (10) days after November 1 of that year or at the end of the first calendar quarter of that year after the candidate or slate of candidates files nomination papers for the next year's primary or regular election. All contributions shall be subject to KRS 121.150.

(8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.~~[A duplicate paper copy of each report filed either on paper or electronically with the registry shall be filed by the candidate, slate of candidates, or committee with the county clerk in the county in which the candidate or persons running as a slate of candidates reside at the same time. County clerks shall maintain these reports for public inspection for a period of one (1) year from the date the last report is required to be filed.]~~

(9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:

(a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;

(b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and

(c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.

(10) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to further the candidacy of the person for a different public office, to support or oppose a different public issue, or to further the candidacy of any other person for public office; except that nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in the campaign account to purchase admission tickets for any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase does not exceed one hundred dollars ($100) per event or affair. Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot. Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee, escheat to the State Treasury, be returned pro rata to all contributors, or, in the case of a partisan candidate, be transferred to a caucus campaign committee, or to the state or county executive committee of the political party of which the candidate is a member except that a candidate, committee, or an official may retain the funds to further the same public issue or to seek election to the same office or may donate the funds to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.

(11) (a) For the purposes of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a candidate for a particular office, means the period of time beginning January 1 following a regular election for the office and ending December 31 following the next regular election for that office.

(b) For the purpose of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a constitutional amendment or public question which appears on the ballot, means the period of time beginning January 1 following a regular election for any state legislative office and ending December 31 following the next regular election for any state legislative office.

(c) If adequate and appropriate agency funds are available to implement this subsection, the option of electronic reporting shall be made available by the registry to all candidates, committees, registered fundraisers, and persons making independent expenditures, in addition to those candidates, slates of candidates, and campaign committees that are required to electronically report under KRS 121.120(6)(h).

(12) Filers specified in subsection (11) of this section shall also continue to file required campaign finance reports in paper format until the registry deems it is no longer necessary. The paper copy shall continue to be the official version for audit and other legal purposes.

(13) Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.

(14) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.

(15) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.

(16) Filers who submit computer disks which are not readable, cannot be copied, or are not accompanied by any requisite paper copy shall be deemed to not be in compliance with the requirements set forth in this section.

(17) No candidate is obligated to file any reports electronically, except for those candidates, slates of candidates, and campaign committees that are required to electronically report under KRS 121.120(6)(h).

(18) (a) On each paper and electronic form that it supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."

(b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

➔Section 2. KRS 116.095 is amended to read as follows:

The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration record, without any fee. He ***or she*** shall, upon request, furnish to any ***citizen***~~[person]~~ a copy of the registration records, for which he ***or she*** may charge necessary duplicating costs not to exceed fifty cents ($0.50) per page. ***If a registered voter's Social Security number is included on his or her registration information, the Social Security number shall be redacted by the county clerk before it is duplicated and furnished to the citizen requesting the copy and before it is inspected or duplicated by the citizen.***

➔Section 3. KRS 116.0452 is amended to read as follows:

(1) For the purpose of determining whether a voter registration application is received during the period in which registration books are open under KRS 116.045(2), an application shall be deemed timely received:

(a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the circuit clerk before the registration books are closed;

(b) In the case of registration by mail, if the valid voter registration form of the applicant is legibly postmarked before the registration books are closed;

(c) In the case of registration with a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency before the registration books are closed; and

(d) In any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk***, no later than 4 p.m. local time,*** before the registration books are closed.

(2) The county clerk shall send notice to each applicant of the disposition of the application.

(3) The name of a registered voter shall not be removed from the registration books except:

(a) Upon request of the voter;

(b) As provided by KRS 116.113, upon notice of death, declaration of incompetency, or conviction of a felony; or

(c) Upon failure to respond to a confirmation mailing sent pursuant to KRS 116.112(3) and failure to vote or appear to vote and, if necessary, correct the registration record of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(4) The identity of the voter registration agency or circuit clerk's office through which any particular voter is registered shall not be disclosed to the public.

➔Section 4. KRS 117.235 is amended to read as follows:

(1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:

(a) For the purpose of voting;

(b) By authority of the election officers to keep order and enforce the law;

(c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning and to provide additional voting equipment; or

(d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.

(2) No officer of election shall do any electioneering on election day.

(3) ***(a)*** No person shall electioneer at the polling place on the day of any election, as established in KRS 118.025, within a distance of ***one***~~[three]~~ hundred ***(100)***~~[(300)]~~ feet of any entrance to a building in which a voting machine is located if that entrance is unlocked and is used by voters on election day~~[, unless the fiscal court or legislative body of an urban county, charter county, or consolidated local government, on a countywide basis, specifically prohibits electioneering on the day of any election by ordinance for a distance greater than three hundred (300) feet from the polling place]~~.

(b) No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for absentee voting, during the hours absentee voting is being conducted in the building by the county clerk pursuant to KRS 117.085(1)(c).

(c) Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question, but shall not include exit polling***, bumper stickers affixed to a person's vehicle while parked within or passing through a distance of one hundred (100) feet of any entrance to a building in which a voting machine is located, private property as provided in subsection (7) of this section,*** or other exceptions established by the State Board of Elections through the promulgation of administrative regulations.

(4) No voter shall be permitted to converse with others while in any room in which voting, including absentee voting, is conducted concerning their support or nonsupport of any candidate, party, or issue to be voted on, except as provided in KRS 117.255.

(5) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within ***one***~~[three]~~ hundred ***(100)***~~[(300)]~~ feet of any entrance to the building in which the voting machine is located if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.

(6) Notwithstanding the provisions of subsection (1) of this section, the State Board of Elections may establish a program designed to instill in school children a respect for the democratic principles of voting by conducting in any county a mock election for school children in conjunction with any primary, or regular or special election. The State Board of Elections shall promulgate administrative regulations regarding the mock elections to insure that the regular voting process will not be impaired.

(7) Notwithstanding the provisions of subsection (3) of this section, nothing in this section shall prohibit the displaying of political campaign signs on private property or private establishments by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place. In the case of a polling location being on private property that is leased or otherwise under contract for the purpose of serving as a polling location, the provisions of subsection (3) of this section shall be applicable to that leased or contracted-for private property.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) In a school district where the district boundary extends beyond the boundary of a single county, candidates for election to the school board shall be elected from the district at large. Nomination papers shall be filed with and certified by the clerk of the county in which the candidate resides in accordance with the provisions of KRS 118.165.

(2) (a) The clerk of the county in which a certified candidate resides shall provide the name of the certified candidate to the clerk in each county in which the school district boundary extends.

(b) The name of the certified candidate shall appear on the ballot in all counties in which the school district boundary extends.

(3) Each clerk shall certify the vote totals for every candidate receiving votes to the clerk of the other counties into which the boundary of the school district extends, and a certificate of election shall be issued in accordance with Section 6 of this Act.

➔Section 6. KRS 118.425 is amended to read as follows:

(1) The State Board of Elections shall issue certificates of election where the successful candidate was voted for by the state at large, was voted for by a district greater than one (1) county, or was a candidate for member of Congress or the General Assembly.

(2) Except as provided in subsection (3) of this section, not later than the second Monday after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of one (1) county, or of a district less than one (1) county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city ***or school district*** whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(3) In counties containing cities of the first class, not later than the thirtieth day of December after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of the county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(4) In the case of all offices voted for, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one (1) county, the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for the office and the total number of votes for and against each of the questions on a form prescribed by the State Board of Elections through the promulgation of administrative regulations in accordance with KRS Chapter 13A. The certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections the certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election. The clerk shall keep one (1) of the certificates in his or her office. He or she shall not later than three (3) days after receiving the certificate from the board, forward the other certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.

(5) The State Board of Elections shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State no later than the third Monday after the election. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. A majority of the members of the board shall constitute a quorum and may act. The board shall make out the certificates of election in the office of the board from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the original certificate, by mail, to the elected candidate. The duplicate shall be retained in the office of the board. In the case of the election of a representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.

(6) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two (2) or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in the manner the board directs, in the presence of not less than three (3) other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

➔Section 7. KRS 117.227 is amended to read as follows:

Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card***, any identification card that has been issued by the county and which has been approved in writing by the State Board of Elections, any identification card with picture and signature, any United States government-issued identification card, any Kentucky state government-issued identification card with picture***, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.

➔Section 8. KRS 117.087 is amended to read as follows:

(1) The challenge of an absentee ballot returned by mail shall be in writing and in the hands of the county clerk before ***8***~~[10]~~ a.m. on election day.

(2) The county board of elections shall count the absentee ballots returned by mail and the votes cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. The board may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to count the ballots at the direction of the county board of elections.

(3) Beginning at ***8***~~[10]~~ a.m. on election day, the board shall meet at the clerk's office to count the absentee ballots returned by mail and the ballots cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned absentee ballots shall be rejected automatically. The chairman of the county board of elections shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the registration card. If the outer envelope and the detachable flap are found to be in order, the chairman shall read aloud the name of the voter. If the vote of the voter is not rejected on a challenge then made as provided in subsection (4) of this section, the chairman shall remove the detachable flap and place the inner envelope unopened in a ballot box which has been provided for the purpose.

(4) When the name of a voter who cast an absentee ballot by mail is read aloud by the chairman, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner envelope shall not be opened, but returned to the outer envelope upon which the chairman shall write on the envelope the word "rejected."

(5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken to redistribute the absentee ballots in the box. The board shall open the ballot box, remove the absentee ballots from the inner envelopes, and count the ballots.

(6) The board shall unlock any voting equipment used to cast ballots in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, as provided for in KRS 117.086, and a total of all ballots shall be made and recorded on the form provided by the State Board of Elections.

(7) The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (2) of this section shall not make public the absentee ballot results determined as provided in this section until after 6 p.m. prevailing time.

Became law without Governor's signature April 11, 2016.

CHAPTER 63

(SB 170)

AN ACT regarding the transportation of steel products.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "riverport" means a riverport facility established by a riverport authority under KRS 65.520.

(2) In order to promote economic development and retain jobs within this state, subject to KRS 189.222, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the issue of annual permits for the operation of motor vehicles that are transporting steel products in divisible or nondivisible loads on state highways from a facility manufacturing products in this state to a riverport within this state, and whose dimensions exceed the limits for vehicle width prescribed by this chapter.

(3) The maximum width dimension for an overdimensional permit issued in accordance with this section shall be ten (10) feet.

(4) A motor carrier transporting steel products in divisible or nondivisible loads from a facility manufacturing steel products in this state may apply for an annual overdimensional permit pursuant to subsection (2) of this section. An application for a permit shall identify the route to be used. The permit shall be valid twenty-four (24) hours a day, but shall be limited to movements of steel products within the state of not more than seven (7) road miles from the manufacturing facility. The cost of the annual permit shall be two hundred fifty dollars ($250).

➔Section 2. KRS 189.270 is amended to read as follows:

(1) The department may issue permits for the operation of motor vehicles, manufactured homes, recreational vehicles, boats, or any other vehicle transporting a nondivisible load, whose gross weight including load, height, width, or length exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. Permits may be issued by the department for stated periods, special purposes, and unusual conditions, and upon terms in the interest of public safety and the preservation of the highways as the department may require.

(2) Except as provided in subsection (7) of this section, the department may, at the request of an applicant, issue a single-trip permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. A single-trip permit shall cost sixty dollars ($60) for each overweight or overdimensional permit requested.

(3) Except as provided in subsection (7) of this section, the department may, at the request of an applicant, issue an annual permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. The vehicle shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, thirteen (13) feet six (6) inches in height, or one

hundred sixty thousand (160,000) pounds. Except as provided in subsections (4) and (7) of this section, an annual permit for loads less than fourteen (14) feet in width shall cost two hundred fifty dollars ($250). An annual permit for loads exceeding fourteen (14) feet in width shall cost five hundred dollars ($500).

(4) An annual permit to transport farm equipment less than fourteen (14) feet in width shall cost eighty dollars ($80). An annual permit to transport farm equipment that exceeds fourteen (14) feet in width from a dealership to a farm, from a farm to a dealership, or from a dealership to a dealership shall cost one hundred fifty dollars ($150).

(5) Permits issued under this section shall be for nondivisible loads and shall be valid statewide; however, the department may, as a condition of issuing an annual or single-trip permit, limit the overweight or overdimensional vehicle to specified routes, exclude certain highways, or even cancel an applicant's permit if an unreasonable risk of accident or an unreasonable impedance of the flow of traffic would result from the presence of the overweight or overdimensional vehicle. A person who applies for, and accepts, a permit issued under this section is acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe passage of vehicles by issuing the permit. A person who applies for, and accepts, a permit issued under this section agrees to measure all clearances of highway structures, both laterally and vertically, prior to passage of the person's vehicles along the routes specified in the permit. A person who applies for, and accepts, a permit issued under this section is classified as a bare licensee whose duty is to assume sole risk involved in using Kentucky's highways without warranty of accuracy.

(6) Subject to the limitations of subsection (11) of this section, the department shall promulgate administrative regulations under KRS Chapter 13A to establish requirements for escort vehicles, safety markings, and other safety restrictions governing the operation of an overweight or overdimensional vehicle. The department shall provide each applicant for an annual or single-trip permit issued under this section a copy of all restrictions associated with the overweight or overdimensional permit at no charge to the applicant. The department shall be prohibited from raising the permit fee established in subsections (2) and (3) of this section by levying additional fees for an overweight or overdimensional permit through the administrative regulation process.

(7) The cabinet shall not issue an annual permit under this section if the person applying for the permit is eligible for an annual permit issued under KRS 189.2715***, Section 1 of this Act,*** or 189.2717.

(8) The department may require the applicant to give bond, with approved surety, to indemnify the state or counties against damage to highways or bridges resulting from use by the applicant. The operation of vehicles in accordance with the terms of the permit issued under this section shall not constitute a violation of this chapter if the operator has the permit, or an authenticated copy of it, in his possession.

(9) Any person transporting a parade float which exceeds the dimensional limits on a highway over which it is transported shall be required to obtain a permit as required in subsection (2) of this section. If the float is being used in conjunction with a parade to be held within the boundaries of the Commonwealth, a fee shall not be assessed by the department to issue the permit.

(10) A person shall not operate any vehicle in violation of the terms of the permit issued under this section.

(11) (a) The cabinet shall not promulgate administrative regulations pursuant to this section that restrict the time or days of the week when a permit holder may operate on the highway, except that travel may be limited from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the restrictions established in this paragraph, any manufactured home being transported by permit issued under this section shall not travel on any highway after daylight hours Monday through Saturday, or at any time on Sunday.

(b) The cabinet shall allow a permit holder who has obtained a permit to transport equipment to a work site to return to the permit holder's place of business immediately after work is completed at the job site, subject to the limitations of paragraph (a) of this subsection.

(c) The cabinet shall not promulgate administrative regulations pursuant to this section setting forth escort vehicle requirements for overdimensional farm implements or vehicles towing overdimensional farm implements that are more stringent than the following:

1. For a single vehicle and load in excess of twelve (12) feet in width being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;

2. For a single vehicle and load in excess of twelve (12) feet in width being operated on a four (4) lane highway, no more than one (1) trail vehicle shall be required;

3. For a single vehicle and load in excess of eighty-five (85) feet in length being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;

4. For more than one (1) vehicle and load in excess of twelve (12) feet in width or eighty-five (85) feet in length being operated as a convoy on a two (2) lane highway, no more than one (1) lead vehicle shall be required;

5. A lead escort vehicle on a two (2) lane highway under this paragraph may also serve as a tow vehicle;

6. Any distance for lead or trail escort vehicles shall contain provisions allowing for a variance from that distance due to safety or road conditions; and

7. A vehicle or its escort shall be required to bear a sign declaring that the vehicle is oversized or be required to use lights, flashers, or flags, but a vehicle or its escort shall not be required to do both.

Signed by Governor April 8, 2016.

CHAPTER 64

(HB 428)

AN ACT relating to cruelty to animals.

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

➔Section 1. KRS 525.125 is amended to read as follows:

(1) ***As used in this section:***

(a) "Dog" means a domesticated canid of the genus canis lupus familiaris; and

(b) "Dog fight" or "dog fighting" means any event that involves a fight conducted or to be conducted between at least two (2) dogs for purposes of sport, wagering, or entertainment, except that the term "dog fight" or "dog fighting" shall not be deemed to include any activity the purpose of which involves the use of one (1) or more dogs in hunting or taking another animal.

(2) The following persons are guilty of cruelty to animals in the first degree***:***

(a) Whenever a ***dog***~~[four-legged animal]~~ is ***knowingly*** caused to ***dog*** fight for pleasure or profit:

1.~~[(a)]~~ The owner of the ***dog***~~[animal]~~;

2.~~[(b)]~~ The owner of the property on which the fight is conducted if the owner knows of the ***dog*** fight; ***and***

3.~~[(c)]~~ Anyone who participates in the organization of the ***dog*** fight***; and***

(b) Any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting.

(3)~~[(2)]~~ Activities of ***dogs***~~[animals]~~ engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife ***Resources*** shall not constitute a violation of this section.

(4)~~[(3)]~~ ***Activities of dogs engaged in working or guarding livestock shall not constitute a violation of this section.***

(5) Cruelty to animals in the first degree is a Class D felony.

Signed by Governor April 8, 2016.

CHAPTER 65

(HB 381)

AN ACT relating to coroners.

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

➔Section 1. KRS 64.185 is amended to read as follows:

(1) ***(a)*** Coroners shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

County Population		Monthly Minimum Compensation
1. ~~[(a)]~~	10,000 or less	$200
2. ~~[(b)]~~	10,001 to 20,000	300
3. ~~[(c)]~~	20,001 to 40,000	350
4. ~~[(d)]~~	40,001 to 60,000	400
5. ~~[(e)]~~	60,001 to 100,000	450
6. ~~[(f)]~~	100,001 to 150,000	800
7. ~~[(g)]~~	150,001 or more	1,000

(b) Coroners who hold a current certificate of continuing education, issued jointly by the Department of Criminal Justice Training, Justice and Public Safety Cabinet, and the Office of the Kentucky State Medical Examiner, Justice and Public Safety Cabinet, shall be paid the following minimum monthly compensation set forth in this subsection in recognition of the training:

County Population		Monthly Minimum Compensation
1. ~~[(a)]~~	10,000 or less	$400
2. ~~[(b)]~~	10,001 to 20,000	500
3. ~~[(c)]~~	20,001 to 40,000	650
4. ~~[(d)]~~	40,001 to 60,000	750
5. ~~[(e)]~~	60,001 to 100,000	850
6. ~~[(f)]~~	100,001 to 150,000	1,100
7. ~~[(g)]~~	150,001 or more	1,300

(2) Deputy coroners who hold a current certificate of continuing education, as described in subsection (1)***(b)*** of this section, shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

	County Population	Monthly Minimum Compensation
(a)	10,000 or less	$200
(b)	10,001 to 20,000	250
(c)	20,001 to 40,000	275
(d)	40,001 to 60,000	300
(e)	60,001 to 100,000	400
(f)	100,001 to 150,000	900

(g) 150,001 or more 1,100

(3) The fiscal court of any county, or the legislative body of a consolidated local government, charter county government, urban-county government, or unified local government may compensate coroners and deputy coroners an additional amount of up to three hundred dollars ($300) per month as an expense allowance.

(4) The initial course of continuing education required under subsection (1)***(b)*** of this section shall consist of a ***forty (40) hour*** basic training course prescribed by the Justice and Public Safety Cabinet. Annually thereafter the coroner shall attend and successfully complete at least eighteen (18) hours of approved training in order to be compensated in accordance with subsection (1)***(b)*** of this section.

(5) If a deputy coroner assumes the office of coroner after receiving the training stipulated in this section, the deputy coroner shall be compensated in accordance with the compensation schedule set forth in subsection (1)***(b)*** of this section.

(6) The number of deputy coroners in a county shall not exceed one (1) for each twenty-five thousand (25,000) inhabitants, or fraction thereof, according to the most recent federal census, but every coroner may, subject to the approval of the legislative body of the county, consolidated local government, charter county government, urban-county government, or unified local government, appoint additional deputy coroners, regardless of population.

Signed by Governor April 8, 2016.

CHAPTER 66

(HB 489)

AN ACT relating to death certificates.

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

➔Section 1. KRS 213.076 is amended to read as follows:

(1) (a) A certificate of death or a provisional certificate of death for each death which occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed by the state registrar prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death. The funeral director, or person acting as such, shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. Effective January 1, 2015, all certificates of death shall be filed with the cabinet using the Kentucky Electronic Death Registration System in a manner directed by the state registrar.

(b) At the time of obtaining the required personal and statistical particulars from the informant referred to in paragraph (a) of this subsection, the funeral director, or person acting as such, shall ask the informant if the deceased ever served in the military. If the informant answers in the affirmative, then the funeral director, or person acting as such, shall provide the informant with a fact sheet stating military burial rights supplied by the Kentucky Department of Veterans' Affairs.

(c) The funeral director, or person acting as such, shall within five (5) days of the death, present the certificate to the attending physician, if any, ***to the physician pronouncing death,*** or to the health officer or coroner as directed by the state registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as required by this chapter.

(d) It shall be unlawful for an institution to release a dead human body until the funeral director, or person acting as such, has completed and filed with the local registrar or person in charge of the institution, a provisional certificate of death. If death occurs outside an institution, the provisional certificate shall be filed with the local registrar by the funeral director, or person acting as such, prior to final disposition of the dead body. A copy of the provisional certificate of death signed by the person with whom it was filed, shall constitute authority for the possession, transportation, and, except for cremation, final disposition of the body.

(e) All persons having in their possession a completed provisional certificate of death shall file the certificate at not more than weekly intervals with the local registrar.

(f) If the place of death is unknown but the dead body is found in the Commonwealth, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation subject to amendment upon completion of any postmortem examination required to be performed.

(g) If death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, and the place where it is first removed shall be considered the place of death. If a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space, and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, but the certificate shall show the actual place of death insofar as can be determined.

(2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call attention to the defects in the certificate and require the person responsible for the entry to complete or correct. The state registrar may also require additional information about the circumstances and medical conditions surrounding a death in order to properly code and classify the underlying cause. A funeral director shall not be held responsible for the failure of a physician, dentist, chiropractor, or coroner to complete or correct the entry for which he or she is responsible.

(3) The medical certification shall be completed, signed, and returned to the funeral director within five (5) working days after presentation to the physician, dentist, or chiropractor in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by KRS 72.400 to 72.475. In such cases, or if the cause of death is unknown or under investigation, the cause of death shall be shown as such on the certificate. A supplemental report providing the medical information omitted from the original certificate shall be filed by the certifier with the state registrar within five (5) days after receiving results of the inquiry as required by KRS 72.400 to 72.475. The supplemental report shall be made a part of the existing death certificate. This report shall be considered an amendment, and the death certificate shall be marked "Amended." In the absence of the physician, dentist, or chiropractor, or with such person's approval, the certificate may be completed and signed by his associate physician, dentist, or chiropractor, or the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, or a physician employed by the local health department, if the individual has access to the medical history of the case and death is due to natural causes.

(4) If death occurs more than thirty-six (36) hours after the decedent was last treated or attended by a physician, dentist, or chiropractor, the case shall be referred to the coroner for investigation to determine and certify the cause of death. In the event that a coroner is not available to sign the certificate and there is no duly appointed deputy, the county judge/executive shall appoint a competent person to investigate the death and certify to its cause.

(5) (a) The physician, dentist, chiropractor, or coroner who certifies to the cause of death shall return the certificate to the funeral director, or person acting as such, who, in turn, shall file the certificate directly with the Vital Statistics Branch. Any certified copies of the record requested at the time of filing shall be issued in not more than two (2) working days.

(b) In the case of a death in which diabetes was known to be an underlying cause or contributing condition, diabetes shall be listed in the appropriate location on the death certificate by the physician, dentist, chiropractor, or coroner who certifies to the cause of death.

(6) The Vital Statistics Branch shall provide self-addressed, color-coded envelopes for the funeral homes in the Commonwealth of Kentucky.

(7) Three (3) free verification-of-death statements shall be provided to the funeral director by the Vital Statistics Branch for every death in the Commonwealth of Kentucky.

(8) The body of any person whose death occurs in Kentucky shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the Cabinet for Health and Family Services to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the Cabinet for Health and Family Services and the local health department. The Cabinet for Health and Family Services shall identify by regulation those communicable diseases which require blood and body fluid precautions. If a person who has

been diagnosed as being infected with a communicable disease for which blood and body fluid precautions are required, dies within a health facility as defined in KRS 216B.015, the facility shall notify any embalmer or funeral director to whom the body will be transported of the need for such precautions. The notice shall be provided by including the statement "Blood and Body Fluid Precautions" on the provisional report-of-death form as prescribed by the Cabinet for Health and Family Services. Lack of this notice shall not relieve any embalmer or funeral director from taking universal blood and body fluid precautions as are recommended by the United States Department of Health and Human Services, Centers for Disease Control for Morticians' Services. No embalmer or funeral director shall charge more for embalming the remains of a person with a communicable disease which requires blood and body fluid precautions than the price for embalming services listed on the price list funeral providers are required to maintain and provide to consumers pursuant to 16 C.F.R. Sec. 453.2 (1988).

(9) A burial-transit permit for the final disposition issued under the law of another state which accompanies a dead body or fetus brought into the Commonwealth shall be the authority for final disposition of the body or fetus in the Commonwealth and may be accepted in lieu of a certificate of death. There shall be noted on the face of the record made for return to the local registrar that the body was shipped to Kentucky for interment and the actual place of death.

(10) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required or the Department for Public Health deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body the funeral director, or person acting as such, shall file with the local registrar or deputy registrar prior to interment a provisional certificate of death which shall contain the name, date, and place of death of the deceased, the name of the medical certifier, and an agreement to furnish within ten (10) days a complete and satisfactory certificate of death.

(11) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by a copy of the provisional certificate of death. The sexton, or if there is no sexton, the funeral director, or person acting as such, shall enter on the provisional certificate over his signature, the date, place, and manner of final disposition and file the certificate within five (5) days with the local registrar.

(12) Authorization for disinterment, transportation, and reinterment or other disposition shall be required prior to disinterment of any human remains. The authorization shall be issued by the state registrar upon proper application. The provisions of this subsection shall apply to all manners of disposition except cremation and without regard for the time and place of death. The provisions of KRS 381.765 shall not apply to remains removed for scientific study and the advancement of knowledge.

(13) After a death certificate has been on file for five (5) years, it may not be changed in any manner except upon order of a court. Prior to that time, requests for corrections, amendments, or additions shall be accompanied by prima facie evidence which supports the requested change.

Signed by Governor April 8, 2016.

CHAPTER 67

(HB 309)

AN ACT relating to public-private partnerships and declaring an emergency.

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

➔Section 1. KRS 45A.030 is amended to read as follows:

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

(1) "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity through which business is conducted;

(2) "Change order" means a written order signed by the purchasing officer, directing the contractor to make changes that the changes clause of the contract authorizes the purchasing officer to order without the consent of the contractor;

(3) "Chief purchasing officer" means the secretary of the Finance and Administration Cabinet, who shall be responsible for all procurement of the Commonwealth except as provided by KRS Chapters 175, ***175B,*** 176, 177, and 180;

(4) "Construction" means the process of building, altering, repairing, improving, or demolishing any public structures or buildings, or other public improvements of any kind to any public real property. It does not include the routine maintenance of existing structures, buildings, or real property;

(5) "Construction manager-agency" means services to assist the purchasing agency manage construction that are procured through a contract that is qualifications-based;

(6) "Construction management-at-risk" means a project delivery method in which the purchasing officer enters into a single contract with an offeror that assumes the risk for construction at a contracted guaranteed maximum price as a general contractor, and provides consultation and collaboration regarding the construction during and after design of a capital project. The contract shall be subject to the bonding requirements of KRS 45A.190;

(7) "Construction manager-general contractor" means a project delivery method in which the purchasing officer enters into a single contract with an offeror to provide preconstruction and construction services. During the preconstruction phase, the successful offeror provides design consulting services. During the construction phase, the successful offeror acts as general contractor by:

(a) Contracting with subcontractors; and

(b) Providing for management and construction at a fixed price with a completion deadline;

(8) "Contract" means all types of state agreements, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item. It includes***:*** awards; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; purchase orders; ***public-private partnership agreements;*** and insurance contracts except as provided in KRS 45A.022. It includes supplemental agreements with respect to any of the foregoing;

(9) "Contract modification" means any written alteration in the specifications, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes bilateral actions, such as supplemental agreements, and unilateral actions, such as change orders, administrative changes, notices of termination, and notices of the exercise of a contract option;

(10) "Contractor" means any person having a contract with a governmental body;

(11) "Data" means recorded information, regardless of form or characteristic;

(12) "Design-bid-build" means a project delivery method in which the purchasing officer sequentially awards separate contracts, the first for architectural, engineering, or engineering-related services to design the project and the second for construction of the capital project according to the design. The contract shall be subject to the bonding requirements of KRS 45A.185;

(13) "Design-build" means a project delivery method in which the purchasing officer enters into a single contract for design and construction of a capital project. The contract shall be subject to the bonding requirements of KRS 45A.190;

(14) "Designee" means a duly authorized representative of a person holding a superior position;

(15) "Document" means any physical embodiment of information or ideas, regardless of form or characteristic, including electronic versions thereof;

(16) "Employee" means an individual drawing a salary from a governmental body, whether elected or not, and any nonsalaried individual performing personal services for any governmental body;

(17) "Governmental body" means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment of the executive or legislative branch of the state government;

(18) "Meeting" means all gatherings of every kind, including video teleconferences;

(19) "Negotiation" means contracting by either the method set forth in KRS 45A.085, 45A.090, or 45A.095;

(20) "Person" means any business, individual, organization, or group of individuals;

(21) ***"Private partner" means any entity that is a partner in a public-private partnership other than:***

(a) The Commonwealth of Kentucky, or any agency or department thereof;

(b) The federal government;

(c) Any other state government; or

(d) Any agency of a state, federal, or local government;

(22) "Procurement" means the purchasing, buying, renting, leasing, or otherwise obtaining of any supplies, services, or construction. It includes all functions that pertain to the procurement of any supply, service, or construction item, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration;

(23) ~~[(22)]~~ ***"Public-private partnership" means a project delivery method for construction or financing of capital projects, as defined in KRS 45.750, or procurement of services, pursuant to a written public-private partnership agreement entered into pursuant to Section 3 of this Act and administrative regulations promulgated thereunder, between:***

(a) At least one (1) private partner; and

(b) The Commonwealth of Kentucky, or any agency or department thereof;

(24) "Purchase request" or "purchase requisition" means that document whereby a using agency requests that a contract be obtained for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation of solicitees, suggested sources of supply, and information supplied for the making of any written determination and finding required by KRS 45A.025;

(25) ~~[(23)]~~ "Purchasing agency" means any governmental body that is authorized by this code or its implementing administrative regulations or by way of delegation from the chief purchasing officer to contract on its own behalf rather than through the central contracting authority of the chief purchasing officer;

(26) ~~[(24)]~~ "Purchasing officer" means any person authorized by a governmental body in accordance with procedures prescribed by administrative regulations to enter into and administer contracts and make written determinations and findings with respect thereto. The term includes an authorized representative acting within the limits of authority;

(27) ~~[(25)]~~ "Services" means the rendering by a contractor of its time and effort rather than the furnishing of a specific end product, other than reports that are merely incidental to the required performance of services;

(28) ~~[(26)]~~ "Supplemental agreement" means any contract modification that is accomplished by the mutual action of the parties;

(29) ~~[(27)]~~ "Supplies" means all property, including but not limited to leases of real property, printing, and insurance, except land or a permanent interest in land;

(30) ~~[(28)]~~ "Using agency" means any governmental body of the state that utilizes any supplies, services, or construction purchased under this code;

(31) ~~[(29)]~~ "Video teleconference" means one (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment; and

(32) ~~[(30)]~~ "Writing" or "written" means letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

➔Section 2. KRS 45A.075 is amended to read as follows:

Except as otherwise authorized by law, all state contracts shall be awarded by:

(1) Competitive sealed bidding, pursuant to KRS 45A.080; ~~[or]~~

(2) Competitive negotiation, pursuant to KRS 45A.085**,** ~~[and]~~ 45A.090**,** ~~[or]~~ 45A.180***, or Section 3 of this Act***; ~~[or]~~

(3) Noncompetitive negotiation, pursuant to KRS 45A.095; or

(4) Small purchase procedures, pursuant to KRS 45A.100.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

(1) A public-private partnership delivery method may be utilized as provided in this section and administrative regulations promulgated thereunder. State contracts using this method shall be awarded by competitive negotiation.

(2) A contracting body utilizing a public-private partnership shall continue to be responsible for oversight of any function that is delegated to or otherwise performed by a private partner.

(3) On or before December 31, 2016, the secretary of the Finance and Administration Cabinet shall promulgate administrative regulations setting forth criteria to be used in determining when a public-private partnership is to be used for a particular project. The administrative regulations shall reflect the intent of the General Assembly to promote and encourage the use of public-private partnerships in the Commonwealth. The secretary shall consult with design-builders, construction managers, contractors, design professionals including engineers and architects, and other appropriate professionals during the development of these administrative regulations.

(4) A request for proposal for a project utilizing a public-private partnership shall include at a minimum:

(a) The parameters of the proposed public-private partnership agreement;

(b) The duties and responsibilities to be performed by the private partner or partners;

(c) The methods of oversight to be employed by the contracting body;

(d) The duties and responsibilities that are to be performed by the contracting body and any other partners to the contract;

(e) The evaluation factors and the relative weight of each to be used in the scoring of awards;

(f) Plans for financing and operating the qualifying project and the revenues, service payments, bond financings, and appropriations of public funds needed for the qualifying project;

(g) Comprehensive documentation of the experience, capabilities, capitalization and financial condition, and other relevant qualifications of the private entity;

(h) The ability of a private partner or partners to quickly respond to the needs presented in the request for proposal, and the importance of economic development opportunities represented by the qualifying project. In evaluating proposals, preference shall be given to a plan that includes the involvement of small businesses as subcontractors, to the extent that small businesses can provide services in a competitive manner, unless any preference interferes with the qualification for federal or other funds; and

(i) Other information required by the contracting body or the cabinet to evaluate the proposals submitted by respondents and the overall proposed public-private partnership.

(5) A private entity desiring to be a private partner shall demonstrate to the satisfaction of the contracting body or the cabinet that it is capable of performing any duty, responsibility, or function it may be authorized or directed to perform as part of the public-private partnership agreement.

(6) When a request for proposal for a project utilizing a public-private partnership is issued for a capital project, the contracting body shall transmit a copy of the request for proposal to the Capital Projects and Bond Oversight Committee staff, clearly identifying to the staff that a public-private partnership is being utilized.

(7) A request for proposal or other solicitation may be canceled, or all proposals may be rejected, if it is determined in writing that the action is taken in the best interest of the Commonwealth and approved by the purchasing officer.

(8) In the case of any public-private partnership for a capital project with an aggregate value of twenty-five million dollars ($25,000,000) or more, the project shall be authorized by the General Assembly, by inclusion in the branch budget bill or by any other means, explicitly identifying and authorizing the utilization of a public-private partnership delivery method for the applicable capital project. The authorization of a capital project required by this subsection is in addition to any other statutorily required authorization for a capital project.

(9) Upon issuance of a public-private partnership agreement, the contracting body shall submit the contract to the Government Contract Review Committee for review in accordance with KRS 45A.690 to 45A.725. The contracting body shall ensure that the contract clearly identifies to the committee that a public-private partnership is being utilized. Upon disapproval of or objection to the contract by the committee, the

contracting body shall determine whether the contract shall be revised to comply with the objections of the committee, be canceled, or remain in effect.

(10) Any corporation as described by KRS 45.750(2)(c), or as created under the Kentucky Revised Statutes as a governmental agency and instrumentality of the Commonwealth, that manages its capital construction program shall:

(a) Adhere to the administrative regulations promulgated under this section when utilizing a public-private partnership for financing capital projects;

(b) Report to legislative committees as specified in this section; and

(c) Submit public-private partnership agreements issued by it to the General Assembly for authorization as provided in subsection (8) of this section.

(11) (a) The governing body of a postsecondary institution that manages its capital construction program under KRS 164A.580 shall:

1. Report to the Capital Projects and Bond Oversight Committee staff as specified in this section; and

2. Not be required to comply with the provisions of subsection (9) of this section.

(b) Any provision of a public-private partnership agreement issued by a postsecondary institution which provides for a lease by or to the postsecondary institution shall be valid and enforceable if approved by the governing board of the institution.

(12) (a) A person or business may submit an unsolicited proposal to a governmental body, which may receive the unsolicited proposal.

(b) Within thirty (30) days of receiving an unsolicited proposal, a governmental body may elect to consider further action on the proposal, at which point the governmental body shall provide public notice of the proposal, and shall:

1. Provide specific information regarding the proposed nature, timing, and scope of the unsolicited proposal, except that trade secrets, financial records, or other records of the person or business making the proposal shall not be posted unless otherwise agreed to by the governmental body and the person or business; and

2. Provide for a notice period of ninety (90) days for the submission of competing proposals.

(c) Upon the end of the notice period provided under paragraph (b)2. of this subsection, the governmental body may consider the unsolicited proposal and any competing proposals received. If the governmental body determines it is in the best interest of the Commonwealth to implement some or all of the concepts contained within the unsolicited proposal or competing proposals received by it, the governmental body may begin an open, competitive procurement process to do so pursuant to this chapter.

(d) An unsolicited proposal shall be deemed rejected if no written response is received from the governmental body within sixty (60) days of the end of the notice period provided under paragraph (b)2. of this subsection.

➔Section 4. KRS 65.025 is amended to read as follows:

(1) As used in this section:

(a) "Employ" means to hire, retain, or otherwise contract with an individual or entity for goods or services;

(b) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, or a special district;

(c) "Construction manager" means a person who coordinates and communicates the entire project process, clarifying cost and time consequences of design decisions as well as clarifying construction feasibility, and who manages the bidding, awarding, and construction phases of the project;

(d) "Design-build" means a system of contracting under which one (1) entity performs both architecture/engineering and construction under one (1) single contract;~~[and]~~

(e) "Best value" means a procurement in which the decision is based on the primary objective of meeting the specific business requirements and best interests of the local government. These decisions shall be based

on objective and quantifiable criteria that shall include price and that have been communicated to the offerors as set forth in the invitation for bids or request for proposals. Every invitation for bids or request for proposals shall provide that an item equal to that named or described in the specifications may be furnished. The specification may identify a sole brand in cases where, in the written opinion of the chief procurement officer, documented unique and valid conditions require compatibility, continuity, or conformity with established standards. An item shall be considered equal to the item named or described if, in the opinion of the owner and the design professional responsible for the specifications:

1. It is at least equal in quality, durability, appearance, strength, design, and other criteria deemed appropriate;

2. It will perform at least equally the function imposed by the general design for the public work being contracted for or the material being purchased; and

3. It conforms substantially to the detailed requirements for the item in the specifications***;***

(f) "Capital project" means the construction, reconstruction, acquisition, installation, and improvement of public infrastructure that is owned by a local government and that serves a public purpose of the local government;

(g) "Private partner" means any entity that is a partner in a public-private partnership other than:

1. The Commonwealth of Kentucky, or any agency or department thereof;

2. The federal government;

3. Any other local government;

4. Any other state government; or

5. Any agency of a state, federal, or local government; and

(h) 1. "Public-private partnership" means a project delivery method for construction or financing of capital projects, or procurement of services, pursuant to a written public-private partnership agreement entered into pursuant to Section 5 of this Act and administrative regulations promulgated thereunder, between:

a. At least one (1) private partner; and

b. A local government.

2. "Public-private partnership" does not include any traditional delivery method or method of procurement of goods or services entered into by a short-term contractual agreement between a local government and a private seller that terminates when the good or service is delivered, whether governed by the provisions of KRS 45A.343 to 45A.460 or 424.260.

(2) A local government shall not employ the same entity to provide both architectural services and construction management services on the same capital construction project. No local government shall knowingly employ an officer, employee, or agent of, or an immediate family member of an officer, employee, or agent of:

(a) The architectural firm that provided the architectural services to also provide construction management services for the same capital construction project for which the architectural firm provided architectural services; or

(b) The construction management firm that provided the construction management services to also provide architectural services for the same capital construction project for which the construction management firm provided construction management services.

(3) A violation of subsection (2) of this section shall suspend the local government from receiving any financial assistance from the state, or any state agency, with respect to the project for which the architectural or construction management firm was employed until the matter is resolved.

(4) Local governments initiating a capital construction project shall incorporate, or shall require architects or construction managers in the employment of the local government to incorporate, best value procurement criteria in all invitations for bids or requests for proposals as provided for in subsection (1) of this section.

(5) Nothing in this section shall prohibit a local government from using***:***

(a) Design-build as a method of providing for capital construction services as long as best value contracting principles are followed as specified in subsection (1) of this section***; or***

(b) A public-private partnership as long as the provisions of Section 5 of this Act are followed.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Best value" has the same meaning as in Section 4 of this Act;

(b) "Cabinet" means the Finance and Administration Cabinet;

(c) "Local government" means a city, county, charter county, urban-county government, consolidated local government, or unified local government of the Commonwealth;

(d) "Private partner" has the same meaning as in Section 4 of this Act; and

(e) "Public-private partnership" has the same meaning as in Section 4 of this Act.

(2) A public-private partnership delivery method may be utilized by a local government as provided in this section and administrative regulations promulgated thereunder. Contracts using this method shall be awarded by competitive negotiation on the basis of best value, and shall in all cases take effect only if executed by the legislative body of the local government. The provisions of subsections (2) to (4) of Section 4 of this Act shall not apply to public-private partnerships utilized by local governments.

(3) A local government utilizing a public-private partnership shall continue to be responsible for oversight of any function that is delegated to or otherwise performed by a private partner.

(4) A public-private partnership shall not be used to circumvent any requirements or restrictions placed upon any local government pursuant to any provision of the Kentucky Revised Statutes.

(5) All public-private partnership agreements executed by a local government or any of its agencies under this section shall be approved by the legislative body of the local government at a public meeting, and shall include at a minimum the following provisions:

(a) 1. Property owned by a local government shall not be sold, conveyed, or disposed of in any way at any time; and

2. Leases issued by a local government to any party shall not be transferred in any way by that party;

without the specific and express written consent of the legislative body of the local government;

(b) Require the private partner to provide or cause to be provided performance and payment bonds on the design and construction portion of the agreement as required under KRS 45A.435 and maintenance bonds, warranties, guarantees, and letters of credit in connection with the private partner's other activities under the agreement, in the forms and amounts satisfactory to the local government and in amounts necessary to provide adequate protection to the local government;

(c) Review and approval of plans and specifications for the project by the local government;

(d) Inspection of the project by the local government to ensure that the private partner's actions are acceptable to the local government in accordance with the agreement;

(e) Maintenance of public liability insurance or self-insurance, in form and amount satisfactory to the local government and reasonably sufficient to insure coverage of tort liability to the public and employees and to enable the continued operation of the project;

(f) Reimbursement to be paid to the local government for services provided by the local government;

(g) Filing of appropriate financial statements by the private partner on a periodic basis;

(h) Policies and procedures governing the rights and responsibilities of the local government and the private partner in the event the public-private partnership agreement is terminated or there is a material default by the private partner. These policies and procedures shall include conditions governing assumption of the duties and responsibilities of the private partner by the local government, and the transfer or purchase of property or other interests of the private partner by the local government;

(i) Any fees or payments as may be established by agreement of the private partner and the local government;

(j) A detailed description of all duties and requirements of the private partner;

(k) The ability of a private partner or partners to quickly respond to the needs presented in the request for proposal, and the importance of economic development opportunities represented by the qualifying project. In evaluating proposals, preference shall be given to a plan that includes the involvement of small businesses as subcontractors, to the extent that small businesses can provide services in a competitive manner, unless any preference interferes with the qualification for federal or other funds; and

(l) Any other information necessary to properly address the life cycle of the agreement, including the disposition of assets if or when the public-private partnership agreement is terminated or otherwise concludes.

(6) (a) On or before December 31, 2016, the secretary of the Finance and Administration Cabinet shall promulgate administrative regulations setting forth criteria to be used by a local government employing a public-private partnership for a particular project, and establishing a process for public-private partnership procurement undertaken by local governments consistent with this section. Prior to submission of the proposed administrative regulations pursuant to the regulatory process required by KRS Chapter 13A, the proposed administrative regulations shall be approved by the Kentucky Local Government Public-Private Partnership Board established by subsection (11) of this section.

(b) The secretary shall consult with design-builders, construction managers, contractors, design professionals including engineers and architects, and other appropriate professionals during the development of these administrative regulations.

(c) The secretary shall have the authority to contract with a consultant, pursuant to KRS 45A.695, to assist the cabinet and the Kentucky Local Government Public-Private Partnership Board with the review process required in subsection (12) of this section. The secretary may, through administrative regulation, impose a reasonable fee on the private partner to defray the cost of the review required in subsection (12) of this section, including any expenses or fees incurred in contracting with a consultant.

(d) If the secretary fails to timely promulgate administrative regulations pursuant to this subsection, local governments may then act pursuant to this section including compliance with the process outlined in subsection (12) of this section, in the absence of administrative regulations.

(7) A request for proposal for a local government project utilizing a public-private partnership shall include at a minimum:

(a) The parameters of the proposed public-private partnership agreement;

(b) The duties and responsibilities to be performed by the private partner or partners;

(c) The methods of oversight to be employed by the local government;

(d) The duties and responsibilities that are to be performed by the local government and any other partners to the contract;

(e) The evaluation factors and the relative weight of each to be used in the scoring of awards; and

(f) Other information required by a local government to evaluate the proposals submitted by respondents and the overall proposed public-private partnership.

(8) A private entity desiring to be a private partner shall demonstrate to the satisfaction of the local government that it is capable of performing any duty, responsibility, or function it may be authorized or directed to perform as part of the public-private partnership agreement.

(9) When a request for proposal for a project utilizing a public-private partnership is issued, the local government shall transmit a copy of the request for proposal to the cabinet and to the Department for Local Government.

(10) A request for proposal or other solicitation may be canceled, or all proposals may be rejected, if it is determined in writing that the action is taken in the best interest of the local government and approved by the legislative body.

(11) (a) There is established within the cabinet the Kentucky Local Government Public-Private Partnership Board, composed of eleven (11) members as follows:

1. The secretary of the cabinet, or the secretary's designee;

2. Two (2) individuals appointed by the Kentucky League of Cities, both of whom shall have experience in municipal financial operations;

3. Two (2) individuals appointed by the Kentucky Association of Counties, both of whom shall have experience in county financial operations, one (1) to be recommended by the Kentucky County Judges/Executive Association and one (1) to be recommended by the Kentucky County Magistrates and Commissioners Association;

4. The commissioner of the Department for Local Government, or the commissioner's designee;

5. The executive director of the Office of Financial Management within the cabinet, or the executive director's designee;

6. The Auditor of Public Accounts, or the Auditor's designee;

7. One (1) citizen member appointed by the Governor, who shall have experience and knowledge in local government debt and financial operations; and

8. Two (2) members of the Kentucky General Assembly, one (1) appointed by the President of the Senate and one (1) appointed by the Speaker of the House of Representatives, each of whom shall serve in a nonvoting ex officio capacity and shall not be considered for purposes of determining a quorum.

(b) Members of the board shall begin their terms on August 1, 2016, and shall serve for a term of four (4) years.

(c) Vacancies occurring in the term of any member shall be filled in the same manner as the original appointment.

(d) The members of the board shall receive no compensation for their services.

(e) The secretary of the cabinet, or the secretary's designee, shall serve as chair of the board and the members shall elect a vice chair from among the membership of the board. The vice chair may preside over meetings of the board in the absence of the chair.

(f) The board shall meet at least once per year, and as needed for the timely consideration of proposed projects. A majority of the members of the board shall constitute a quorum.

(g) The secretary of the cabinet shall be responsible for providing staff support and maintaining complete records of the board's actions and proceedings, as public records open to inspection.

(12) (a) Upon the initial issuance of a public-private partnership agreement having a total contractual value that equals or exceeds thirty percent (30%) of the general fund revenues received by the local government in the immediately preceding fiscal year, the local government shall submit the agreement to the cabinet for the sole purpose of making an evaluation to the Kentucky Local Government Public-Private Partnership Board of the following:

1. Whether the agreement meets the requirements of subsection (5) of this section;

2. An analysis of the overall project's economic and financial viability within the scope of available or proposed financing arrangements and expected revenues; and

3. Whether the agreement adheres to the procurement process required by subsection (2) of this section.

Public-private partnership agreements having a total contractual value that is less than thirty percent (30%) of the general fund revenues received by the local government in the immediately preceding fiscal year shall not be required to be submitted to the cabinet.

(b) The local government shall submit any information required by the cabinet, relating to the agreement and its procurement, to enable the cabinet to conduct this evaluation.

(c) The cabinet shall acknowledge receipt of the agreement within thirty (30) days, and after evaluation thereof shall, within ninety (90) days of its receipt, forward the results of its evaluation separately to

each individual member of the Kentucky Local Government Public-Private Partnership Board. The full board shall meet within sixty (60) days of the issuance of the cabinet's evaluation to consider the evaluation provided by the cabinet and approve or disapprove the proposed agreement. If the board disapproves the project, the board shall provide specific reasons for its disapproval. If the board approves the project, the cabinet shall return the agreement to the local government legislative body for final execution thereof. No public-private partnership agreement issued by a local government shall take effect unless and until it is approved by the Kentucky Local Government Public-Private Partnership Board pursuant to this subsection and is found by the board to meet the requirements of this section and to be economically viable as provided in this subsection.

(d) If an agreement is not approved by the board, the local government submitting the agreement may modify the agreement and resubmit it for reconsideration in accordance with this section.

(13) The Commonwealth shall bear no liability for public-private partnership agreements approved pursuant to subsection (12) of this section.

(14) Upon approval and execution of a public-private partnership agreement, the local government shall transmit a copy of the agreement to the Department for Local Government.

(15) The Auditor of Public Accounts may periodically review public-private partnership agreements executed by a local government pursuant to this section, and any actions undertaken by private partners and local governments thereunder, to evaluate compliance with the agreement and this section.

(16) Multiple local governments, acting in accordance with KRS 65.210 to 65.300, may jointly enter into a public-private partnership pursuant to this section. Public-private partnership agreements involving multiple local governments shall only be required to be submitted to the cabinet for evaluation, as provided by subsection (12) of this section, if the total contractual value equals or exceeds thirty percent (30%) of the combined general fund revenues received in the immediately preceding fiscal year by all local governments participating in the agreement.

(17) (a) A person or business may submit an unsolicited proposal to a local government, which may receive the unsolicited proposal.

(b) Within thirty (30) days of receiving an unsolicited proposal, a local government may elect to consider further action on the proposal, at which point the local government shall provide public notice of the proposal pursuant to KRS Chapter 424 or electronically on the Web site of the local government, and shall:

1. Provide specific information regarding the proposed nature, timing, and scope of the unsolicited proposal, except that trade secrets, financial records, or other records of the person or business making the proposal shall not be posted unless otherwise agreed to by the local government and the person or business; and

2. Provide for a notice period of ninety (90) days for the submission of competing proposals.

(c) Upon the end of the notice period provided under paragraph (b)2. of this subsection, the local government may consider the unsolicited proposal and any competing proposals received. If the local government determines it is in the best interest of the local government to implement some or all of the concepts contained within the unsolicited proposal or competing proposals received by it, the local government may begin an open, competitive procurement process to do so pursuant to this section.

(d) An unsolicited proposal shall be deemed rejected if no written response is received from the local government within sixty (60) days of the end of the notice period provided under paragraph (b)2. of this subsection.

➔Section 6. KRS 175B.005 is amended to read as follows:

(1) The purpose of this chapter is to establish a structure for the construction, operation, financing, and oversight of significant transportation projects within the Commonwealth and between the Commonwealth and ***any***~~[the]~~ state ***adjoining the Commonwealth***~~[of Indiana]~~. To accomplish this purpose, the Kentucky Public Transportation Infrastructure Authority is established by KRS 175B.015 to review, approve, and monitor all projects eligible for construction and financing under this chapter and, if necessary, to assist with the operation, financing, and management of projects.

(2) All projects approved by the Kentucky Public Transportation Infrastructure Authority ***may be operated,***~~[shall be]~~ managed, constructed, and financed entirely or in part ***only*** by:

(a) A bi-state authority as provided in KRS 175B.030;~~[or]~~

(b) A project authority as provided in KRS 175B.035***;***

(c) A public-private partnership as provided in Sections 9 and 10 of this Act; or

(d) A state authority as provided in Sections 8, 9, and 10 of this Act.

➔Section 7. KRS 175B.010 is amended to read as follows:

As used in this chapter:

(1) "Authority" means the state authority, or a bi-state authority, or a project authority, unless the specific use requires that it apply only to the state authority, or a bi-state authority, or a project authority;

(2) "Bi-state authority" means an authority created under KRS 175B.030;

(3) "Cabinet" means the Transportation Cabinet;

(4) "Commonwealth" means the Commonwealth of Kentucky;

(5) "Cost" means:

(a) The cost of construction of the project, including the acquisition of land, rights-of-way, property, rights in land, easements, and interests acquired by the authority for construction of a project;

(b) The cost of preparing land or property, including demolishing or removing any buildings or structures, and the cost of acquiring any lands to which those buildings or structures may be moved;

(c) The pro-rata value of all machinery and equipment used in construction of the project;

(d) Financing charges and provisions for working capital in an amount the authority determines to be reasonable;

(e) Interest prior to and during construction and, if approved by the authority, for a period up to two (2) years after completion of construction;

(f) The cost of traffic estimates and of engineering, financial and legal services, plans, specifications, surveys, estimates of cost and revenues, or other expenses necessary or incidental to determining the feasibility or practicability of constructing any project;

(g) The cost and expense of the relocation or removal of public utilities impacted by a project, including the cost of installing the facilities in a new location, the cost of any lands or any rights or interests in lands, and the cost of any other rights acquired to accomplish the relocation or removal;

(h) Administrative expenses and any other expenses that are necessary for or incidental to the construction of a project, the financing of the construction, and the placing of the project in operation; and

(i) The cost of maintenance of the completed project.

Any obligation or expense incurred by and reimbursed to the Commonwealth in connection with any of the items of cost set out in this subsection may be regarded as a part of that cost;

(6) "Department" means the Department of Highways;

(7) "Developing authority" means the authority involved in the development of a project;

(8) "Issuing authority" means the authority that will issue or has issued debt associated with a project;

(9) "Local government" means a consolidated local government, an urban-county government, a charter county government, a unified local government, or a county;

(10) ***"Private partner" means any entity that is a partner in a public-private partnership other than:***

(a) The Commonwealth of Kentucky;

(b) Any political subdivision of the Commonwealth;

(c) The federal government;

(d) Any other state government;

(e) Any agency of a state, federal, or local government; or

(f) An authority;

(11) (a) "Project" means:

1. Any highway or section of a highway designated as part of***, or built to the standards of,*** the federal interstate highway system ***and that would be designated a major project by the Federal Highway Administration***; or

2. Any ***fully or partially controlled*** highway or section of ***a fully or partially controlled*** highway ***not designated as part of, or*** built to the standards of***,*** the ***federal*** interstate highway system***, that exceeds one hundred million dollars ($100,000,000) in total cost***;

with funding authorized by the plan enacted pursuant to KRS 48.300(2)(b) ~~[that would be designated a mega project by the Federal Highway Administration]~~;

(b) "Project" includes all bridges, tollhouses, garages, and other buildings and facilities which the authority deems necessary for the operation of the project, together with all property, rights, easements, and interests which may be acquired by the authority or by the Commonwealth for the construction and operation of a project;

(12) ~~[(11)]~~ "Project authority" means an authority created pursuant to KRS 175B.035;

(13) ~~[(12)]~~ "Project revenue bonds" means revenue funding bonds, revenue refunding bonds, notes, or other financial obligations issued under this chapter by the issuing authority;

(14) ~~[(13)]~~ ***"Public-private partnership" means an entity operating pursuant to a written public-private partnership agreement, and composed of:***

(a) An authority or authorities;

(b) At least one (1) private partner;

(c) The cabinet, if necessary; and

(d) An adjoining state, if necessary, if the public-private partnership is financing a project that is between the Commonwealth and an adjoining state;

(15) "Public utility facilities" means tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility in, on, along, over, or under any project; and

(16) ~~[(14)]~~ "State authority" means the Kentucky Public Transportation Infrastructure Authority created under KRS 175B.015.

➔Section 8. KRS 175B.020 is amended to read as follows:

(1) The state authority's primary purpose shall be to facilitate the construction, financing, operation, and oversight of projects by entering into bi-state agreements and by creating bi-state authorities***,*** ~~[and]~~ project authorities***, and public-private partnerships***. To accomplish these purposes, the state authority shall have the power and duty to:

(a) Take the following actions relating to a bi-state authority authorized pursuant to KRS 175B.030:

1. To enter into a bi-state agreement;

2. To review and approve project financing plans and development agreements; and

3. To monitor agreements entered into by bi-state authorities;~~[and]~~

(b) Take the following actions relating to a project authority authorized pursuant to KRS 175B.035:

1. To request establishment of a project authority;

2. To review and approve project financing plans and development agreements;

3. To monitor activities of project authorities; and

4. To enter into an agreement with the project authority***; and***

(c) Take the following actions relating to a public-private partnership authorized pursuant to Section 10 of this Act:

1. To request establishment of a public-private partnership;

2. To review and approve project financing plans;

3. To monitor activities of public-private partnerships; and

4. To enter into an agreement as a part of or with a public-private partnership, if necessary.

(2) The state authority, when authorized pursuant to subsection ***(10)***~~[(4)]~~ of this section, may participate as a developing or issuing authority, or both, in the development, construction, or financing of a project by a bi-state or project authority***, or by a public-private partnership***, if necessary. If the state authority participates as a developing or issuing authority, the state authority shall have the powers and duties established in KRS 175B.025 as they apply to that project.

(3) The state authority, as a function of its oversight of any other authority created pursuant to this chapter, shall report before the first issuance of bonds and no less than semiannually thereafter to the Capital Projects and Bond Oversight Committee and to the Interim Joint Committee on Appropriations and Revenue of the Legislative Research Commission, on any projects currently proposed or under development by each authority. Current and proposed levels of bonding for each project shall be reviewed by the Capital Projects and Bond Oversight Committee in accordance with KRS 45.794 before the bonds shall be issued.

(4) ***The state authority, when proposing a project pursuant to this chapter, shall to the extent practical consult with the officials representing the units of local government in which the proposed project is to be located in order to obtain the advice and input on the local impact of the proposed project, including information regarding land use planning, transportation planning, economic development, and any other factors having a direct impact to the local community.***

(5) The state authority may receive an unsolicited proposal if the proposal contains:

(a) An executive summary of no more than three (3) pages that details the revenue source for the proposed project, the amount of revenue expected to be generated by the project, and the project costs;

(b) A certification from a financial expert stating that the contents of the unsolicited proposal are true and correct; and

(c) A commitment to pay the costs incurred by the state authority and the cabinet for evaluating the unsolicited proposal.

(6) The state authority shall respond to a person offering an unsolicited proposal notifying the person that the proposal has been rejected or approved for further review.

(7) If the state authority approves an unsolicited proposal for further review, the state authority shall independently verify that it is in the best interest of the Commonwealth.

(8) A person making an unsolicited proposal shall pay all costs of evaluating the unsolicited proposal incurred by the state authority and the cabinet.

(9) If the state authority and the cabinet agree that an unsolicited proposal is in the best interest of the Commonwealth, the state authority, with the assistance of the cabinet, shall begin a competitive procurement process to implement some or all of the concepts contained in the unsolicited proposal.

(10) (a) Notwithstanding any other provision of this chapter, the following actions shall not take effect until ratified by the General Assembly:

1. The creation of a bi-state authority;

2. The creation of a project authority;

3. ***The creation of a public-private partnership;***

4. The modification or amendment of the scope of any project; and

5.~~[4.]~~ The development of any project undertaken entirely by the state authority.

(b) If any action described in paragraph (a) of this subsection is not ratified by the General Assembly, the creation, approval, or modification shall be considered void.

➔Section 9. KRS 175B.030 is amended to read as follows:

(1) ***(a) 1.*** This section shall apply to any project that connects Kentucky with ***any***~~[the]~~ state ***that adjoins the Commonwealth***~~[of Indiana]~~. A ***proposal to construct a*** project that connects Kentucky with ***an adjoining***~~[the]~~ state~~[of Indiana]~~ shall be ***contained in a financing plan prepared pursuant to subsection (6) of this section. If approved, the project shall be*** constructed ***under the supervision***

of the state authority, a bi-state authority, or both, and ***may be*** financed by ***the state authority,*** a bi-state authority***, a public-private partnership, or any combination of these***.

2. If the state authority, operating pursuant to Section 8 of this Act, participates in any capacity in the construction or financing of a project that connects Kentucky with an adjoining state, the state authority may assume all or part of the role of the bi-state authority relative to that project.

(b) Subsections (2) to (4) of this section shall only apply to a bi-state authority.

(c) Subsections (1) and (5) to (8) of this section shall apply to both a bi-state authority and a public-private partnership.

(2) (a) A local government that contains a portion of a proposed project may, by resolution of its governing body, request that its chief executive officer and the Governor appoint a group of Kentucky members to negotiate with a similar group from ***an adjoining***~~[the]~~ state~~[of Indiana]~~ for the purpose of proposing the creation of a bi-state authority composed of members from both states, recognized under the laws of both states, and existing for the purpose of financing, constructing, and operating a project or projects mutually beneficial to both states.

(b) If established, the Kentucky membership of the bi-state authority shall consist of seven (7) members, three (3) of whom shall be appointed by the Governor, and four (4) of whom shall be appointed by the chief executive of the local government in which the project is located. The four (4) local government appointees shall be residents of the county in which the project is located. If a project is located in a consolidated local government, no more than two (2) appointees shall reside in the same Kentucky senatorial district. If portions of the project are located in more than one (1) local government, the chief executive of the county or consolidated local government having the largest population shall make the appointments authorized in this paragraph.

(c) Any proposed agreement to establish a bi-state authority shall be presented to the state authority for approval. If the state authority approves the agreement, it shall be submitted to the General Assembly for ratification. If the agreement is ratified by the General Assembly, the state authority shall authorize the establishment of a bi-state authority and shall enter into an agreement with the ***adjoining*** state~~[of Indiana]~~ for the creation of a bi-state authority.

(3) (a) Kentucky members of a proposed bi-state authority who are appointed by the Governor shall be confirmed by the Senate in accordance with KRS 11.160. Members appointed by the chief executive of the local government shall be confirmed by the governing body of the local government.

(b) At least two (2) of the Governor's appointees and two (2) of the chief executive's appointees shall be familiar with road and bridge design or financing and administration of transportation infrastructure projects.

(c) Members of a bi-state authority appointed by the Governor shall serve for four (4) years, except that initial appointments shall be as follows:

1. One (1) appointee shall serve a term of two (2) years;
2. One (1) appointee shall serve a term of three (3) years; and
3. One (1) appointee shall serve a term of four (4) years.

(d) The governing body of the local government requesting formation of the bi-state authority shall, by resolution, establish term lengths for the initial and succeeding members who are locally appointed, with each term not to exceed four (4) years.

(e) Members of a bi-state authority representing the Commonwealth may be reappointed upon the expiration of their terms. Members reappointed shall be reconfirmed in the same manner as newly appointed members.

(4) (a) An agreement establishing a bi-state authority shall at a minimum:

1. Establish the total number of members of the bi-state authority;
2. Establish staffing and funding to support the work of the bi-state authority;
3. Designate the process for selecting a presiding officer of the bi-state authority, which shall include a requirement that a member from each state share the duties of presiding; and

4. Require the approval of a majority of the members from each state before any action may be taken or any change may be made by the bi-state authority.

(b) A bi-state authority created pursuant to this section shall take the legal form necessary to conform to the laws of both states. The Commonwealth shall consider the bi-state authority to be an independent de jure municipal corporation, constituting a governmental agency and instrumentality of the appropriate jurisdictions. The bi-state authority shall adopt a name indicative of its location and purpose.

(c) Any bi-state agreement approved pursuant to this section may be presented to the United States Congress for consent thereof by joint resolution as provided in Article 1, Section 10, Clause 3 of the United States Constitution.

(5) (a) Members of a bi-state authority appointed from the Commonwealth shall be considered public servants subject to KRS Chapter 11A.

(b) Members of a bi-state authority appointed from the Commonwealth shall receive no compensation for their services, but shall be entitled to reimbursement for all reasonable expenses necessary and incidental to the performance of their duties and functions as members of the bi-state authority.

(c) The following individuals or entities shall be prohibited from entering into any contract or agreement with a bi-state authority ***or a public-private partnership***:

1. Any member of the bi-state authority appointed to represent the Commonwealth or any member of the state authority**,**~~[or]~~ a project authority***, or a public-private partnership***;

2. Any spouse, child, stepchild, parent, stepparent, or sibling of a member of the bi-state authority appointed to represent the Commonwealth or any spouse, child, stepchild, parent, stepparent, or sibling of a member of the state authority**,**~~[or]~~ a project authority***, or a public-private partnership***; and

3. Any corporation, limited liability entity, or other business entity of which a person identified in subparagraph 1. or 2. of this paragraph is an owner, member, or partner or has any other ownership interest.

(d) A bi-state authority ***or public-private partnership*** shall comply with the procurement laws of both states that are a party to the agreement creating the bi-state authority ***or public-private partnership***, including the provisions of KRS Chapter 45A, in the development of a project and the procurement of goods and services.

(e) A bi-state authority ***or public-private partnership*** shall comply with the laws of both states concerning the inspection and disclosure of public records, including KRS 61.870 to 61.884.

(f) A bi-state authority ***or public-private partnership*** shall comply with the laws of both states concerning the conduct of open meetings, including KRS 61.805 to 61.850.

(6) ***(a)*** ~~[After creation of the bi-state authority and]~~Prior to the execution of any agreements for the construction of the project, ***the state authority,*** the bi-state authority***, a public-private partnership, or any combination of these, if appropriate,*** shall prepare a financial plan specifying the construction and financing parameters of the project, including:

1.~~[(a)]~~ A timeline for construction of the project, including financing requirements throughout the construction of the project;

2.~~[(b)]~~ The amount and duration of per-vehicle tolls;

3.~~[(c)]~~ Expected appropriations from the General Assembly to be used for project costs; however, no financial plan shall be submitted or approved which contains expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan;

4.~~[(d)]~~ Other sources of funds and expected amounts; and

5.~~[(e)]~~ Other provisions relating to the construction and financing of the project.

~~[ ]~~***(b) 1. If the financial plan is prepared by a bi-state authority,*** the Kentucky members of the bi-state authority shall consult with the involved local governments in Kentucky, the department, and the Finance and Administration Cabinet, Office of Financial Management, during the development

of the financial plan. Upon completion and approval of the financial plan by the bi-state authority, the plan shall be submitted to the state authority for approval.

2. ***If the financial plan is prepared by the state authority, the state authority shall consult with the involved local governments in Kentucky, the department, and the Finance and Administration Cabinet, Office of Financial Management, during the development of the financial plan. If the financial plan is viable based on all information available to the state authority, the state authority shall recommend the plan.***

3. ***If the financial plan is prepared by a public-private partnership, the public-private partnership shall consult with the involved local governments in Kentucky, the department, and the Finance and Administration Cabinet, Office of Financial Management, during the development of the financial plan. Upon completion and approval of the financial plan by the public-private partnership, the plan shall be submitted to the state authority for approval.***

(c) The state authority shall not approve ***or recommend*** a financial plan which contains expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan. If the financial plan is approved ***or recommended*** by the state authority, the cabinet and, as necessary, other state agencies or local governments may enter into a development agreement as provided in subsection (7) of this section with all necessary parties for the development of a project.

(d) ***Every financial plan prepared pursuant to this section shall include an evaluation of the ability of a potential contractor or service provider to quickly respond to the needs presented in a major transportation project, and the importance of economic development opportunities represented by the construction of any project under this chapter. In evaluating proposals, preference shall be given to a plan that includes the involvement of small businesses as subcontractors, to the extent that small businesses can provide services in a competitive manner, unless any preference interferes with the qualification for federal funds.***

(7) (a) Upon approval ***or recommendation*** of the financial plan as provided in subsection (6) of this section, a development agreement may be entered into establishing the terms and conditions under which a project will be undertaken and the duties, responsibilities, powers, and authorities of the parties to the agreement. The development agreement shall, at a minimum:

1. Require the bi-state authority ***or public-private partnership*** to submit an annual report to the cabinet and the Legislative Research Commission;

2. Require that an annual audit of the bi-state authority ***or public-private partnership*** be performed by a certified public accountant;

3. Include the relevant provisions from the financial plan required by subsection (6) of this section;

4. Include provisions detailing the duties, responsibilities, and obligations of each party in relation to the financing, development, operation, and maintenance of the project, and the servicing and retirement of all bonds;

5. Establish limits on any reserve funds created for operation, maintenance, or bond servicing, which shall be at a level to adequately operate and maintain the project and ensure proper bond servicing;

6. Prohibit the amendment of the project or the financial plan without the prior evaluation and approval by the state authority. No amendment shall be approved that provides for expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan;

7. ***If applicable,*** establish a process for the transfer of ownership of the portion of the project that is within the Commonwealth to the Commonwealth upon retirement of all bonds associated with the project ***or, if the project utilizes a public-private partnership, upon termination of that partnership***; and

8. ***a.*** ***For a bi-state authority,*** require the approval of a majority of the members from each state before any action may be taken or any changes may be made by the bi-state authority***; or***

b. ***For a public-private partnership, require approval of the cabinet before any action may be taken or any changes may be made by the public-private partnership***.

(b) The parties to the agreement from the Commonwealth shall consult with the department and the Finance and Administration Cabinet, Office of Financial Management, in the development of the agreement.

(c) Additional agreements may be executed, as necessary to complete the project.

(d) The development agreement may take the form of a public-private partnership agreement.

(8) The General Assembly hereby finds and declares that in carrying out the functions, powers, and duties as prescribed in this chapter, a bi-state authority ***or public-private partnership*** authorized under this section will be performing essential public and government functions that improve the public welfare and prosperity of the people of the Commonwealth by promoting the availability of and enhancing accessibility to improved transportation services within the Commonwealth.

(9) The state authority shall not enter into a public-private partnership related to a project connecting the Commonwealth with the State of Ohio unless the General Assembly expressly authorizes it by passing a joint resolution.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 175B IS CREATED TO READ AS FOLLOWS:

(1) The state authority, a bi-state authority, or a project authority may, with approval of the General Assembly pursuant to subsection (10) of Section 8 of this Act, and if applicable, subsection (9) of Section 9 of this Act, utilize a public-private partnership.

(2) An authority utilizing a public-private partnership shall continue to be responsible for oversight of any function authorized by this chapter that is delegated to or otherwise performed by a public-private partnership.

(3) A public-private partnership shall not be used to circumvent any requirements or restrictions placed upon any authority pursuant to this chapter.

(4) An authority proposing to utilize a public-private partnership shall include in the financial plan required by Section 9 or 12 of this Act:

(a) The parameters of the public-private partnership agreement;

(b) The duties and responsibilities to be performed by the private partner or partners;

(c) The methods of oversight to be employed by the authority;

(d) The duties and responsibilities of the project that are to be performed by the authority, the cabinet, and any other partners to the agreement; and

(e) Other information required by the state authority or the cabinet to evaluate the financial plan and the proposed public-private partnership.

(5) A private entity desiring to be a private partner shall demonstrate to the satisfaction of the state authority and the cabinet that it is capable of performing any function to be authorized by the public-private partnership.

(6) A public-private partnership authorized or utilized pursuant to this section shall be subject to subsections (5) to (8) of Section 9 of this Act.

(7) The cabinet shall promulgate administrative regulations detailing the procurement approach and proposal review process to be used for a public-private partnership by December 31, 2016.

➔Section 11. KRS 175B.040 is amended to read as follows:

(1) If imposed as part of the financing plan, tolls shall be fixed and adjusted by the developing authority to provide a fund sufficient with other revenues, if any, to:

(a) Pay the cost of maintaining, repairing, and operating the project, unless the cost or any part thereof is being paid by the Commonwealth as authorized by this chapter;

(b) Pay the principal of and interest on the project revenue bonds; and

(c) Create reserves not to exceed amounts specified in the development agreement.

(2) Unless a transfer of ownership of a project occurs pursuant to KRS 175B.095 ***or the project utilizes a public-private partnership pursuant to Sections 9 and 10 of this Act***, the developing authority shall at all times maintain ownership and control of all tolls and other revenues generated by the project. Tolls shall not be subject

to supervision or regulation by any other department, division, authority, board, bureau, or agency of a local government or the Commonwealth.

(3) (a) The tolls and all other revenues derived from the project, except those revenues necessary to***:***

1. Pay the cost of maintenance, repair, and operation***;*** ~~[and to]~~

2. Establish and maintain reserves as may be provided for in the authorization of the issuance of the project revenue bonds or in the trust indenture securing the project revenue bonds***; or***

3. Satisfy the requirements of a public-private partnership agreement or a development agreement; ~~[,]~~

shall be set aside in a sinking fund which shall be pledged to, and charged with, the payment of principal and interest on the project revenue bonds as they become due, and the redemption price or the purchase price of project revenue bonds retired by call or purchase as provided in the authorization of issuance.

(b) The pledge of the sinking fund shall be valid and binding from the time when the pledge is made.

(c) The tolls or other revenues received and pledged by the developing authority shall immediately be subject to the lien of the pledge without any physical delivery or further action, and the lien on any pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the developing authority, whether the parties have received notice or not.

(d) Neither the proceedings nor any trust indenture by which a pledge is created need be filed or recorded, except in the records of the issuing authority.

(e) The use and disposition of moneys to the credit of the sinking fund shall be subject to the provisions of the proceedings authorizing the issuance of the project revenue bonds or the trust indenture.

(4) (a) Every person utilizing a project developed and tolled under this chapter shall pay the appropriate toll.

(b) Any person who violates the provisions of this subsection shall be subject to the provisions of administrative regulations promulgated pursuant to KRS 175B.015(12).

(5) Upon receiving notice, the cabinet shall suspend or withhold the annual registration of a vehicle used in the commission of a toll violation until:

(a) The fine, charge, or assessment has been paid; or

(b) The violation of subsection (4) of this section has been determined not to have occurred.

(6) (a) Toll collection customer account information shall be confidential and not subject to disclosure under KRS 61.870 to 61.884. Contracts relating to toll collection for a project developed and tolled under this chapter shall ensure the confidentiality of all toll collection customer account information.

(b) For the purposes of this section, "toll collection customer account information" means any information collected or received from or about any person who is assessed a toll, including contact information, payment information, trip data, and any other relevant data.

➔Section 12. KRS 175B.035 is amended to read as follows:

(1) Potential projects that are within Kentucky may be developed by a project authority as provided in this section***, or by a public-private partnership as provided in Section 10 of this Act***.

(2) A local government that contains a portion of a proposed project may, by resolution of its governing body, request the state authority to evaluate the establishment of a project authority ***or a public-private partnership*** for the purpose of developing a project.

(3) The state authority may request that the department evaluate the proposed project by preparation of a financial plan evaluating all aspects of the proposed project, including:

(a) The most effective location for the project;

(b) The impact on local governments and citizens at the location of or along the path of the project;

(c) A detailed analysis of the proposed cost of the project;

(d) The potential economic impact to the areas affected by the project;

(e) The anticipated level of use of the project;

(f) The amount and duration of per-vehicle tolls;

(g) Expected appropriations from the General Assembly to be used for the project; however, no financial plan shall be submitted or approved which contains expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan;

(h) ***The ability of a potential contractor or service provider to quickly respond to the needs presented in a major transportation project, and the importance of economic development opportunities represented by the construction of any project under this chapter. In evaluating proposals, preference shall be given to a plan that includes the involvement of small businesses as subcontractors, to the extent that small businesses can provide services in a competitive manner, unless any preference interferes with the qualification for federal funds;***

(i) Other sources of funds and expected amounts; and

(j)~~[(i)]~~ Any other provisions relating to the construction and financing of the project.

(4) If, based on the project evaluation prepared pursuant to subsection (3) of this section, the state authority and the department determine that the development of the project is economically feasible, the state authority shall submit the proposal to the General Assembly for ratification. If ratified by the General Assembly, the state authority may request that the Governor establish a project authority in accordance with the following:

(a) The project authority shall be established as an independent de jure municipal corporation and political subdivision of the Commonwealth constituting a governmental agency and instrumentality of the Commonwealth, with the power to contract and be contracted with, acquire and convey property, sue and be sued, and exercise all of the usual powers of corporations not inconsistent with the authority's specifically enumerated purpose and duties;

(b) The project authority shall adopt a name that includes the name of the project and the words "Project Authority";

(c) The project authority shall be composed of seven (7) members, three (3) of whom shall be appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160, and four (4) of whom shall be appointed by the chief executive of the local government that requested establishment of the project authority and confirmed by resolution of the local government's governing body;

(d) Each member of the project authority shall be appointed for a period of four (4) years, except that in making initial appointments, the Governor shall appoint members for one (1), three (3), and four (4) years, and the chief executive shall appoint two (2) members each for two (2) and four (4) years; and

(e) At least one (1) of the Governor's appointees and two (2) of the chief executive's appointees shall be familiar with road and bridge design or financing and administration of transportation infrastructure projects.

(5) (a) Within ninety (90) days of its establishment under subsection (4) of this section, the project authority shall convene and organize. The project authority shall elect a chair and a vice chair, who shall be members of the project authority and elected by a majority of the project authority members. The project authority shall appoint a secretary and a treasurer who shall not be members of the project authority, each of whom shall serve at the pleasure of the project authority and shall receive compensation as determined and paid by the project authority.

(b) The treasurer shall give bond in an amount prescribed by the project authority to the project authority and the state conditioned upon a faithful accounting for all the funds coming into the treasurer's custody, with corporate surety given by a surety company qualified to do business in the state, the premium of which shall be paid by the project authority.

(c) The project authority shall maintain an office, and the secretary of the project authority shall maintain in that office complete records of all the project authority's actions and proceedings, which shall be considered open records under KRS 61.870 to 61.884.

(d) A project authority shall comply with the applicable provisions of KRS Chapter 45A in the development of a project and the procurement of goods and services.

(e) The meetings of a project authority shall be considered open meetings pursuant to KRS 61.805 to 61.850.

(6) A majority of the members of a project authority shall constitute a quorum for the transaction of business. The members of a project authority shall receive no compensation for their services in that capacity, but shall be

entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as members.

(7) (a) Members of a project authority shall be considered public servants subject to the provisions of KRS Chapter 11A.

(b) The following individuals or entities shall be prohibited from entering into any contract or agreement with a project authority ***or a public-private partnership***:

1. Any member of a project authority, a bi-state authority,~~[or]~~ the state authority***, or a public-private partnership***;

2. Any spouse, child, stepchild, parent, stepparent, or sibling of a member of a project authority, a bi-state authority,~~[or]~~ the state authority***, or a public-private partnership***; and

3. Any corporation, limited liability entity, or other business entity of which a person identified in subparagraph 1. or 2. of this paragraph is an owner, a member, a partner, or has any other ownership interest.

(8) (a) The state authority shall enter into a development agreement with a project authority ***or a public-private partnership*** to establish the terms and conditions under which a project will be undertaken. No financial plan shall be submitted or approved which contains expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan.

(b) The development agreement shall establish the duties, responsibilities, and powers of the state authority, the project authority, ***a public-private partnership,*** and, as necessary, the cabinet with regard to the project.

(c) The development agreement shall include, at a minimum, all information necessary relating to the creation, development, operation, and disposal of the project. No financial plan shall be submitted or approved which contains expected appropriations by the General Assembly beyond those appropriated in the most recently enacted biennial highway construction plan.

(d) After the proposed project has been approved and set forth in the development agreement, it shall not be changed or expanded without evaluation and approval by the state authority and ratification by the General Assembly.

(e) Additional agreements may be executed, as necessary, between the state authority, the project authority, ***a public-private partnership,*** the department, and the cabinet.

(9) The provisions of this chapter relating to the duties, responsibilities, powers, and authorities of the state authority shall apply to a project authority ***or a public-private partnership*** to the extent that the duties, responsibilities, powers, and authorities are required for the project authority ***or public-private partnership*** to carry out its duties and responsibilities under a development agreement.

(10) Upon retirement of all bonds associated with a project developed under this section ***or, if the project utilizes a public-private partnership, upon termination of that partnership***, the ownership of the project shall be transferred to the Commonwealth pursuant to KRS 175B.095.

➔Section 13. KRS 175B.095 is amended to read as follows:

(1) Not more than one (1) year prior to the scheduled retirement of all bonds issued to finance a project, the department shall undertake an evaluation of the condition of the project to determine if the project has significant maintenance, reconstruction, or rebuilding needs. The evaluation shall be completed no less than one hundred eighty (180) days prior to the scheduled retirement of the bonds.

(2) If significant maintenance, reconstruction, or rebuilding is needed, the department shall determine if funds and reserves held by the developing authority for the project are adequate to accomplish the maintenance, reconstruction, or rebuilding. If additional funds are needed, additional bonds shall be authorized and issued by the same entity that issued the original bonds for the project, pursuant to this chapter.

(3) Tolls for the project shall continue until all bonds are retired.

(4) Notwithstanding any other provisions of this chapter, any portion of a project located within the Commonwealth and financed by an authority shall become the property of the Commonwealth upon the retirement of all bonds issued to finance the project ***or, if the project utilizes a public-private partnership, upon termination of that partnership***.

(5) Upon the transfer of any project to the Commonwealth pursuant to this section, the department shall evaluate the need for the continuance of any tolls. Tolls may be continued if significant rebuilding, expansion, or maintenance is needed. Tolls collected after ownership of a project has transferred to the Commonwealth shall be deposited into the road fund and used for current and future costs of the project, including maintenance, expansion, rebuilding, reconstruction, or other similar purposes.

(6) When an authority has transferred a project to the Commonwealth pursuant to this section, remaining fund reserves relating to that project shall be transferred to the road fund.

➔Section 14. KRS 175B.025 is amended to read as follows:

(1) The developing authority and issuing authority may be the same authority or separate authorities, depending on the needs of the project. The developing authority and issuing authority shall have the following powers and duties, as necessary to complete, operate, and maintain the project, subject to the limitations provided in KRS 175B.020***(10)***~~[(4)]~~:

(a) To enter into agreements as necessary to facilitate the development, construction, maintenance, operation, repair, or financing of projects;

(b) To directly or indirectly construct, reconstruct, maintain, repair, operate, and regulate projects within the Commonwealth, or contract with another entity for these services;

(c) To issue project revenue bonds of the issuing authority payable solely from the tolls, revenues, rentals, funds from any grant anticipation revenue vehicle (GARVEE), funds appropriated by the state or federal government, and any other funds pledged for their payment, for the purpose of paying all or any cost of a project, and to refund any of its bonds;

(d) ***1.*** To fix, revise, charge, and collect tolls for transit over any project constructed by it, and for any ancillary or connector routes affected by the project***.***~~[;]~~

2. No tolls shall be authorized by any developing or issuing authority as a part of any development agreement or any financial plan for:

a. Any project involving the federal interstate highway system that connects the Commonwealth with the State of Ohio; or

b. Any project constituting a fully or partially controlled highway, whether or not involving the federal interstate highway system, that connects the Commonwealth with the State of Ohio, including but not limited to a qualifying highway that constitutes a bypass of a major metropolitan area;

(e) To establish and enforce rules and regulations for the use of a project;

(f) To acquire and hold any of the following in the name of the developing authority, and to dispose of them as the developing authority deems necessary:

1. Real and personal property, including lands and structures;
2. Rights;
3. Rights-of-way;
4. Franchises;
5. Easements and other interests in lands, including lands lying under water and riparian rights; and
6. Any other item or asset necessary to accomplish its mission;

(g) To designate the locations and establish, limit, and control points of access to the project, and to prohibit access to the project from any undesignated point;

(h) To make and enter into contracts and agreements in the performance of duties and the execution of powers under this chapter;

(i) To employ any consultants and to fix their compensation;

(j) To receive and accept contributions and grants from any source for or in aid of the construction of a project or the operation of the developing or issuing authority;

(k) To accept interest rate subsidies, rebates, tax credits, or guarantees as provided in the American Recovery and Reinvestment Act of 2009, or as may be provided in subsequent federal legislation providing support to or credit enhancement of governmental obligations;

(l) To expend any funds provided under this chapter in advertising the facilities and services of a project to the traveling public;

(m) To enter into lease agreements with the department; and

(n) To do acts necessary or convenient to carry out the powers expressly granted in this chapter.

(2) Projects may be developed in conjunction with other road development efforts of the Commonwealth that are in compliance with Federal Highway Administration requirements.

(3) Projects developed pursuant to this chapter shall:

(a) Comply with the requirements of KRS Chapters 45A, 174, and 176;

(b) Be included in the most recently enacted biennial highway construction plan; and

(c) Comply with all relevant requirements of the Federal Highway Administration.

➔Section 15. KRS 175B.045 is amended to read as follows:

(1) Each project, upon completion, shall continuously constitute a link between parts of the highway system of the Commonwealth, or between the Commonwealth and ***any***~~[the]~~ state ***adjoining the Commonwealth***~~[of Indiana]~~, and shall always be open to public travel, subject to any tolls or restrictions established by the developing authority. All projects shall be subject to evaluation and inspection by the department, and shall meet the standards for public roadways established by the department.

(2) Projects may be developed in coordination with existing and proposed public transit systems.

➔Section 16. The provisions of Sections 1, 2, and 3 of this Act shall apply only to a project for which the procurement process is initiated on or after the effective date of this Act, either through the initial invitation for bids, request for proposals, or otherwise.

➔Section 17. Whereas the ability to advance necessary infrastructure projects is enhanced by this Act, and this Act places agencies under a deadline to promulgate administrative regulations, 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 8, 2016.

CHAPTER 68

(HB 281)

AN ACT relating to retirement benefits for local elected officials.

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

➔Section 1. 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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293, 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 KRS 70.291 to 70.293, 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. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;

(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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293, 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 KRS 70.291 to 70.293, 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***; and***

(e) Notwithstanding any provision of this section, any mayor or member of a city legislative body who has not participated in the County Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System, shall not be:

1. Required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the Kentucky Employees Retirement System or the State Police Retirement System; or

2. Subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body.

Signed by Governor April 8, 2016.

CHAPTER 69

(HB 499)

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, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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.

		2016-17	2017-18
1.	**General Assembly**		
	General Fund	18,823,100	19,631,600
	Restricted Funds	75,000	175,000
	TOTAL	18,898,100	19,806,600

(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, 2016, level.

(2) Kentucky Legislative Ethics Commission: Included in the above General Fund appropriation is $426,500 in fiscal year 2016-2017 and $428,100 in fiscal year 2017-2018 for the Kentucky Legislative Ethics Commission. Included in the above Restricted Funds appropriation is $75,000 in fiscal year 2016-2017 and $175,000 in fiscal year 2017-2018 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, 2016, and shall remain suspended for the 2016-2018 fiscal biennium or until funding is restored. No funds are appropriated for the Kentucky Long-Term Policy Research Center for fiscal year 2016-2017 and fiscal year 2017-2018.

(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, 2016, or July 1, 2017.

		2016-17	2017-18
2.	**Legislative Research Commission**		
	General Fund	40,488,000	43,575,000

(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 2016-2017 and 232 in fiscal year 2017-2018. 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 10.

TOTAL - OPERATING BUDGET

	2016-17	2017-18
General Fund	59,311,100	63,206,600
Restricted Funds	75,000	175,000
TOTAL	59,386,100	63,381,600

Unexpended Balance: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2015-2016 shall not lapse but shall continue into fiscal year 2016-2017, and any unexpended balance in any succeeding fiscal year shall not lapse but shall continue into the following fiscal year.

TOTAL - LEGISLATIVE BRANCH BUDGET

	2016-17	2017-18
General Fund	59,311,100	63,206,600
Restricted Funds	75,000	175,000
TOTAL	59,386,100	63,381,600

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 2016 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 2015-2016, 2016-2017, and 2017-2018.

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, 2017, and June 30, 2018, shall not be issued prior to July 1, 2017, and July 1, 2018.

9. Salary Adjustments: The Director of the Legislative Research Commission shall propose a salary adjustment plan for employees of the Legislative Research Commission for approval by the Legislative Research Commission.

10. Surplus Property: Upon their declaration as surplus, the Legislative Research Commission may sell legislative chairs to current or former members of the General Assembly. Proceeds from the sale shall be deposited to the credit of the Legislative Research Commission and shall be used for the purpose of purchasing replacement items. This provision shall suspend other state laws with regards to the disposition of state property for the purpose stated and for no other purpose.

PART III

FUNDS TRANSFER

The Legislative Branch shall transfer $3,484,100 to the General Fund in each fiscal year.

PART IV

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.

Became law without Governor's signature April 9, 2016.

CHAPTER 70

(SB 33)

AN ACT relating to cardiopulmonary resuscitation training in schools.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly hereby finds that training Kentucky students in cardiopulmonary resuscitation procedures will:

(a) Increase students' ability to respond to emergency situations at school, home, and public places;

(b) Benefit Kentucky communities by rapidly increasing the number of people ready to respond to sudden cardiac arrest, a leading cause of death in the United States; and

(c) Assist students in becoming responsible citizens consistent with the goals established in KRS 158.6451.

(2) Every public high school shall provide cardiopulmonary resuscitation training to students as part of the health course or the physical education course that is required for high school graduation or the Junior Reserve Officers Training Corps course that meets the physical education requirement. The training shall:

(a) Be based on the American Heart Association's Guidelines for CPR and Emergency Cardiovascular Care or other nationally recognized, evidenced-based guidelines;

(b) Incorporate psychomotor skills training to support cognitive learning; and

(c) Make students aware of the purpose of an automated external defibrillator and its ease and safety of use.

(3) The training does not have to be provided by a certified instructor or result in students being certified in cardiopulmonary resuscitation.

(4) A school administrator may waive the requirement that a student receive instruction under subsection (2) of this section if the student has a disability or is physically unable to perform the psychomotor skills component of the instruction required.

(5) This section shall not be construed to require a school to have an automated external defibrillator on its premises, although having one available for emergencies is encouraged.

Signed by Governor April 9, 2016.

CHAPTER 71

(SCR 135)

A CONCURRENT RESOLUTION recognizing Kentucky Educational Television and encouraging all cable and satellite providers to offer KET programming to their customers.

WHEREAS, since the establishment of the Kentucky Authority for Educational Television in 1962 by the General Assembly to serve as the governing board for Kentucky Educational Television (KET), KET has served as an innovative and efficient producer of education resources for the classroom and Kentucky's highest-quality source for public affairs and cultural programming; and

WHEREAS, since its first broadcast on September 23, 1968, limited to weekdays during school hours, it has increased and enhanced access to educational sources across the Commonwealth; and

WHEREAS, from that modest beginning, KET is now Kentucky's largest classroom, serving more than one million people each week via multiple-channel television, online, and mobile media offerings; and

WHEREAS, KET's mission is to make Kentucky a better place and strengthen its communities by educating, inspiring, informing, and connecting its citizens through the power of public media; and

WHEREAS, KET's vision is to distinguish itself as the most-trusted, preeminent source of high-quality educational and public media -- in classrooms, homes, and communities -- to meet the diverse needs of Kentucky; and

WHEREAS, KET produces and provides innovative and relevant programs and services, giving all citizens access to in-depth information and to cultural and educational opportunities; and

WHEREAS, KET has provided educational courses to middle and high school students in Kentucky and throughout the nation since 1989, and continues to lead the way in distance learning with new courses and unprecedented multimedia resources; and

WHEREAS, KET is committed to working with Kentucky's P-12 schools and teachers to boost student achievement by providing a full-day digital broadcast channel of instructional and professional development programs, as well as supplementary and stand-alone print, online, and multimedia resources, accompanied by offering in-school workshops, one-on-one consultations, and continuing education events to help teachers make the most effective use of these materials; and

WHEREAS, KET programs can help Kentucky's licensed, certified, and registered early childhood education professionals earn credit toward state licensing requirements through online courses, DVDs and videos, and a lending library program; and

WHEREAS, since 1975, KET has maintained a strong commitment to assisting Kentucky's adult learners with GED and high school assessment preparation and to supplying adult education providers with access to resources; and

WHEREAS, all of KET's channels and programming are available free to any cable or satellite operator in order to ensure access to all corners of the Commonwealth;

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 Educational Television is recognized and commended for its significant contribution to learning across the Commonwealth, and for its commitment to serving as Kentucky's highest-quality source for public affairs and cultural programming.

➔Section 2. All cable and satellite operators not currently offering KET programming are hereby encouraged to contact KET at (800) 432-0951, ext. 7212 for information on cost-free access.

➔Section 3. The Clerk of the Senate is directed to transmit a copy of this Resolution to Ms. Shae Hopkins, KET Executive Director and CEO, Kentucky Educational Television, 600 Cooper Drive, Lexington, Kentucky 40502; and to Senator Stan Humphries, 702 Capitol Avenue Annex Room 209, Frankfort, Kentucky 40601.

Signed by Governor April 9, 2016.

CHAPTER 72

(HB 487)

AN ACT relating to the Governor's Advisory Board for Veterans' Affairs.

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

➔Section 1. KRS 40.305 is amended to read as follows:

(1) There is created a board to be known as the Governor's Advisory Board for Veterans' Affairs, which shall be attached to the Department of Veterans' Affairs.

(2) The board shall be composed of the following:

(a) Seven (7) members appointed by the Governor***, two (2) of whom shall be recommended by the Joint Executive Council of Veterans Organizations of Kentucky***;

(b) The executive director of the Kentucky Commission on Military Affairs; and

(c) The adjutant general of the Commonwealth.

(3) All board members appointed by the Governor shall serve until their successors are appointed, and all appointments shall be for three (3) years. It is further provided that the appointments shall be veterans with service during time of war or hostilities wherein American troops were engaged in conflict with an armed enemy. If practicable, the Governor, in making appointments to the board, shall give due consideration to a fair representation on the board of nationally recognized veterans' organizations active in Kentucky, based on size of the membership of such organizations in this state. The state headquarters of each major veterans' organization may, from time to time, submit a list of not more than three (3) names to the Governor from which list original appointments may be made and vacancies filled in his discretion.

(4) Members of the board shall meet at least quarterly at the Department of Veterans' Affairs, and at such other times as the chairman may designate, and the members shall decide as to the specific meeting date.

(5) Members of the board shall be paid for the actual expenses incurred upon attendance of meetings of the board subject to the Finance and Administration Cabinet regulations.

(6) At its first meeting the members of the board shall select a chairman, vice chairman, and secretary from among the appointed members.

(7) The Department of Veterans' Affairs shall provide administrative support to the board.

(8) The board shall advise the commissioner of the Department of Veterans' Affairs and the Governor on the administration of veterans' services programs.

(9) The commissioner shall advise the Governor on matters relating to veterans' affairs.

(10) The commissioner and the board shall advise the General Assembly on matters relating to veterans' affairs and the administration of veterans' services programs.

Signed by Governor April 9, 2016.

CHAPTER 73

(SB 134)

AN ACT relating to biological products.

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

➔Section 1. KRS 217.814 is amended to read as follows:

The following words and phrases, as used in KRS 217.815 to 217.826, shall have the following meanings, unless the context requires otherwise:

(1) ***"Biological product" has the same meaning as in 42 U.S.C. sec. 262;***

(2) "Board" means the Kentucky Board of Pharmacy;

(3) "Brand name" means the name that a manufacturer of a drug or pharmaceutical places on the container thereof at the time of packaging***;***~~[.]~~

(4) "Dosage formulation" shall include but not be limited to those specific dosage forms which, by the nature of their physical manufacture, are deemed to be nonequivalent to other similar formulations such as controlled release tablets, aerosol-nebulizer drug delivery systems, and enteric coated oral dosage forms;

(5) "Equivalent drug product" means a product with the same generic name, active ingredients, strength, quantity, and dosage form as the drug product identified in a prescription;

(6)~~[(2)]~~ "Generic name" means the chemical or established name of a drug or pharmaceutical***;***~~[.]~~

(7) "Interchangeable biological product" means:

(a) A biological product that the United States Food and Drug Administration has licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C. sec. 262(k)(4); or

(b) A biological product that the United States Food and Drug Administration has determined is therapeutically equivalent as set forth in the latest edition or supplement to the federal Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations;

~~[(3) "Practitioner" has the same meaning as in KRS 217.015.~~

~~(4) "Pharmacist" means any person licensed as such by the Kentucky Board of Pharmacy.~~

~~(5) "Equivalent drug product" means a product with the same generic name, active ingredients, strength, quantity and dosage form as the drug product identified in a prescription.~~

~~(6) "Board" means the Kentucky Board of Pharmacy.~~

~~(7)~~]***(8)*** "Nonequivalent drug product formulary" means a formulary of drugs, drug products, and dosage formulations for which there are no equivalent drugs, drug products, or dosage formulations and which have been determined to be noninterchangeable or to have actual or potential bioequivalency problems by the United States Food and Drug Administration and are contained in a drug bioequivalence problems list as published in the United States Food and Drug Administration publication entitled "Approved prescription drug products with therapeutic equivalence evaluations" with supplements***;***~~[.~~

~~(8) "Dosage formulation" shall include, but not be limited to, those specific dosage forms which, by the nature of their physical manufacture are deemed to be nonequivalent to other similar formulations such as controlled release tablets, aerosol-nebulizer drug delivery systems and enteric coated oral dosage forms.]~~

(9) "Pharmacist" means has the same meaning as in KRS 315.010; and

(10) "Practitioner" has the same meaning as in KRS 217.015.

➔Section 2. KRS 217.822 is amended to read as follows:

(1) When a pharmacist receives a prescription for a brand name drug which is not listed by generic name in the nonequivalent drug product formulary prepared by the board, ***the pharmacist***~~[he]~~ shall select a lower priced therapeutically equivalent drug which ***the pharmacist***~~[he]~~ has in stock, unless otherwise instructed by the ***patient at the point of purchase***~~[purchaser]~~ or ***by the patient's***~~[his]~~ ***practitioner.***~~[physician, provided however that]~~ If ***a lower priced***~~[such]~~ selection is made, the label on the container of the drug shall show the name of the drug dispensed.

(2) ***When a pharmacist receives a prescription for a brand name biological product which is not listed by name in the nonequivalent drug product formulary prepared by the board, the pharmacist shall dispense a lower priced interchangeable biological product, if there is one in stock, unless otherwise instructed by the patient***

at the point of purchase or by the patient's prescribing practitioner. If an interchangeable product is selected, the label on the container shall show the name of the biological product dispensed.

(3) When an equivalent drug product ***or interchangeable biological product*** is dispensed in lieu of a brand name drug prescribed, the price of the equivalent drug ***or interchangeable biological*** product dispensed shall be lower in price to the purchaser than the drug product prescribed.

(4) ~~[(3)]~~ If, in the opinion of a practitioner, it is to the best interest of ***the practitioner's*** ~~[his]~~ patient that an equivalent drug ***or interchangeable biological product*** should not be dispensed, ***the practitioner*** ~~[he]~~ may indicate in the manner of his ***or her*** choice on the prescription "Do Not Substitute," except that the indication shall not be preprinted on a prescription.

(5) ~~[(4)]~~ The selection of any drug ***or interchangeable biological product*** by a pharmacist under the provisions of this section shall not constitute the practice of medicine.

(6) ~~[(5)]~~ A pharmacist who selects an equivalent drug product ***or interchangeable biological product*** pursuant to KRS 217.815 to 217.826 assumes no greater liability for selecting the dispensed drug product than would be incurred in dispensing a prescription for a drug product ***or biological product*** prescribed by its generic***, nonbrand, or proper*** name.

(7) ~~[(6)]~~ When a pharmacist receives a generically written prescription for a multiple source drug product, he ***or she*** shall dispense an equivalent drug product in accordance with the provisions of KRS 217.815 to 217.826.

(8) When a pharmacist receives a prescription for a biological product written by nonbrand or proper name, he or she shall dispense an interchangeable biological product in accordance with the provisions of KRS 217.814 to 217.826 provided that the interchangeable product has been deemed by the United States Food and Drug Administration to be interchangeable with that specific reference product as identified by the nonbrand or proper name.

(9) A pharmacist shall not substitute a biological product for a prescribed biological product unless the substituted product is an interchangeable biological product for the prescribed biological product.

(10) (a) Within five (5) business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall communicate to the prescribing practitioner the specific product provided to the patient, including the name of the product and the manufacturer.

(b) Communication shall be conveyed by making an entry that is electronically accessible to the prescribing practitioner through:

1. An interoperable electronic medical records system;

2. An electronic prescribing technology;

3. A pharmacy benefit management system; or

4. A pharmacy record.

(c) Communication entries into an electronic records system as described in this subsection are presumed to provide notice to the prescribing practitioner. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescribing practitioner using facsimile, telephone, electronic transmission, or other prevailing means. Communication to the prescribing practitioner, or the prescribing practitioner's office personnel, using facsimile, telephone, electronic transmission, or other prevailing means shall be presumed to provide notice to the prescribing practitioner.

(d) Communication shall not be required where:

1. There is no United States Food and Drug Administration-approved interchangeable biological product for the product prescribed;

2. A refill prescription is not changed from the product dispensed on the prior filling of the prescription; or

3. The prescribing practitioner indicates "Do Not Substitute" on the prescription.

(e) Communication received by the prescribing practitioner from the dispensing pharmacist or the pharmacist's designee shall be treated in accordance with the standards of acceptable and prevailing practice of the prescribing practitioner within the Commonwealth of Kentucky and the following as they relate to patient records:

1. The principles of ethics of the American Medical Association;

2. The code of ethics of the American Osteopathic Association;

3. The principles of ethics and code of professional conduct of the American Dental Association;

4. The code of ethics of the American Chiropractic Association;

5. The principles of veterinary medical ethics of the American Veterinary Medical Association;

6. The code of ethics of the American Optometric Association; or

7. The code of ethics for nurses of the American Nurses Association.

➔Section 3. KRS 217.216 is amended to read as follows:

(1) Every prescription order written by a practitioner authorized by statute to prescribe under this chapter and KRS Chapter 218A shall bear upon the prescription blank the name, telephone number, and business address of the prescribing practitioner.

(2) In order to provide a pharmacist sufficient information to meet the communication requirements of subsection (10)(c) of Section 2 of this Act, every prescription order written by a practitioner authorized by statute to prescribe a biological product under this chapter shall bear upon the prescription blank the name, telephone number, and business address of the prescribing practitioner in a clear and legible manner.

➔Section 4. KRS 217.895 is amended to read as follows:

(1) Routine inspections of pharmacies for compliance with KRS 217.815 to 217.826 shall be undertaken by the Kentucky Board of Pharmacy.

(2) Every pharmacy shall retain for a period of two (2) years from July 15, 1982, a pharmacy record of all prescribed drug ***and biological*** products dispensed. The pharmacy record shall be retained for the purpose of providing valid data for bona fide research and reporting to the General Assembly as to the effectiveness of KRS 217.815 to 217.826. The pharmacy record shall include:

(a) The brand name of the drug ***or biological product***, when applicable.

(b) The name of the manufacturer or the supplier of the drug ***or biological product***, if the drug ***or biological product*** has no brand name.

(c) The strength of the drug ***or biological product***, when significant.

(d) The quantity dispensed, when applicable.

(e) The serial number of the prescription.

(f) The date the prescription was originally dispensed and refilled.

(g) The name of prescribing ***practitioner***~~[physician]~~.

(h) The name of patient for whom the drug ***or biological product*** was prescribed.

(i) The price for which the drug ***or biological product*** was sold to the purchaser.

(j) A notation if the practitioner indicated "Do not substitute" or the purchaser refused the product selected.

Signed by Governor April 9, 2016.

CHAPTER 74

(SB 90)

AN ACT relating to the siting of cellular antenna towers.

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

➔Section 1. KRS 100.987 is amended to read as follows:

(1) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in this chapter***, except as otherwise provided in this section***.

(2) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with this chapter shall:

(a) Submit a copy of the applicant's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit's jurisdiction; and

2. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

(b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower, including a timetable for removal; and

(c) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040, and 278.280.

(3) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(4) After an applicant's submission of the uniform application to construct a cellular antenna tower, the planning commission shall:

(a) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;

(b) Make its final decision to approve or disapprove the uniform application; and

(c) Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the planning commission or within a date certain specified in a written agreement between the local planning commission and the applicant. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the applicant to a specific date for the planning commission to issue a decision, the uniform application shall be deemed approved.

(5) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first.

(6) The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the local planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

2. Lists the reasons why the co-location was unsuccessful in each instance.

(7) The local planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(8) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

(9) Upon the approval of an application for the construction of a cellular antenna tower by a planning commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

(10) A party aggrieved by a final action of a planning commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

(11) Applications for approval of cellular antenna towers on property owned by any state agency, university electing to perform financial management of its real properties pursuant to KRS 164A.555 to 164A.630, department, board, commission, authority, or other instrumentality of the state that is exempt from zoning regulations under KRS 100.361, other than property for which the use is controlled by the secretary of the Finance and Administration Cabinet pursuant to KRS 56.463(4)(a), shall be submitted to the Public Service Commission for approval under KRS 278.650.

➔Section 2. KRS 278.650 is amended to read as follows:

If an applicant proposes construction of an antenna tower for cellular telecommunications services or personal communications services which is to be located in an area outside the jurisdiction of a planning commission, ***or outside the jurisdiction of the secretary of the Finance and Administration Cabinet pursuant to KRS 56.463(4)(a),*** the applicant shall apply to the Public Service Commission for a certificate of public convenience and necessity pursuant to KRS 278.020(1), 278.665, and this section. The commission shall convene a local public hearing on the application upon the receipt of a request from the local governing body or from not less than three (3) interested persons that reside in a county or municipal corporation in which the tower is proposed to be constructed. In reviewing the application, the commission may take into account the character of the general area concerned and the likely effects of the installation on nearby land uses and values. A local government may charge a fee for a building permit, in connection with the construction or alteration of any structure for cellular telecommunications services or personal communication services, if the fee does not exceed that charged for any other commercial structure of comparable cost of construction.

Signed by Governor April 9, 2016.

CHAPTER 75

(SB 217)

AN ACT relating to military justice.

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

➔Section 1. KRS 35.010 is amended to read as follows:

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

(1) "State" means one (1) of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands;

(2) "Cadet," "candidate," or "midshipman" means a person who is enrolled in or attending a state military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the state military forces;

(3) "Officer" means a commissioned or warrant officer;

(4) "Superior commissioned officer" means a commissioned officer superior in rank or command;

(5) "Enlisted member" means a person in an enlisted grade;

(6) "State active duty" means full-time military duty in the state military forces under an order of the Governor or otherwise issued by authority of law, and paid by state funds, and includes travel to and from the duty;

(7) "Military court" means a court-martial or a court of inquiry;

(8) "Military judge" means an official of a general and special court-martial detailed in accordance with KRS 35.125;

(9) "Classified information" means:

(a) Any information or material that has been determined by an official of the United States or any state pursuant to law, an executive order, or regulation to require protection against unauthorized disclosure for reasons of national or state security; and

(b) Any restricted data, as defined in the Atomic Energy Act of 1954, 42 U.S.C. sec. 2014(y);

(10) "Code" means this chapter;

(11) "National security" means the national defense and foreign relations of the United States;

(12) "Commanding officer" includes only commissioned officers of the state military forces and shall include officers in charge only when administering nonjudicial punishment under KRS 35.070. The term "commander" has the same meaning unless the context otherwise requires;

(13) "Day" means***:***

(a) For the purpose of pay, one (1) day equals one (1) unit training assembly; and

(b) For all other purposes, one (1) day equals one (1) calendar day~~[and is not synonymous with the term "unit training assembly." Any punishment authorized by this chapter which is measured in terms of days shall, when served in a status other than annual field training, be construed to mean succeeding duty days]~~;

(14) "Record," when used in connection with the proceedings of a court-martial, means:

(a) An official written transcript, written summary, or other writing relating to the proceedings; or

(b) An official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced;

(15) "Duty status other than state active duty" means any other type of duty not in federal service and not full-time in the active service of the state, under an order issued by authority of law and includes travel to and from the duty;

(16) "Judge advocate" means a commissioned officer of the organized state military forces who is a member in good standing of the bar of the highest court of a state, and is:

(a) Certified or designated as a judge advocate in the Judge Advocate General's Corps of the Army, Air Force, Navy, Marine Corps, or Coast Guard, or a reserve component of one (1) of these; or

(b) Certified as a non-federally recognized judge advocate, under regulations promulgated pursuant to this provision, by the senior judge advocate of the commander of the force in the state military forces of which the accused is a member, as competent to perform those military justice duties required by this code. If there is no judge advocate available, then the certification may be made by a senior judge advocate of the commander of another force in the state military forces, as the convening authority directs;

(17) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any other person who has an interest other than an official interest in the prosecution of the accused;

(18) "Military" refers to any or all of the Armed Forces;

(19) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command to the convening authority;

(20) "Officer in charge" means a member of the naval militia, the Navy, the Marine Corps, or the Coast Guard designated as such by appropriate authority;

(21) "Senior force commander" means the commander of the same force of the state military forces as the accused;

(22) "Senior force judge advocate" means the senior judge advocate of the commander of the same force of the state military forces as the accused and who is that commander's chief legal advisor;

(23) "State military forces" means the Kentucky National Guard as defined in Title 32 of the United States Code and as organized under the Constitution and laws of the Commonwealth of Kentucky. The unorganized militia, state defense force, state national guard, home guard, or any other name of any state force that does not meet this definition shall not be part of the "state military forces" under this code; and

(24) "Military offenses" means those offenses prescribed under KRS 35.440, 35.442, 35.450, 35.451, 35.470, 35.471, 35.472, 35.473, 35.474, 35.4751, 35.476, 35.478, 35.481, 35.486, 35.491, 35.575, 35.577, 35.580, 35.585, 35.590, 35.595, 35.600, 35.605, 35.609, 35.614, 35.620, 35.625, 35.630, 35.635, 35.637, 35.640, 35.642, 35.645, 35.650, 35.652, 35.654, 35.657, 35.660, 35.665, 35.671, ***Sections 6, 7, 8, 9, and 10 of this Act,*** 35.725, 35.727, and 35.730.

➔Section 2. KRS 35.070 is amended to read as follows:

(1) Under such regulations as prescribed, any commanding officer, and for purposes of this section, officers-in-charge, may impose disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this section. The Governor, the adjutant general, or an officer of a general or flag rank in command may delegate the powers under this section to a principal assistant who is a member of the state military forces.

(2) Any commanding officer may impose upon enlisted members of the officer's command:

(a) An admonition;

(b) A reprimand;

(c) The withholding of privileges for not more than six (6) months;

(d) The forfeiture of pay of not more than seven (7) days' pay;

(e) A fine of not more than seven (7) days' pay;

(f) A reduction to the next inferior pay grade if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(g) Extra duties, including fatigue or other duties, for not more than fourteen (14) days, which need not be consecutive; and

(h) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen (14) days, which need not be consecutive.

(3) Any commanding officer of the grade of major or lieutenant commander or above may impose upon enlisted members of the officer's command:

(a) Any punishment authorized in subsection (2)(a), (b), and (c) of this section;

(b) The forfeiture of not more than ***fourteen (14) days' pay;***

(c) A fine of not more than fourteen (14) days' pay~~[one-half (1/2) of one (1) month's pay per month for two (2) months;~~

~~(c) A fine of not more than one (1) month's pay]~~;

(d) A reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who

imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two (2) pay grades;

(e) Extra duties, including fatigue or other duties, for not more than forty-five (45) days which need not be consecutive; and

(f) Restriction to certain specified limits, with or without suspension from duty, for not more than sixty (60) days which need not be consecutive.

(4) The Governor, the adjutant general, an officer exercising general court-martial convening authority, or an officer of a general or flag rank in command may impose:

(a) Upon officers in the officer's command:

1. Any punishment authorized in paragraph (a), (b), (c), or (f) of subsection (3) of this section; and

2. Arrest in quarters for not more than thirty (30) days which need not be consecutive;

(b) Upon enlisted members of the officer's command, any punishment authorized in subsection (3) of this section.

(5) Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment cannot exceed the authorized duration of the longest punishment in the combination, and there must be an apportionment of punishments so that no single punishment in the combination exceeds its authorized length under this section.

(6) Prior to the offer of non-judicial punishment, the commanding officer shall determine whether arrest in quarters***, restriction, forfeiture, or fine***~~[or restriction]~~ shall be considered as punishments. Should the commanding officer determine that the punishment options may include arrest in quarters***, restriction, forfeiture, or fine***~~[or restriction]~~, the accused shall be notified of the right to demand a trial by court-martial. Should the commanding officer determine that the punishment options will not include arrest in quarters***, restriction, forfeiture, or fine***~~[or restriction]~~, the accused shall be notified that there is no right to trial by courts-martial in lieu of non-judicial punishment.

(7) The officer who imposes punishment, or the successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer also may mitigate:

(a) Reduction in grade to forfeiture of pay;

(b) Arrest in quarters to restriction; or

(c) Extra duties to restriction.

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(8) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority within fifteen (15) days after the punishment is either announced or sent to the accused, as the commander may determine. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (7) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(9) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the amount of punishment to be adjudged in the event of a finding of guilty.

(10) Whenever a punishment of forfeiture of pay is imposed as provided in this section, the forfeiture may apply to pay accruing before, on, or after the date that punishment is imposed.

(11) Regulations may prescribe the form of forfeiture of records to be kept of proceedings under this section and may prescribe that certain categories of those proceedings shall be in writing.

~~[(12) "Day," as used in this section, means:~~

~~(a) For the purpose of pay, one (1) day shall equal one (1) active duty military pay day; and~~

~~(b) For all other purposes, one (1) day shall equal one (1) calendar day.]~~

➔Section 3. KRS 35.125 is amended to read as follows:

(1) A military judge shall be detailed to each general and special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.

(2) A military judge shall be ***all of the following***:

(a) An active or retired commissioned officer of ***the Judge Advocate General's Corps***~~[an organized state military force]~~;

(b) A member in good standing of the bar of the highest court of a state or a member of the bar of a federal court for at least five (5) years; and

(c) ***A judge certified by the service component Judge Advocate General's Corps, the senior force judge advocate of the state, or a judge of a court of competent jurisdiction who is approved by the adjutant general, subject to the order of succession in subsection (5) of this section. For purposes of this section, "certified" means the judge advocate certification and assignment as a military judge upon completion of the Judge Advocate General's Legal Center and School's military judge training, as referenced in Army Regulation 27-10 or Structure Manning Decision Review 27-10, paragraphs 1 through 4(b)***~~[Either:~~

~~1. A certified military judge; or~~

~~2. Certified as qualified for duty as a military judge by the senior force judge advocate which is the same force as the accused]~~.

(3) In the instance when a military judge is not a member of the bar of the highest court of the state, the military judge shall be deemed admitted pro hac vice, subject to filing a certificate with the senior force judge advocate which is the same force as the accused setting forth the qualifications provided in subsection (2) of this section***, and with notice and approval of the state bar and the Chief Justice of the Kentucky Supreme Court***.

(4) The military judge of a general or special court-martial shall be designated by the senior force judge advocate which is the same force as the accused, or a designee, for detail by the convening authority. Neither the convening authority nor any staff member of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to performance ***of duty*** as a military judge.

(5) ***The senior force judge advocate shall designate the military judge who is currently assigned to the state military forces and certified as a military judge by his or her service component of the Judge Advocate General's Corps. If that military judge is unavailable, then the senior force judge advocate shall designate upon consideration of this order of succession:***

(a) A current member of the state military forces who has been certified as a military judge by his or her service component of the Judge Advocate General's Corps;

(b) A current member of the state military forces who is both a judge advocate and an actively serving judge of a court of competent jurisdiction;

(c) A retired judge advocate of the state military forces who is an actively serving judge of a court of competent jurisdiction;

(d) Any other military judge certified by his or her service component of the Judge Advocate General's Corps; or

(e) Any other military judge certified by the senior force judge advocate as set out in Structure Manning Decision Review 27-10.

(6) No person is eligible to act as military judge in a case if that person is the accuser, a witness, or has acted as investigating officer or a counsel in the same case.

(7)~~[(6)]~~ The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor vote with the members of the court.

(8) The designation of a military judge shall not be by political appointment. The designation of a military judge by the senior force judge advocate under subsection (5) of this section shall ensure uniformity and impartiality, and prevent any appearance of impropriety. The senior force judge advocate shall assign a military judge from a predetermined list of military judges.

(9) A military judge does not have to be in the same service as the accused. However, the court-martial shall be conducted using the implementing regulations and procedures of the military service of the accused to the extent that they apply and are not inconsistent with this code. When a service member is tried by a court-martial convened by a joint commander, the applicable implementing regulations and procedures of the service of which the accused is a member shall be used to the extent they apply and are not inconsistent with this code, the state manual for courts-martial, and their implementing regulations.

➔Section 4. KRS 35.215 is amended to read as follows:

(1) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under KRS 35.070 if the offense was committed more than three (3) years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under KRS 35.070. ***There shall be no statute of limitations for the crimes set forth in Sections 5 to 10 of this Act.***

(2) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this article.

(3) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(4) When the United States is at war, the running of any statute of limitations applicable to any offense under this code:

(a) Involving fraud or attempted fraud against the United States, any state, or any agency of either in any manner, whether by conspiracy or not;

(b) Committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States or any state; or

(c) Committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or government agency;

is suspended until two (2) years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

(5) "War," as used in subsection (4) of this section, means a period of war declared by Congress or the factual determination by the President that the existence of hostilities warrants a finding that a time of war exists.

(6) (a) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

1. Has expired; or

2. Will expire within one hundred eighty (180) days after the date of dismissal of the charges and specifications;

trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (b) of this subsection are met.

(b) The conditions referred to in paragraph (a) of this subsection are that the new charges and specifications must:

1. Be received by a commander within one hundred eighty (180) days after the dismissal of the charges or specifications; and

2. Allege the acts or omissions that were alleged in the dismissed charges or specifications.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 35 IS CREATED TO BE NUMBERED AS KRS 35.678 AND TO READ AS FOLLOWS:

As used in Sections 5 to 10 of this Act:

(1) "Act of prostitution" means a sexual act or sexual contact as defined in subsection (12) or (13) of this section, respectively, on account of which anything of value is given to, or received by, any person;

(2) "Bodily harm" means any offensive touching of another, however slight, including any nonconsensual sexual act or nonconsensual sexual contact;

(3) "Broadcast" means delivering to the actual or constructive possession of another, including transmission by electronic means;

(4) (a) "Consent" means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

(b) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely causing death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or fear or under the circumstances described in subsection (2)(a)3. and 4. of Section 7 of this Act.

(c) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions;

(5) "Course of conduct" means:

(a) A repeated maintenance of visual or physical proximity to a specific person; or

(b) A repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of these threats, directed at or towards a specific person;

(6) "Force" means:

(a) The use of a weapon;

(b) The use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

(c) Inflicting physical harm sufficient to coerce or compel submission by the victim;

(7) "Grievous bodily harm" means serious bodily injury. It includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose;

(8) "Immediate family," in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six (6) months preceding the commencement of the course of conduct regularly resided in the household of the person;

(9) "Indecent manner" means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations;

(10) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple;

(11) "Repeated," with respect to conduct, means two (2) or more occasions of that conduct;

(12) "Sexual act" means:

(a) Contact between the penis and the vulva or anus or mouth, and, for purposes of this paragraph, contact involving the penis occurs upon penetration, however slight; or

(b) The penetration, however slight, of the vulva or anus or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person;

(13) "Sexual contact" means:

(a) Touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

(b) Any touching, or causing another person to touch, either directly or through the clothing, any body parts of another person, if done with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body;

(14) "Threatening or placing that other person in fear" means a communication or action that is of sufficient consequences to cause a reasonable fear that noncompliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action;

(15) "Under circumstances in which that other person has a reasonable expectation of privacy" means:

(a) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of that person was being captured; or

(b) Circumstances in which a reasonable person would believe that a private area of that person would not be visible to the public; and

(16) "Unlawful force" means an act of force done without legal justification or excuse.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 35 IS CREATED TO BE NUMBERED AS KRS 35.680 AND TO READ AS FOLLOWS:

Any person subject to this code is guilty of sexual harassment and shall be punished as a court-martial may direct who:

(1) Influences, offers to influence, or threatens the career, reputation, pay, or job of another person in exchange for sexual favors;

(2) Makes deliberate or repeated unwanted offensive comments or gestures of a sexually explicit nature toward, or in the presence of, another person; or

(3) Displays or transmits to another person, without legal justification or lawful authorization, imagery of a sexually explicit nature.

➔Section 7. KRS 35.681 is amended to read as follows:

(1) Any person subject to this code is guilty of rape and shall be punished as a court-martial may direct who commits a sexual act upon another person by:

(a) Using unlawful force against another person;

(b) Using force causing or likely to cause death or grievous bodily harm to any person;

(c) Threatening or placing that other person in fear that any person will be subject to death, grievous bodily harm, or kidnapping;

(d) First rendering that other person unconscious; or

(e) Administering to that other person by force or threat ***of force***, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct.

(2) Any person subject to this code is guilty of sexual assault and shall be punished as a court-martial may direct who:

(a) Commits a sexual act upon another person by:

1. Threatening or placing that other person in fear;

2. Causing bodily harm to that other person;

3. Making a fraudulent representation that the sexual act serves a professional purpose; or

4. Inducing a belief by an artifice, pretense, or concealment that the person is another person;

(b) Commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or

(c) Commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to:

1. Impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

2. A mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person.

(3) Any person subject to this code who commits or causes sexual contact upon or by another person, if to do so would violate subsection (1) of this section had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

(4) Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (2) of this section had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

(5) In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

(6) An accused may raise any applicable defenses available under this code~~[or the Rules for Court-Martial]~~. Marriage is not a defense for the conduct in issue in any prosecution under this section.

~~[(7) In this section:~~

~~(a) "Sexual act" means:~~

~~1. Contact between the penis and the vulva or anus or mouth, and, for purposes of this subparagraph, contact involving the penis occurs upon penetration, however slight; or~~

~~2. The penetration, however slight, of the vulva or anus or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person;~~

~~(b) "Sexual contact" means:~~

~~1. Touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or~~

~~2. Any touching, or causing another person to touch, either directly or through the clothing, any body parts of another person, if done with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body;~~

~~(c) "Bodily harm" means any offensive touching of another, however slight, including any nonconsensual sexual act or nonconsensual sexual contact;~~

~~(d) "Grievous bodily harm" means serious bodily injury. It includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose;~~

~~(e) "Force" means:~~

~~1. The use of a weapon;~~

~~2. The use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or~~

~~3. Inflicting physical harm sufficient to coerce or compel submission by the victim;~~

~~(f) "Unlawful force" means an act of force done without legal justification or excuse;~~

~~(g) "Threatening or placing that other person in fear" means a communication or action that is of sufficient consequences to cause a reasonable fear that noncompliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action; and~~

~~(h) "Consent":~~

~~1. The term "consent" means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of~~

~~verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.~~

~~2. A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely causing death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or fear or under the circumstances described in subsection (2)(a)3. and 4. of this section.~~

~~3. Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.]~~

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 35 IS CREATED TO BE NUMBERED AS KRS 35.683 AND TO READ AS FOLLOWS:

Any person subject to this code is guilty of rape of a child and shall be punished as a court-martial may direct who:

(1) Commits a sexual act upon a child who has not attained the age of twelve (12) years; or

(2) Commits a sexual act upon a child who has attained the age of twelve (12) years by:

(a) Using force against any person;

(b) Threatening or placing that child in fear;

(c) Rendering that child unconscious; or

(d) Administering to that child a drug, intoxicant, or other similar substance.

➔Section 9. KRS 35.685 is amended to read as follows:

~~[(1)~~ Any person subject to this code is guilty of stalking and shall be punished as a court-martial may direct who:

(1)~~[(a)]~~ Wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;

(2)~~[(b)]~~ Has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

(3)~~[(c)]~~ ***By his or her acts,*** induces reasonable fear in the specific person or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family, through the person's actions.

~~[(2) In this section:~~

~~(a) "Course of conduct" means:~~

~~1. A repeated maintenance of visual or physical proximity to a specific person; or~~

~~2. A repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of these threats, directed at or towards a specific person;~~

~~(b) "Repeated," with respect to conduct, means two (2) or more occasions of that conduct; and~~

~~(c) "Immediate family," in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six (6) months preceding the commencement of the course of conduct regularly resided in the household of the person.]~~

➔Section 10. KRS 35.690 is amended to read as follows:

(1) Any person subject to this code is guilty ***of***~~[on]~~ an offense under this section and shall be punished as a court-martial may direct who, without legal justification or lawful authorization:

(a) Knowingly or wrongfully views the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy;

(b) Knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person's consent or under circumstances in which that other person has a reasonable expectation of privacy; or

(c) Knowingly broadcasts or distributes any recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (a) and (b) of this subsection.

(2) Any person subject to this code who compels another person to engage in the act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.

(3) Any person subject to this code who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

~~[(4) In this section:~~

~~(a) "Act of prostitution" means a sexual act or sexual contact as defined in KRS 35.681(7) on account of which anything of value is given to, or received by, any person;~~

~~(b) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple;~~

~~(c) "Under circumstances in which that other person has a reasonable expectation of privacy" means:~~

~~1. Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of that person was being captured; or~~

~~2. Circumstances in which a reasonable person would believe that a private area of that person would not be visible to the public;~~

~~(d) "Broadcast" means delivering to the actual or constructive possession of another, including transmission by electronic means; and~~

~~(e) "Indecent manner" means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.]~~

Signed by Governor April 9, 2016.

CHAPTER 76

(SB 40)

AN ACT relating to open juvenile proceedings.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly respectfully requests that the Supreme Court of Kentucky institute a pilot project to study the feasibility and desirability of the opening or limited opening of court proceedings, except for proceedings related to sexual abuse, to the public which are related to:

(a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and

(b) Termination of parental rights proceedings under KRS Chapter 625.

(2) (a) The pilot project may be established in a minimum of three (3) diverse judicial districts or judicial circuits or a division or divisions thereof chosen by the Chief Justice.

(b) A pilot project authorized by this subsection shall not be established in a judicial district or judicial circuit or a division thereof when objected to by the applicable judge or county attorney.

(3) The pilot project shall:

(a) Require participating courts to be presumptively open;

(b) Last for four (4) years, unless extended or limited by the General Assembly; and

(c) Be monitored and evaluated by the Administrative Office of the Courts to determine:

1. Whether there are adverse effects resulting from the opening of certain proceedings or release of records;

2. Whether the pilot project demonstrates a benefit to the litigants;

3. Whether the pilot project demonstrates a benefit to the public;

4. Whether the pilot project supports a determination that such proceedings should be presumptively open;

5. Whether the pilot project supports a determination that such proceedings should be closed;

6. How open proceedings under the pilot project impact the child;

7. The parameters and limits of the program;

8. Suggestions for the operation and improvement of the program;

9. Rules changes which may be needed if the program is to be made permanent and expanded to all courts; and

10. Recommendations for statutory changes which may be needed if the program is to be made permanent and expanded to all courts.

(4) The Administrative Office of the Courts:

(a) Shall provide an annual report to the Legislative Research Commission, the Interim Joint Committee on Health and Welfare, and the Interim Joint Committee on Judiciary by September 1 of each year the program is in operation with statistics, findings, and recommendations; and

(b) May make periodic progress reports and statistical reports and provide suggestions to the Interim Joint Committee on Health and Welfare and to the Interim Joint Committee on Judiciary when determined necessary by the Chief Justice.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO READ AS FOLLOWS:

(1) A court chosen for the pilot project authorized by Section 1 of this Act shall, subject to written authorization by the Chief Justice:

(a) Open all or some of its proceedings to the public relating to cases identified in subsection (1) of Section 1 of this Act, subject to subsection (2) of this section;

(b) Set parameters for members of the public related to attendance at open proceedings and the information obtained during the proceedings; and

(c) Establish a procedure to require each member of the public attending a proceeding not to disclose the name or personal identifying information regarding any person who is a party to the proceeding, or person testifying at the proceeding.

(2) (a) A court chosen for the pilot project authorized by Section 1 of this Act may close the hearing or any part thereof upon motion of a party or upon its own motion if the court determines that closure is in the best interest of the child, the public, or for other good cause shown. The party seeking closure shall have the burden of proof.

(b) In considering whether closure of a hearing is in the best interest of the child or the public, the court shall give priority to the best interest of the child. The court shall also consider all relevant circumstances of the case, including but not limited to:

1. The nature of the allegations;

2. The age and maturity level of the child;

3. The benefit to the child, family, and public of maintaining confidentiality;

4. The benefit to the public of an open hearing;

5. The effect of confidentiality on the fact-finding process;

6. The wishes of the parties, victims, and the parents of any children involved in the case; and

7. Whether reasonable alternatives to closure are available.

(c) The court shall make written findings of fact and conclusions of law to support an order of closure, and any order of closure shall be no broader than is necessary to protect the interests asserted by the party seeking closure.

(3) Unless otherwise authorized by law, a court chosen for the pilot project authorized by Section 1 of this Act shall not:

(a) Release any record discussed at any open proceeding authorized by Section 1 of this Act, prior to, at, or after the proceeding which is made confidential pursuant to law;

(b) Permit audio, visual, or other recording of the proceedings by any person who is attending the proceeding, a party to the proceeding, or testifying at the proceeding;

(c) Permit any audio, visual, or other recording of the proceedings for official court purposes to be made a public record, copied, or released to the public; or

(d) Permit any member of the public attending the proceeding, who is not a party to the proceeding, or who is not testifying at the proceeding, to disclose the name or personal identifying information of any person who is a party to a proceeding or testifying at a proceeding, outside of the courtroom.

(4) A person may take written notes during a hearing, as provided in Section 1 of this Act, and remove them from the courtroom following the hearing provided that no name or personal identifying information of any minor who is a party to the proceeding or testifying at the proceeding shall be taken from the courtroom. The provisions of this subsection are not intended to apply to, and shall not limit the use or publication of, any information obtained by means other than attendance at a proceeding authorized by this section.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Any statute, administrative procedure, or court rule limiting or prohibiting public attendance at court proceedings conducted under KRS Chapter 620 or 625 shall not apply in a court which is participating in a pilot project authorized by Section 1 of this Act to the extent that the Chief Justice, and the presiding judge for a case specified in Section 1 of this Act, have authorized public attendance at the proceeding.

(2) The provisions of this section shall not permit attendance by the public at any court handling a case under KRS Chapter 620 or 625 which is not participating in the pilot project authorized by Section 1 of this Act, except as otherwise authorized by law.

(3) Unless authorized by law, the provisions of this section shall not permit attendance by the public in any court participating in the pilot project authorized by Section 1 of this Act which is not authorized by the Supreme Court to admit the public for any case or class of cases.

(4) The provisions of this section shall not permit attendance by the public at any case before a court participating in the pilot project authorized by Section 1 of this Act when the judge presiding over the case determines that the case shall be closed.

Signed by Governor April 9, 2016.

CHAPTER 77

(SB 238)

AN ACT relating to child support orders.

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

➔Section 1. KRS 205.7685 is amended to read as follows:

(1) The cabinet shall request information from a certified consumer reporting agency only when a full credit report is needed for the purpose of establishing ***a parent's***~~[an individual's]~~ capacity to make child support payments***, determining the appropriate levels of child support payments, or enforcing a child support order, award, agreement, or judgment***~~[or to determine the obligation amount, and paternity has been established or acknowledged]~~.

(2) ~~[The cabinet shall provide at least ten (10) days' prior notice by certified mail to the obligor whose report shall be requested from a certified consumer reporting agency and inform the obligor of the methods available to contest the accuracy of the information in compliance with due process of law, and 15 U.S.C. sec. 1681(i).~~

~~(a)]~~The report will be kept confidential and be used solely for the purpose of establishing an individual's capacity to make child support payments or determining the appropriate level of the payments.~~[; and]~~

(3)~~[(b)]~~ The report will not be used in connection with any other civil, administrative, or criminal proceeding or for any other purpose.

~~[(3) Methods by which an obligor may contest the accuracy of the information shall be set forth by administrative regulations promulgated by the cabinet.]~~

➔Section 2. KRS 407.5101 is amended to read as follows:

As used in KRS 407.5101 to 407.5902:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent;

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country;

(3) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007;

(4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support;

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(a) Which has been declared under the law of the United States to be a foreign reciprocating country;

(b) Which has established a reciprocal arrangement for child support with this state as provided in KRS 407.5308;

(c) Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under KRS 407.5101 to 407.5902; or

(d) In which the Convention is in force with respect to the United States;

(6) "Foreign support order" means a support order of a foreign tribunal;

(7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention;

(8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six (6) consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six (6) months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six (6) month or other period;

(9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state;

(10) "Income-withholding order" means an order or other legal process directed to an obligor's employer as defined in KRS 205.710 or other debtor to withhold support from the income of the obligor;

(11) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country;

(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child;

(13) "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child;

(14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child;

(15) "Law" includes decisional and statutory law and rules and regulations having the force of law;

(16) "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(b) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support;

(c) An individual seeking a judgment determining parentage of the individual's child; or

(d) A person that is a creditor in a proceeding under Article 7 of this chapter;

(17) "Obligor" means an individual, or the estate of a decedent that:

(a) Owes or is alleged to owe a duty of support;

(b) Is alleged but has not been adjudicated to be a parent of a child;

(c) Is liable under a support order; or

(d) Is a debtor in a proceeding under Article 7 of this chapter;

(18) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country;

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(21) "Register" means to file ***in a tribunal of this state,*** a support order or judgment determining parentage of a child issued in another state or foreign country~~[with the Cabinet for Health and Family Services]~~;

(22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered;

(23) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country;

(24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country;

(25) "Spousal-support order" means a support order for a spouse or former spouse of the obligor;

(26) "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 under the jurisdiction of the United States. The term includes an Indian ***nation or*** tribe;

(27) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to:

(a) Seek enforcement of support orders or laws relating to the duty of support;

(b) Seek establishment or modification of child support;

(c) Request determination of parentage;

(d) Attempt to locate obligors or their assets; or

(e) Request determination of the controlling child support order;

(28) "Support order" means a judgment, decree, decision, directive, or order, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial

assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief; and

(29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

➔Section 3. KRS 407.5102 is amended to read as follows:

The Circuit Court, District Court,~~[and]~~ family courts***, and the Department for Income Support, Child Support Enforcement, within the Cabinet for Health and Family Services*** shall be the~~[state]~~ tribunals ***of this state.***~~[for judicial proceedings, and the Cabinet for Health and Family Services and]~~ The Department for Income Support, Child Support Enforcement, ***within the Cabinet for Health and Family Services*** shall be the ***support enforcement agency of this state***~~[state tribunals for administrative proceedings]~~.

➔Section 4. KRS 407.5103 is amended to read as follows:

(1) Remedies provided by KRS 407.5101 to 407.5902 are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(2) The provisions of KRS 407.5101 to 407.5902 do not:

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(b) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation ***in a proceeding governed under the Uniform Interstate Family Support Act as provided in KRS 407.5101 to 407.5902***.

➔Section 5. KRS 407.5203 is amended to read as follows:

Under KRS 407.5101 to 407.5902, a tribunal of this state may serve as an initiating tribunal to forward proceedings to ***a tribunal of*** another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

➔Section 6. KRS 407.5205 is amended to read as follows:

(1) A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

(a) At the time of the filing of a request for modification this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(b) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

(2) A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:

(a) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one (1) of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(b) Its order is not the controlling order.

(3) If a tribunal of another state has issued a child support order pursuant to ***the provisions of the Uniform Interstate Family Support Act as provided in*** KRS 407.5101 to 407.5902 or a law substantially similar to KRS 407.5101 to 407.5902 which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

➔Section 7. KRS 407.5206 is amended to read as follows:

(1) A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

(a) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to ***the Uniform Interstate Family Support Act as provided in*** KRS 407.5101 to 407.5902; or

(b) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

(2) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

➔Section 8. KRS 407.5207 is amended to read as follows:

(1) If a proceeding is brought under this chapter and only one (1) tribunal has issued a child support order, the order of that tribunal controls and shall be recognized.

(2) If a proceeding is brought under KRS 407.5101 to 407.5902 and two (2) or more child support orders have been issued by tribunals of this state or another state or foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and the individual obligee shall apply the following rules and by order shall determine which order controls and shall be recognized:

(a) If only one (1) of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902, the order of that tribunal controls.

(b) If more than one (1) of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902:

1. An order issued by a tribunal in the current home state of the child controls; or

2. If an order has not been issued in the current home state of the child, the order most recently issued controls.

(c) If none of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902, the tribunal of this state shall issue a child support order, which controls.

(3) If two (2) or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (2) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6 of this chapter, or may be filed as a separate proceeding.

(4) A request to determine which is the controlling order shall be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(5) The tribunal that issued the controlling order under subsection (1), (2), or (3) of this section has continuing jurisdiction to the extent provided in KRS 407.5205 and 407.5206.

(6) A tribunal of this state that determines by order which is the controlling order under subsection (2)(a)**,** ~~[or]~~(2)(b)**,** ***or (3)*** of this section or that issues a new controlling order under subsection (2)(c) of this section shall state in that order:

(a) The basis upon which the tribunal made its determination;

(b) The amount of prospective support, if any; and

(c) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in KRS 407.5209.

(7) Within thirty (30) days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(8) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under KRS 407.5101 to 407.5902.

➔Section 9. KRS 407.5307 is amended to read as follows:

(1) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(2) A support enforcement agency of this state that is providing services to the petitioner shall:

(a) Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent;

(b) Request an appropriate tribunal to set a date, time, and place for a hearing;

(c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) Within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(e) Within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of ***a communication*** ~~[notice]~~ in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(3) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts:

(a) To ensure that the order to be registered is the controlling order; or

(b) If two (2) or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(4) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(5) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to KRS 407.5319.

(6) KRS 407.5101 to 407.5902 does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

➔Section 10. KRS 407.5502 is amended to read as follows:

(1) Upon receipt of an income-withholding order, the ***obligor's*** ~~[obligator's]~~ employer shall immediately provide a copy of an order to the obligor.

(2) The employer shall treat an income-withholding order that has been issued in another state and that appears regular on its face as if it had been issued by a tribunal of this state.

(3) Except as otherwise provided in subsection (4) of this section and KRS 407.5503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order terms that specify:

(a) The duration and amount of periodic payments of current child support, stated as a sum certain;

(b) The person designated to receive payments and the address to which the payments are to be forwarded;

(c) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(4) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(a) The employer's fee for processing an income-withholding order;

(b) The maximum amount permitted to be withheld from the obligor's income; and

(c) The times within which the employer must implement the withholding order and forward the child support payment.

➔Section 11. KRS 407.5601 is amended to read as follows:

A support order or an income-withholding order issued~~[by a tribunal]~~ in another state or a foreign support order may be registered in this state for enforcement.

➔Section 12. KRS 407.5603 is amended to read as follows:

(1) A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(2) A registered support order issued in another state or foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(3) Except as otherwise provided in ***KRS 407.5101 to 407.5902***~~[Article 6]~~ of this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

➔Section 13. KRS 407.5605 is amended to read as follows:

(1) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(2) A notice shall inform the nonregistering party:

(a) That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(b) That a hearing to contest the validity or enforcement of the registered order shall be requested within twenty (20) days of the notice unless the registered order is under KRS 407.5707;

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(d) Of the amount of any alleged arrearages.

(3) If the registering party asserts that two (2) or more orders are in effect, a notice shall also:

(a) Identify the two (2) or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(b) Notify the nonregistering party of the right to a determination of which is the controlling order;

(c) State that the procedures provided in subsection (2) of this section apply to the determination of which is the controlling order; and

(d) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(4) Upon registration of an income-withholding order for enforcement, the support enforcement agency ***or***~~[of]~~ the registering tribunal shall notify the obligor's employer pursuant to KRS 403.215 or KRS 405.465.

➔Section 14. KRS 407.5610 is amended to read as follows:

A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of KRS 407.5611 ***or KRS 407.5613*** have been met.

➔Section 15. KRS 407.5612 is amended to read as follows:

If a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to ***the Uniform Interstate Family Support Act as provided in KRS 407.5101 to 407.5902***~~[a law substantially similar to KRS 407.5101 to 407.5902]~~, a tribunal of this state:

(1) May enforce its order that was modified only as to arrears and interest accruing before the modification;

(2) May provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

(3) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Signed by Governor April 9, 2016.

CHAPTER 78

(SB 206)

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 95 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "City" means any incorporated city, consolidated local government, unified local government, urban-county government, or charter county government, operating under the law of this Commonwealth, and the offices and agencies thereof; and

(b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and as "officer" in KRS 16.010.

(2) Subject to the limitations of subsection (7) of this section, a city may employ individuals as police officers under this section who have retired from the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System.

(3) To be eligible for employment under this section, an individual shall have:

(a) Participated in the Law Enforcement Foundation Program fund under KRS 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS Chapter 16;

(b) Retired with at least twenty (20) years of service credit;

(c) Been separated from service for the period required by Section 2 of this Act so that the member's retirement is not voided;

(d) Retired with no administrative charges pending; and

(e) Retired with no preexisting agreement between the individual and the city prior to the individual's retirement for the individual to return to work for the city.

(4) Individuals employed under this section 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 city;

(b) Receive compensation according to the standard procedures applicable to the employing city; and

(c) Be employed based upon need as determined by the employing city.

(5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287, 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

(a) Individuals employed under this section 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 this section shall not be eligible to receive health insurance coverage through the employing city;

(c) The city shall not pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems required by subsection(17), of Section 2 of this Act for individuals employed under this section; and

(d) The city 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 this section.

(6) Individuals employed under this section shall be subject to any merit system, civil service, or other legislative due process provisions applicable to the employing city. 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.

(7) A city government shall be limited in the number of retired police officers that it may hire under this section as follows:

(a) A city government that employed an average of five (5) or fewer police officers over the course of calendar year 2015 shall not be limited in the number of officers that they may hire under this section;

(b) A city government that employed an average of more than five (5) but fewer than one hundred (100) police officers over the course of calendar year 2015 shall not hire more than five (5) police officers or a number equal to twenty-five percent (25%) of the police officers employed by the city in calendar year 2015, whichever is greater; and

(c) A city government that employed an average of more than one hundred (100) police officers over the course of calendar year 2015 shall not hire more than twenty-five (25) police officers or a number equal to ten percent (10%) of the police officers employed by the city in calendar year 2015, whichever is greater.

➔Section 2. 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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293 ***and Section 1 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 KRS 70.291 to 70.293 ***and Section 1 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. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;

(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 an elected official is reelected to a new term of office in the same position and retires following the election but prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. 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 KRS 70.291 to 70.293 ***and Section 1 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 KRS 70.291 to 70.293 ***and Section 1 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 9, 2016.

CHAPTER 79

(SB 117)

AN ACT relating to pharmacy benefit management.

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

➔Section 1. KRS 304.9-020 is amended to read as follows:

As used in this subtitle:

(1) "Agent" means a person who sells, solicits, or negotiates insurance or annuity contracts;

(2) "Appointment" means a notification filed with the insurance department that an insurer has established an agency relationship with a producer;

(3) "Appointment renewal" means continuation of an insurer's existing appointment based on payment of the required fee without submission of an appointment form;

(4) "Apprentice adjuster" means an individual who meets the qualification requirements to hold a license as an independent, staff, or public adjuster, except for the experience, education, and training requirements;

(5) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, employer group, professional employer organization, or other legal entity;

(6) "Catastrophe" means an event that results in a declaration of emergency by the Governor pursuant to KRS 39A.100 and:

(a) A large number of deaths or injuries;

(b) Extensive damage or destruction of facilities that provide and sustain human needs;

(c) An overwhelming demand on state and local response resources and mechanisms;

(d) A severe long-term effect on general economic activity; or

(e) A severe effect on state, local, and private sector capabilities to begin and sustain response activities;

(7) "Crop insurance" means insurance providing protection against damage to crops from unfavorable weather conditions, fire or lightning, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils provided by the private insurance market or that is subsidized by the Federal Crop Insurance Corporation, including multi-peril crop insurance;

(8) "Home state" means the District of Columbia and any state or territory of the United States in which a licensee maintains his or her principal place of residence or principal place of business and is licensed by that state;

(9) "Independent adjuster" means a person who:

(a) Is an independent contractor, an employee of an independent contractor, or for tax purposes is treated as an independent contractor under Subtitle C of the Internal Revenue Code, 26 U.S.C. secs. 3101 et seq.;

(b) Is compensated by an insurer or self-insurer; and

(c) Investigates, negotiates, or settles property, casualty, or workers' compensation claims for insurers or self-insurers;

(10) "Insurance producer" means an individual or business entity required to be licensed under the laws of Kentucky to sell, solicit, or negotiate insurance or annuity contracts. "Insurance producer" includes agent, managing general agent, surplus lines broker, reinsurance intermediary broker and manager, rental vehicle agent and rental vehicle agent managing employee, and consultant;

(11) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the commissioner determines should be designated a form of limited line credit insurance;

(12) "Limited line credit insurance agent" means an individual or business entity who sells, solicits, or negotiates one (1) or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy;

(13) "Limited lines insurance" means the lines of insurance defined in subsections (7), (11), ***(22), (27), and (29)*** [~~(21), (26), and (28)~~] of this section and any other line of insurance that the commissioner identifies in accordance with KRS 304.9-230(1)(g) or recognizes for the purpose of complying with KRS 304.9-140(5);

(14) "Negotiate" means the act of conferring directly with, or offering advice directly to, a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers. "Negotiate" does not include negotiating a claims settlement;

(15) ***"Pharmacy benefit manager" means an entity that, on behalf of a health benefit plan, state agency, insurer, managed care organization providing services under KRS Chapter 205, or other third-party payor:***

(a) Contracts directly or indirectly with pharmacies to provide prescription drugs to individuals;

(b) Administers a prescription drug benefit;

(c) Processes or pays pharmacy claims;

(d) Creates or updates prescription drug formularies;

(e) Makes or assists in making prior authorization determinations on prescription drugs;

(f) Administers rebates on prescription drugs; or

(g) Establishes a pharmacy network;

(16) "Portable electronics" means electronic devices that are portable and the accessories and services related to the use of the device;

(17) [~~(16)~~] (a) "Portable electronics insurance" means insurance providing coverage for the repair or replacement of portable electronics for any one (1) or more of the following:

1. Loss;

2. Theft;

3. Inoperability due to mechanical failure;

4. Malfunction;

5. Damage; or

6. Other similar causes of loss.

(b) "Portable electronics insurance" does not mean:

1. A service contract governed by KRS 304.5-070;

2. A policy of insurance covering a seller's or manufacturer's obligations under a warranty; or

3. A homeowner's, renter's, private passenger automobile, commercial multi-peril, or similar policy;

(18) ~~[(17)]~~ "Portable electronics insurance supervising entity" means a business entity that is a licensed insurer or insurance agent that is appointed by an insurer to supervise the administration of a portable electronics insurance program;

(19) ~~[(18)]~~ "Portable electronics retailer" means a licensed business entity that offers and sells portable electronic devices and offers and disseminates portable electronics insurance on behalf and under the direction of a portable electronics insurance supervising entity;

(20) ~~[(19)]~~ "Public adjuster" means any person who, for compensation or anything of value:

(a) Acts on behalf of an insured or aids an insured, solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of the insured, in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;

(b) Advertises for employment as a public adjuster of insurance claims, solicits business or represents himself, herself, or itself to the public as a public adjuster of first-party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or

(c) Directly or indirectly solicits business, investigates or adjusts losses, advises an insured about first-party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person, or engages in the business of adjusting losses or damages covered by an insurance policy for the insured;

(21) ~~[(20)]~~ "Rental vehicle agent" means a business entity with a rental vehicle agent managing employee that is licensed to sell, solicit, or negotiate insurance offered, sold, or solicited in connection with, and incidental to, the rental of rental vehicles, whether at the rental office or by preselection of coverage in master, corporate, or group agreements that:

(a) Are nontransferable;

(b) Apply only to the rental vehicle that is the subject of the rental agreement; and

(c) Are limited to the following kinds of insurance:

1. Personal accident insurance for renters and other rental vehicle occupants for accidental death or dismemberment and for medical expenses resulting from an accident that occurs with the rental vehicle during the rental period;

2. Liability insurance that provides protection to the renters and other authorized drivers of a rental vehicle for liability arising from the operation or use of the rental vehicle during the rental period;

3. Personal effects insurance that provides coverage to renters and other vehicle occupants for loss of or damage to personal effects in the rental vehicle during the rental period;

4. Roadside assistance insurance;

5. Emergency sickness protection insurance; or

6. Any other coverage designated by the commissioner;

(22) ~~[(21)]~~ "Rental vehicle insurance" means insurance underwritten by an insurer authorized to transact business in Kentucky that is sold in connection with, and incidental to, a rental vehicle agreement;

(23) ~~[(22)]~~ "Rental vehicle agent managing employee" means an individual who:

(a) Is a salaried full-time employee of a licensed rental vehicle agent business entity that holds a license under KRS 304.9-505; and

(b) Is responsible for the supervision of the other employees engaged in the placement of insurance;

(24) ~~[(23)]~~ "Sell" means to exchange a contract of insurance by any means, for money or other valuable consideration, on behalf of an insurer;

(25) ~~[(24)]~~ "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular insurer;

(26) ~~[(25)]~~ "Staff adjuster" means an individual who is an employee of an insurer who investigates, negotiates, or settles property, casualty, or workers' compensation claims on behalf of his or her employer;

(27) ~~[(26)]~~ "Surety" means insurance or bond that covers obligation to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust. Surety also includes surety insurance as defined in KRS 304.5-060;

(28) ~~[(27)]~~ "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of an insurance producer's authority to transact insurance;

(29) ~~[(28)]~~ (a) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including but not limited to:

1. Interruption or cancellation of a trip or event;

2. Loss of baggage or personal effects;

3. Damages to accommodations or rental vehicles; and

4. Sickness, accident, disability, or death occurring during travel.

(b) "Travel insurance" does not include insurance coverage that provides comprehensive medical protection for travelers with trips lasting six (6) months or longer, including those working overseas as an expatriate or military personnel being deployed;

(30) ~~[(29)]~~ "Uniform business entity application" means the current version of the uniform business entity application for resident and nonresident business entities; and

(31) ~~[(30)]~~ "Uniform individual application" means the current version of the uniform individual application for resident and nonresident individuals.

➔SECTION 2. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) (a) In order to conduct business in this state, a pharmacy benefit manager shall first obtain a license from the commissioner. The license shall be in lieu of an administrator's license as required by KRS 304.9-052.

(b) A licensed pharmacy benefit manager performing utilization review, as defined in KRS 304.17A-600, shall be registered as a private review agent in accordance with KRS 304.17A-607.

(2) A pharmacy benefit manager seeking a license shall apply to the commissioner in writing on a form provided by the department. The application form shall state the name, address, official position, and professional qualifications of each individual responsible for the conduct of affairs of the pharmacy benefit manager, including all members of the board of directors, board of trustees, executive committee, other governing board or committee, the principal officers in the case of a corporation, the partners or members in the case of a partnership or association, and any other person who exercises control or influence over the affairs of the pharmacy benefit manager, and the name and address of the applicant's agent for service of process in this state.

(3) Each application for a license and subsequent renewal for a license shall be accompanied by a nonrefundable fee of one thousand dollars ($1,000) and evidence of financial responsibility in an amount of one million dollars ($1,000,000).

(4) Any person acting as a pharmacy benefit manager on the effective date of this Act and who is required to obtain a license under subsection (1) of this section, shall obtain a license from the commissioner not later than January 1, 2017, in order to continue to do business in this state. If the license fee required in subsection

(3) of this section is submitted after January 1, 2017, a penalty fee of five hundred dollars ($500) shall be paid.

(5) All licenses issued under this section shall be renewed annually in accordance with KRS 304.9-260. If the renewal fee required in subsection (3) of this section is paid after the renewal date, a penalty fee of five hundred dollars ($500) shall be paid.

➔SECTION 3. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Upon receipt of a completed application, evidence of financial responsibility, and fee, the commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with this section and Section 2 of this Act.

(2) The commissioner may require additional information or submissions from applicants and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The commissioner may suspend, revoke, or refuse to issue or renew any license in accordance with KRS 304.9-440.

(4) The commissioner may make determinations on the length of suspension for an applicant, not to exceed twenty-four (24) months. However, the licensee may have the alternative, subject to the approval of the commissioner, to pay in lieu of part or all of the days of any suspension period a sum of one thousand dollars ($1,000) per day not to exceed two hundred fifty thousand dollars ($250,000).

(5) If the commissioner's denial or revocation is sustained after a hearing in accordance with KRS Chapter 13B, an applicant may make a new application not earlier than one (1) full year after the date on which a denial or revocation was sustained.

(6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement and enforce the provisions of this section and Sections 2, 4, 6, and 7 of this Act. The administrative regulations shall specify the contents of the application form and any other form or report required.

(7) The department may impose a fee upon pharmacy benefit managers in addition to a license fee to cover the costs of implementation and enforcement of this section and Sections 2, 4, 6, and 7 of this Act, including fees to cover the cost of:

(a) Salaries and benefits paid to the personnel of the department engaged in the enforcement;

(b) Reasonable technology costs related to the enforcement process. Technology costs shall include the actual cost of software and hardware utilized in the enforcement process and the cost of training personnel in the proper use of the software or hardware; and

(c) Reasonable education and training costs incurred by the state to maintain the proficiency and competence of the enforcing personnel.

➔SECTION 4. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Pharmacy benefit managers shall be subject to this subtitle and to the provisions of Subtitles 1, 2, 3, 4, 12, 14, 17, 17A, 17C, 18, 25, 32, 38, 47, and 99 of KRS Chapter 304 to the extent applicable and not in conflict with the expressed provisions of this subtitle.

➔Section 5. KRS 304.17A-161 is amended to read as follows:

As used in this section and KRS 304.17A-162, ***304.17A-163, and 304.17A.165*** unless the context requires otherwise:

(1) "Contracted pharmacy" or "pharmacy" means a pharmacy located in Kentucky participating in the network of a pharmacy benefit manager through a direct contract or through a contract with a pharmacy services administration organization or group purchasing organization;

(2) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee;~~[and]~~

(3) ***"Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a generic drug and does not include a dispensing or professional fee; and***

(4) "Pharmacy benefit manager" means an entity that**,**~~[contracts with pharmacies]~~ on behalf of a health benefit plan, state agency, insurer, managed care organization ***providing services under KRS Chapter 205***, or other third-party payor***:***

(a) Contracts directly or indirectly with pharmacies to provide prescription drugs to individuals;

(b) Administers a prescription drug benefit;

(c) Processes or pays pharmacy claims;

(d) Creates or updates prescription drug formularies;

(e) Makes or assists in making prior authorization determinations on prescription drugs;

(f) Administers rebates on prescription drugs; or

(g) Establishes a pharmacy network~~[to provide pharmacy health benefit services or administration]~~.

➔Section 6. KRS 304.17A-162 is amended to read as follows:

(1) ***A pharmacy benefit manager shall***~~[All contracts between a pharmacy benefit manager and a contracted pharmacy shall include]~~:

(a) ***Identify to contracted pharmacies*** the sources used by the pharmacy benefit manager to calculate the drug product reimbursement paid for covered drugs available under the pharmacy health benefit plan administered by the pharmacy benefit manager; ***and***

(b) ***Establish*** a process ***for contracted pharmacies, pharmacy services administration organizations, or group purchasing organizations,*** to appeal~~[, investigate,]~~ and resolve disputes regarding the maximum allowable cost pricing. The process shall include the following provisions:

1. The right to appeal shall be limited to sixty (60) days following the initial claim;

2. The appeal shall be investigated and resolved ***by the pharmacy benefit manager*** within ten (10) ***calendar*** days;~~[and]~~

3. ***The pharmacy benefit manager shall respond to all appeals in a manner approved by the department;***

4. If the appeal is denied, the pharmacy benefit manager shall provide the reason for the denial and identify the national drug code of a drug product ***and source where it***~~[that]~~ may be purchased ***from a licensed wholesaler*** by contracted pharmacies at a price at or below the maximum allowable cost; and

5. If an appeal is granted, the provisions of subsection (2) of this section shall apply.

~~[(c) Within one (1) year from June 25, 2013, a process to provide for retroactive reimbursements.]~~

(2) ***If a price update is warranted as a result of an appeal granted under subsection (1) of this section, the pharmacy benefit manager shall:***

(a) Make the change in the maximum allowable cost to the initial date of service the appealed drug was dispensed;

(b) Adjust the maximum allowable cost of the drug for the appealing pharmacy and for all other contracted pharmacies in the network of that pharmacy benefit manager that filled a prescription for patients covered under the same health benefit plan to the initial date of service the appealed drug was dispensed;

(c) Individually notify all other contracted pharmacies in the network of that pharmacy benefit manager that a retroactive maximum allowable cost adjustment has been made as a result of a granted appeal effective to the initial date of service the appealed drug was dispensed;

(d) Adjust the drug product reimbursement for contracted pharmacies that resubmit claims to reflect the adjusted maximum allowable cost if applicable to their contract;

(e) Allow the appealing pharmacy and all other contracted pharmacies in the network that filled prescriptions for patients covered under the same health benefit plan to reverse and resubmit claims and receive payment based on the adjusted maximum allowable cost from the initial date of service the appealed drug was dispensed; and

(f) Make retroactive price adjustments in the next payment cycle.

(3) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ~~[:~~

~~(a)]~~***make available to all contracted pharmacies***~~[Include in the contract with the pharmacy]~~ information identifying the national drug pricing compendia or sources used to obtain the drug price data ***in a manner established by administrative regulations promulgated by the department.***~~[;~~

~~(b)]~~***(4) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall*** make available to ***all contracted pharmacies in a manner established by administrative regulations promulgated by the department***~~[a contracted pharmacy]~~ the ***comprehensive list of*** drugs subject to maximum allowable cost and the actual maximum allowable cost for each drug.~~[;~~

~~(c)]~~***(5) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall make available to the department, upon request, information that is needed to resolve an appeal. If the department is unable to obtain information from the pharmacy benefit manager that is necessary to resolve the appeal, the appeal shall be granted to the appealing pharmacy.***

(6) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall review and make necessary adjustments to the maximum allowable cost for every drug at least every ***seven (7) calendar***~~[fourteen (14)]~~ days ***and shall immediately utilize the updated maximum allowable cost in calculating the payments made to all contracted pharmacies.***~~[; and]~~

(7)~~[(d)]~~ ***For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall*** make available to ***all contracted pharmacies in a manner established by administrative regulations promulgated by the department***~~[a contracted pharmacy]~~ weekly updates to the list of drugs subject to maximum allowable cost and the actual maximum allowable cost for each drug.

(8) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that drugs subject to maximum allowable costs are:

(a) Generally available for purchase by pharmacists and pharmacies in Kentucky from a national or regional wholesaler licensed in Kentucky by the Kentucky Board of Pharmacy;

(b) Not obsolete, temporarily unavailable, or listed on a drug shortage list; and

(c) 1. Drugs that have an "A" or "B" rating in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book; or

2. Drugs rated "NR" or "NA" or have a similar rating by a nationally recognized reference.

(9) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that reimbursement for a drug subject to maximum allowable cost is based solely on that drug and drugs that are therapeutically equivalent if the therapeutically equivalent drugs are listed in the most recent version of the United States Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book.

(10) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that reimbursement for a "B" rated drug subject to maximum allowable cost is based solely on that drug and drugs that are not therapeutically equivalent to a "B" rating in the most recent version of the United States Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book.

(11) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that reimbursement for a "NR" or "NA" drug with a similar rating by a nationally recognized reference subject to maximum allowable cost is based solely on that drug and other drugs with a "NR" or "NA" rating or similar rating by a nationally

recognized reference that meets criteria for therapeutic equivalence used in the United States Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book.

(12) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that reimbursement for a drug subject to maximum allowable cost is based solely on that drug if there is no other therapeutically equivalent drug.

(13) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall ensure that reimbursement for a drug subject to maximum allowable cost is not based on a drug that is obsolete, temporarily unavailable, listed on a drug shortage list, or that cannot be lawfully substituted.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "pharmacy benefit manager" has the same meaning as in Section 1 of this Act.

(2) A pharmacy benefit manager contracted with a managed care organization that provides Medicaid benefits pursuant to this chapter shall comply with the provisions of this section and Sections 2, 3, 4, and 6 of this Act.

(3) Subsections (10), (11), (12), and (13) of Section 6 of this Act shall not apply to a pharmacy benefit manager contracted directly with the cabinet to provide Medicaid benefits.

Signed by Governor April 9, 2016.

CHAPTER 80

(SB 11)

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, ***powder, or crystal,*** 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) ***"Bed and breakfast" means a one (1) family dwelling unit that:***

(a) Has guest rooms or suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit;

(b) Holds a permit under KRS Chapter 219; and

(c) Has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy;

(6) "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;

(7)~~[(6)]~~ "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;

(8)~~[(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;

(9)~~[(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;

(10)~~[(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;

(11)~~[(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;

(12)~~[(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;

(13)~~[(12)]~~ "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;

(14)~~[(13)]~~ "City administrator" means city alcoholic beverage control administrator;

(15)~~[(14)]~~ "Commercial airport" means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually;

(16) "Commercial quadricycle" means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power exclusively and which:

(a) Has four (4) wheels;

(b) Is operated in a manner similar to that of a bicycle;

(c) Is equipped with a minimum of thirteen (13) seats for passengers;

(d) Has a unibody design;

(e) Is equipped with a minimum of four (4) hydraulically operated brakes;

(f) Is used for commercial tour purposes; and

(g) Is operated by the vehicle owner or an employee of the owner;

(17) ~~[(15)]~~ "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;

(18) ~~[(16)]~~ "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;

(19) ~~[(17)]~~ "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;

(20) ~~[(18)]~~ "County administrator" means county alcoholic beverage control administrator;

(21) ~~[(19)]~~ "Department" means the Department of Alcoholic Beverage Control;

(22) ~~[(20)]~~ "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;

(23) "Discount in the usual course of business" means price reductions, rebates, refunds, and discounts given by wholesalers to distilled spirits and wine retailers pursuant to an agreement made at the time of the sale of the merchandise involved and are considered a part of the sales transaction, constituting reductions in price pursuant to the terms of the sale, irrespective of whether the quantity discount was:

(a) Prorated and allowed on each delivery;

(b) Given in a lump sum after the entire quantity of merchandise purchased had been delivered; or

(c) Based on dollar volume or on the quantity of merchandise purchased;

(24) ~~[(21)]~~ "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;

(25) ~~[(22)]~~ "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;

(26) ~~[(23)]~~ "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;

(27) ~~[(24)]~~ "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;

(28) ~~[(25)]~~ "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales through a local option election held under KRS Chapter 242;

(29) ~~[(26)]~~ "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;

(30) ~~[(27)]~~ "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;

(31) ~~[(28)]~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;

(32) ~~[(29)]~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;

(33) ~~[(30)]~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;

(34) ~~[(31)]~~ "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;

(35) ~~[(32)]~~ "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 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 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;

(36) ~~[(33)]~~ "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;

(37) ~~[(34)]~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;

(38) ~~[(35)]~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;

(39) ~~[(36)]~~ "Minor" means any person who is not twenty-one (21) years of age or older;

(40) ~~[(37)]~~ "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 242.022, 242.123, 242.1238, 242.124, 242.1242, 242.1244, ~~[or]~~ 242.1292***, or Section 26 of this Act***;

(41) ~~[(38)]~~ "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;

(42) ~~[(39)]~~ "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;

(43) ~~[(40)]~~ "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;

(44) ~~[(41)]~~ "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;

(45) ~~[(42)]~~ "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;

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

(47) ~~[(44)]~~ "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;

(48) ~~[(45)]~~ "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;

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

(50) ~~[(47)]~~ "Retail sale" means any sale where delivery is made in Kentucky to any consumers;

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

(52) ~~[(49)]~~ "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;

(53) ~~[(50)]~~ "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;

(54) ~~[(51)]~~ "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;

(55) ~~[(52)]~~ "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;

(56) ~~[(53)]~~ "Small farm winery" means a winery producing wines, in an amount not to exceed ***one hundred*** ~~[fifty]~~ thousand ***(100,000)*** ~~[(50,000)]~~ gallons in a calendar year;

(57) ~~[(54)]~~ "Souvenir package" means a special package of ***distilled spirits available from a licensed retailer that is:*** ~~[Kentucky straight bourbon whiskey]~~

(a) Available for retail sale at a licensed Kentucky distillery where the ***distilled spirits were*** ~~[whiskey was]~~ produced or bottled***; or***

(b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another of that distiller's licensed distilleries in Kentucky ~~[that is available from a licensed retailer]~~;

(58) ~~[(55)]~~ "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;

(59) ~~[(56)]~~ "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;

(60) ~~[(57)]~~ "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;

(61) ~~[(58)]~~ "Territory" means a county, city, district, or precinct;

(62) ~~[(59)]~~ "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;

(63) ~~[(60)]~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;

(64) ~~[(61)]~~ "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;

(65) ~~[(62)]~~ "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)?";

(66) ~~[(63)]~~ "Wholesale sale" means a sale to any person for the purpose of resale;

(67) ~~[(64)]~~ "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;

(68) ~~[(65)]~~ "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; and

(69) ~~[(66)]~~ "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 243 IS CREATED TO READ AS FOLLOWS:

(1) An "authorized public consumption" license or "APC" license may be issued in wet territory to an applicant operating as, or in a commercial quadricycle business.

(2) The following qualifications are required before an APC license may be issued to a commercial quadricycle business for the operation of quadricycles on a public highway:

(a) The applicant shall have a business office;

(b) The applicant shall maintain general liability insurance of at least two million dollars ($2,000,000). No license shall be issued or renewed without written documentation of this insurance;

(c) The applicant shall possess a permit issued by the local government that has jurisdiction to grant rights to the applicant to operate its business on public roadways and highways within a specific designated operational area as its premises; and

(d) If the local government that has jurisdiction for the premises as described in paragraph (c) of this subsection chooses to issue permits under this section, that local government shall adopt an ordinance for operation of a commercial quadricycle business that contains:

1. Hours of operation;

2. Local licensing requirements;

3. Any additional insurance requirements;

4. Standards for the approval of authorized travel routes;

5. Safety and equipment standards;

6. Local inspection requirements;

7. Standards for vehicle operation; and

8. Standards for loading and unloading passengers.

(3) A holder of an APC license that operates as a commercial quadricycle business:

(a) May permit patrons to bring unopened packages of alcoholic beverages onto the licensed premises and open and drink them in nondescriptive plastic cups after boarding, and while riding, the quadricycle;

(b) Shall not permit patrons to bring or possess any glass containers of alcoholic beverages on the quadricycle;

(c) Shall not permit patrons to bring opened packages or drinks of alcoholic beverages from retail premises on the quadricycle;

(d) Shall only permit patrons to drink and consume alcoholic beverages in nondescriptive plastic cups while riding the quadricycle; and

(e) Shall not sell, permit, offer for sale, or provide or offer any samples of alcoholic beverages.

(4) An employee driver of a commercial quadricycle business holding an APC license shall:

(a) Be certified by the department's server training in alcohol regulations (STAR) education program;

(b) Not consume or be under the influence of alcoholic beverages or controlled substances while driving and operating a quadricycle; and

(c) Not be convicted of any criminal offense or violation related to alcoholic beverages or controlled substances for a minimum period of two (2) years prior to employment.

(5) Any local licensing fee imposed under Section 9 or 10 of this Act for an APC license shall not exceed the amount imposed under Section 4 of this Act for an APC license.

(6) This section does not exempt the holder of an APC license from KRS Chapters 241 to 244 or any administrative regulation promulgated by the board, except as expressly stated in this section.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law, any city or county that conducted an election under KRS 242.1244(2) prior to January 1, 2016, for by the drink sales of alcoholic beverages in restaurants and dining facilities seating one hundred (100) persons or more may elect to act under this section.

(2) Upon a determination by the legislative body of a city or county that:

(a) An economic hardship exists within the city or county; and

(b) Expanded sales of alcoholic beverages by the drink could aid in economic growth;

the city or county may, after conducting a public hearing that is noticed to the public in accordance with the KRS Chapter 424, adopt an ordinance authorizing by the drink sales of alcoholic beverages in restaurants and dining facilities containing seating for at least fifty (50) persons and meeting the requirements of subsection (3) of this section.

(3) The ordinance enacted by a city or county pursuant to subsection (2) of this section shall authorize the sale of alcoholic beverages under the following limitations:

(a) Sales shall only be conducted in restaurants and other dining facilities meeting the requirements of subsection (35)(b) of Section 1 of this Act; and

(b) The provisions of Section 7 of this Act shall apply to any restaurant or dining facility operating under a license issued pursuant to this section.

(4) A city or county acting under this section may allow limited restaurant sales as defined in subsection (35) of Section 1 of this Act.

(5) The enactment of an ordinance under this section shall not:

(a) Modify the city's or county's ability to issue a limited restaurant license to restaurants or other dining facilities meeting the requirements of subsection (35)(a) of Section 1 of this Act; or

(b) Affect, alter, or otherwise impair any license previously issued to a restaurant or dining facility meeting the requirements of subsection (35)(a) of Section 1 of this Act.

➔Section 4. 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***:***

(a) Class A, per annum $2,580.00

(b) Class B (craft rectifier), per annum $825.00

(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 ***alcoholic beverage*** ~~[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) ***Authorized public consumption license, per annum $250.00***

(34) A nonrefundable fee of sixty dollars ($60) shall be charged to process each new transitional license pursuant to KRS 243.045.

(35) ~~[(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.

(36) ~~[(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 5. KRS 243.0305 is amended to read as follows:

(1) Any licensed Kentucky distiller that is located in wet territory ***or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under Section 26 of this Act*** and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license.

(2) A wholesaler registered to distribute the brands of any distiller may permit the distiller to deliver a souvenir package directly from the distillery proper to ***any***~~[the]~~ portion of the distillery premises~~[operated by the licensee for the sale of souvenir packages]~~. However, all direct shipments shall be invoiced from the distiller to the wholesaler and from the wholesaler to the distiller, and all products directly shipped shall be included in the wholesaler's inventory and depletions for purposes of tax collections imposed pursuant to KRS 243.710 to 243.895 and 243.990.

(3) A distiller may sell souvenir packages at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of ***four and one-half (4 1/2)***~~[three (3)]~~ liters per visitor per day~~[, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event. These sales shall be permitted only through the gift shop or other retail outlet on the distiller's premises]~~.

(4) Hours of sale for souvenir packages at retail shall be ***in conformity with KRS 244.290(3)***~~[9 a.m. until 9 p.m. prevailing time Monday through Saturday. The licensed premises may remain open if it has a separate department pursuant to KRS 244.290(1)]~~.

(5) Except as provided in this section, souvenir package sales shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.

(6) No wholesaler may restrict the sale of souvenir packages to the distiller of origin exclusively, but shall make souvenir packages available to any Kentucky retail licensee licensed for the sale of distilled spirits by the package.

(7) Notwithstanding any provision of Section 21 of this Act to the contrary, a distillery holding a sampling license may allow visitors to sample distilled spirits under the following conditions:

(a) Sampling shall be permitted only on the licensed premises during regular business hours;

(b) A distillery shall not charge for the samples; and

(c) A distillery shall not provide more than one and three-fourths (1.75) ounces of samples per visitor per day.

(8) In accordance with this section, a distillery located in wet territory or in any territory that has authorized the limited sale of alcoholic beverages under an election held pursuant to Section 26 of this Act may:

(a) Hold an NQ3 retail drink license for the sale of alcoholic beverages on the distillery premises. Notwithstanding KRS 243.110, a licensed distiller may also hold any of the retail licenses available to it under this section;

(b) Sell alcoholic beverages produced or bottled on the premises of its Kentucky licensed distillery for on-premises purposes without having to transfer physical possession of those alcoholic beverages to a licensed wholesaler if:

1. All direct shipments are invoiced from the distiller to its wholesaler and from the wholesaler to the distiller; and

2. All products directly shipped are included in the wholesaler's inventory and depletions for purposes of tax collections imposed pursuant to KRS 243.710 to 243.895 and 243.990; and

(c) Employ persons to engage in the sale or service of alcohol under an NQ3 license, if each employee completes the department's Server Training in Alcohol Regulations program within thirty (30) days of the beginning of his or her employment.

(9) Except as expressly stated in this section, this section does not exempt the holder of a distiller's license from:

(a) The provisions of KRS Chapters 241 to 244;

(b) The administrative regulations of the board; and

(c) Regulation by the board at all the distiller's licensed premises.

(10) Nothing in this section shall be construed to vitiate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages.

➔Section 6. 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 under KRS 242.1244 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, 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 and counties established as wet 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 ***alcoholic beverage***~~[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 7. KRS 243.034 is amended to read as follows:

(1) A limited restaurant license may be issued to an establishment meeting the ***definition*** criteria established in ***subsection (35) of Section 1 of this Act***~~[KRS 241.010(32)]~~ 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 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 (35)(b) of Section 1 of this Act***~~[KRS 241.010(32)(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 8. KRS 243.036 is amended to read as follows:

(1) A special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license may be issued to a charitable organization~~[, upon the payment of the fee set forth in KRS 243.030 and upon satisfaction of the requirements prescribed by administrative regulation promulgated by the department]~~.

(2) A special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license shall authorize the charitable organization to:

(a) Purchase, transport, receive, possess, store, sell, and deliver ***alcoholic beverages***~~[distilled spirits and wine]~~ to be sold at ***charity events by*** auction ***or by raffle***~~[in the manner prescribed by administrative regulation promulgated by the department]~~;

(b) ***Purchase, transport, receive, possess, store, sell, and deliver limited specially labeled bottles of distilled spirits, wine, and malt beverages to be sold at charity events in the manner prescribed by administrative regulations promulgated by the board;***

(c) Obtain ***alcoholic beverages***~~[distilled spirits and wine]~~ from distillers, rectifiers, wineries, ***small farm wineries, brewers, microbreweries,*** wholesalers, distributors, retailers, or any other person, by gift or donation, for the purpose of charity auctions ***or raffles***~~[in the manner prescribed by administrative regulation promulgated by the department]~~; and

(d)~~[(c)]~~ Receive payment for ***alcoholic beverages***~~[distilled spirits and wine]~~ sold at auctions ***or by raffles***~~[in the manner prescribed by administrative regulation promulgated by the department]~~.

(3) Each ***alcoholic beverage***~~[distilled spirits and wine]~~ auction ***or raffle*** conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the days and only during the hours that the sale of alcoholic beverages is otherwise authorized in the county or municipality.

(4) The location at which the ***alcoholic beverages***~~[distilled spirits and wine]~~ are auctioned ***or raffled*** under this section shall not constitute a public place for the purpose of KRS Chapter 222. ***Alcoholic beverage***~~[Distilled spirits and wine]~~ auctions ***or raffles*** may be conducted on licensed or unlicensed premises. The charitable organization possessing a special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license shall post a copy of the license at the location of the auction ***or raffle***. During this period not more than one (1) auction shall be held.

(5) A special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license shall not be issued for any period longer than thirty (30) days. During this period not more than one (1) auction shall be held.

(6) Notwithstanding any other provision of KRS Chapters 241 to 244, a distiller, rectifier, winery, ***small farm winery, brewer, microbrewery,*** wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a charitable organization possessing a special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license under this section.

(7) All restrictions and prohibitions applying to ***an alcoholic beverage***~~[a distilled spirits and wine]~~ retail package and ***alcoholic beverage***~~[distilled spirits and wine]~~ by the drink license, not inconsistent with this section, shall apply to a special temporary ***alcoholic beverage***~~[distilled spirits and wine]~~ auction license.

➔Section 9. KRS 243.060 is amended to read as follows:

(1) The fiscal court of each county or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of trafficking in alcoholic beverages. These licenses may be issued by the county or consolidated local government administrator. The license fees are subject to the provisions of subsections (2) to (6) of this section, and shall not exceed the following:

(a) Quota retail package license, per annum:

1. In counties containing a consolidated local government.....$1,200.00
2. In all other counties.....$1,000.00

(b) Quota retail drink license, per annum:

1. In counties containing a consolidated local government.....$1,600.00
2. In all other counties.....$1,000.00

(c) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:

1. In counties containing a consolidated local government.....$1,800.00
2. In all other counties.... .....$1,000.00

(d) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....$300.00

(e) Special temporary license, per event:

1. In counties containing a consolidated local government.....$266.66
2. In all other counties.....$166.66

(f) Special Sunday retail drink license, per annum $300.00

(g) Nonquota retail malt beverage package license, per annum $400.00

(h) Nonquota type 4 retail malt beverage drink license, per annum.....$400.00

(i) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:

1. In counties containing a consolidated local government.....$2,000.00

2. In all other counties..... .....$1,400.00

(j) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:

1. In counties containing a consolidated local government.....$2,000.00

2. In all other counties.....$1,400.00

(k) Authorized public consumption license, per annum.....$250.00

(2) The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013, fee for the current license or the former license type listed beside it, during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsection (1) of this section:

(a) Quota retail package license: retail package liquor license;

(b) Quota retail drink license: retail drink license;

(c) Nonquota type 2 retail drink license: restaurant drink license;

(d) Nonquota retail malt beverage package license: retail malt beverage license;

(e) Nonquota type 4 retail malt beverage drink license: retail malt beverage license;

(f) Limited restaurant license; and

(g) Limited golf course license.

(3) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary 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.

(4) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars ($50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars ($50).

(5) Any amount paid to any city within the county as a license fee for the same privilege for the same year may be credited against the county license fee.

(6) If any part of this section is held invalid, all of this section and of KRS 243.600 shall also be considered invalid.

➔Section 10. KRS 243.070 is amended to read as follows:

(1) The legislative body of any city or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only those licenses set out in this section shall be issued. The license fees are subject to the provisions of subsections~~[(16),]~~ (17),~~[and]~~ (18)***, and (19)*** of this section, and shall not exceed the amounts specified in subsections (2) to ***(16)***~~[(15)]~~ of this section.

(2) Distilled spirit licenses as set forth in KRS 243.030:

(a) Distiller's license, per annum $500.00

(b) Rectifier's license***:***

1. Class A, per annum $3,000.00

2. Class B (craft rectifier), per annum.....$960.00

(c) Wholesaler's distilled spirits and wine license, per annum $3,000.00

(d) Quota retail package license, per annum:

1. In counties containing a consolidated local government $1,200.00

2. In all other counties $1,000.00

(3) Quota retail drink license, per annum:

(a) In counties containing a consolidated local government $1,600.00

(b) In all other counties.....$1,000.00

(4) Special temporary license, per event:

(a) In counties containing a consolidated local government $266.66

(b) In all other counties.....$166.66

(5) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum $2,000.00

(6) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:

(a) In counties containing a consolidated local government $1,800.00

(b) In all other counties $1,000.00

(7) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum $300.00

(8) ~~[Distilled spirits and wine]~~Special temporary ***alcoholic beverage*** auction license, per event $200.00

(9) Special Sunday retail drink license, per annum $300.00

(10) Extended hours supplemental license, per annum $2,000.00

(11) Caterer's license, per annum $800.00

(12) Bottling house or bottling house storage license, per annum $1,000.00

(13) Malt beverage licenses as follows:

(a) Brewer's license, per annum $500.00

(b) Microbrewery license, per annum $500.00

(c) Malt beverage distributor's license, per annum $400.00

(d) Nonquota retail malt beverage package license, per annum $200.00

(e) Nonquota type 4 retail malt beverage drink license, per annum.....$200.00

(f) Malt beverage brew-on-premises license, per annum $100.00

(14) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:

(a) In counties containing a consolidated local government $1,800.00

(b) In all other counties.....$1,200.00

(15) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:

(a) In counties containing a consolidated local government $1,800.00

(b) In all other counties $1,200.00

(16) ***Authorized public consumption license, per annum..... .....$250.00***

(17) The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013, fee for the current license or the former license type listed beside it, during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsections (2) to ***(16)***~~[(15)]~~ of this section:

(a) Quota retail package license: retail package liquor license;

(b) Quota retail drink license: retail drink license;

(c) Nonquota type 1 retail drink license: convention center or convention hotel complex license;

(d) Nonquota type 2 retail drink license: restaurant drink license;

(e) Nonquota retail malt beverage package license: retail malt beverage license;

(f) Nonquota type 4 retail malt beverage drink license: retail malt beverage license;

(g) Limited restaurant license; and

(h) Limited golf course license.

(18)~~[(17)]~~ The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary 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.

(19)~~[(18)]~~ The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars ($50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars ($50).

➔Section 11. KRS 243.086 is amended to read as follows:

(1) A "Nonquota type 3" or "NQ3" retail drink license may be issued to:

(a) A private club in existence for longer than one (1) year prior to the license application;~~[or]~~

(b) A dining car***;***

(c) A bed and breakfast; or

(d) A distiller.

(2) An NQ3 retail drink license issued to a private club shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, at the designated premises if the general public is excluded.

(3) An NQ3 retail drink license issued to a dining car shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee and shall also authorize the licensee to sell distilled spirits and wine by the package, only on the designated dining car identified in the NQ3 license.

(4) An NQ3 retail drink license issued to a bed and breakfast shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, but the licensee may only sell alcoholic beverages by the drink to paid overnight guests of the licensee.

(5) An NQ3 retail drink license issued to a distiller shall authorize the licensee to exercise the privileges of an NQ2 retail drink license at the designated premises.

➔Section 12. KRS 243.090 is amended to read as follows:

(1) All licenses issued by the department, except special event licenses, temporary licenses, or licenses listed in subsection ***(5)***~~[(4)]~~ of this section, shall be valid for a period of no more than a year. The department shall promulgate administrative regulations establishing the year-round system for renewal of licenses. The system shall be designed to distribute the workload as uniformly as possible within the offices of the local administrators and the Department of Alcoholic Beverage Control.

(2) ***(a) Except for licenses listed in paragraph (b) of this subsection, all licenses issued after January 1, 2017, by a county or city administrator shall be valid for a period of no more than a year and shall be renewable upon the date established by the department for the expiration of state licenses issued for premises located in that county or city. During the first year following the effective date of this Act, if the new date for renewal for the licensee does not occur on the date established by the department for the expiration of the licensee's state license, the city or county administrator shall either:***

1. Prorate the cost of the renewed license by proportionally reducing the cost of the renewed license if the new date for the renewal occurs prior to the expiration of a previous license; or

2. Provide a prorated provisional local license to cover any period of time between the expiration of the previous license and the new date for renewal if the new date for renewal occurs after the expiration of the licensee's previous license.

(b) Paragraph (a) of this subsection shall not apply to licenses issued by a consolidated local government, special event licenses, temporary licenses, or licenses listed in subsection (5) of this section.

(3) When any person applies for a new license authorized under KRS Chapters 241 to 244, he or she shall be charged, if the license is issued, the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(4)~~[(3)]~~ The renewal by the department of~~[the certificate or permit of]~~ any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

(5)~~[(4)]~~ All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a one (1) year term or a two (2) year term.

➔Section 13. 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).

(3) (a) Rectifiers that rectify more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class A.

(b) Rectifiers that rectify fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class B (craft rectifier).

(4) (a) A distiller that is located in wet territory, or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under Section 26 of this Act, may sell distilled spirits by the drink at retail to consumers in accordance with Section 5 of this Act.

(b) Any distilled spirits sold under this subsection shall be taxed and distributed in the same manner as souvenir package sales under subsection (2) of Section 5 of this Act.

(c) Except as provided in this subsection, sales under this subsection shall be governed by all of the statutes and administrative regulations governing the retail sale of distilled spirits by the drink.

➔Section 14. KRS 243.150 is amended to read as follows:

(1) A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for ***itself***~~[himself]~~ only any malt beverage which ***the licensee***~~[he]~~ is authorized by ***its***~~[his]~~ license to manufacture or sell, but ***the licensee***~~[he]~~ shall transport any malt beverages in accordance with the requirements provided by KRS 243.120 for distillers.

(2) A brewer may sell any malt beverage produced under ***its***~~[his]~~ license to:

(a) A licensed wholesaler from the licensed premises;

(b) Any of its employees for home consumption;~~[and]~~

(c) Charitable or fraternal organizations holding group meetings, picnics, or outings***; and***

(d) A customer, strictly limited to the following types of sales on the premises of a brewery located in wet territory:

1. By the drink sales for consumption on the premises only, to be:

a. Conducted in a tap room or similar space that is physically attached to the brewery; and

b. Limited to no more than two hundred eighty-eight (288) ounces per customer per day; and

2. Sales using a refillable, resealable vessel no larger than two (2) liters with a flip-top or screw-on lid into which a malt beverage is prefilled, filled, or refilled for off-premises consumption only.

(3) A brewer may serve on the premises of its brewery complimentary samples of malt beverages produced at the brewery in an amount not to exceed sixteen (16) ounces per patron per day, if the brewery is located in wet territory.

➔Section 15. 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 ***that small farm winery and other licensed***~~[another]~~ small farm ***wineries***~~[winery]~~;

(c) ***Enter into an agreement with another licensed small farm winery under which it crushes, processes, ferments, bottles, or any combination of such services, the grapes, fruits, or other agricultural products of the other small farm winery for one (1) production year. The resulting wine shall be considered the wine of the small farm winery that provides the fruit. The small farm winery providing the custom crushing services may exclude the wine produced under this paragraph from its annual production gallonage;***

(d) Serve on the premises or at small farm winery ***off-premises***~~[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-premises***~~[off-premise]~~ retail site is located in wet territory;

(e)~~[(d)]~~ Sell by the drink or by the package on premises, at small farm winery ***off-premises***~~[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;

(f)~~[(e)]~~ Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;

(g)~~[(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

(h)~~[(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 KRS 244.290(5) 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) 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) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.

(8) 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 16. KRS 243.157 is amended to read as follows:

(1) A microbrewery license shall authorize the licensee to perform the following functions:

(a) Engage in the business of a brewer under the terms and conditions of KRS 243.150, provided that production of malt beverages at such microbrewery shall not exceed ***fifty***~~[twenty-five]~~ thousand ***(50,000)***~~[(25,000)]~~ barrels in one (1) year;

(b) Serve on the premises complimentary samples of malt beverages produced by such microbrewery in amounts not to exceed sixteen (16) ounces per patron, provided the microbrewery is located in wet territory;

(c) Sell malt beverages produced on the premises of the microbrewery to licensed distributors;~~[and]~~

(d) Sell malt beverages produced on the premises of the microbrewery for on- and off-premises purposes in accordance with subsection (3)(b) and (c) of this section***; and***

(e) Sell malt beverages produced on the premises of the microbrewery to consumers at fairs, festivals, and other similar types of events located in wet territory, in accordance with subsection (3)(b)2. and 3. and subsection (3)(c)2. and 3. of this section. The cumulative amount of malt beverages purchased by a consumer by the drink and by the package from a microbrewery under this paragraph shall not exceed two hundred eighty-eight (288) ounces per day.

(2) A microbrewery license shall not be deemed to be incompatible with any other license except for a distributor's license under the provisions of KRS 243.180.

(3) In accordance with the provisions of this section, a microbrewery license holder may:

(a) Hold retail drink and package licenses both on and off the premises of the microbrewery. The holder of a microbrewery license is exempt from the provisions of KRS 244.570 and 244.590 as applied to any retail licenses held by the microbrewery license holder, and from any other sections which would restrict the co-ownership of the microbrewery license and any retail licenses described in this section;

(b) Sell malt beverages produced on the premises of the microbrewery for on-premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided:

1. The microbrewery possesses a retail drink license for those premises;

2. The microbrewery has a written contract with a licensed distributor authorizing the distributor to purchase and distribute the microbrewery's malt beverages to any other retailer; and

3. The microbrewery provides to the distributor a monthly report of the quantity of malt beverages produced at the microbrewery and sold at retail at the microbrewery under the provisions of its retail drink license. The report required under this subparagraph shall:

a. Be provided to the distributor on or before the tenth day of the month next succeeding the month in which the malt beverages were produced and sold at the microbrewery; and

b. Be provided on a form promulgated by the board by administrative regulation. The information provided on the form shall be reported to the Department of Revenue at the time and in the manner required by that department in accordance with its powers under KRS 131.130(3) and any administrative regulation promulgated thereunder.

Nothing in this subparagraph shall require a distributor to verify the accuracy of the information provided by the microbrewery in its report; and

(c) Sell malt beverages produced on the premises of the microbrewery for off-premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided that:

1. The microbrewery possesses a retail package license for those premises;

2. The microbrewery has a written contract with a licensed distributor authorizing the distributor to purchase and distribute the microbrewery's malt beverages to any other retailer; and

3. The microbrewery provides to the distributor a monthly report of the quantity of malt beverages produced at the microbrewery under the provisions of its retail package license. The report required under this subparagraph shall:

   a. Be provided to the distributor on or before the tenth day of the month next succeeding the month in which the malt beverages were produced and sold at the microbrewery; and

   b. Be provided on a form promulgated by the board by administrative regulation. The information provided on the form shall be reported to the Department of Revenue at the time and in the manner required by that department in accordance with its powers under KRS 131.130(3) and any administrative regulation promulgated thereunder.

   Nothing in this subparagraph shall require a distributor to verify the accuracy of the information provided by the microbrewery in its report; and

4. The amount of malt beverages purchased by a customer during a visit to the microbrewery's premises does not exceed two hundred eighty-eight (288) ounces per customer per day.

(4) The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are ~~[:~~

~~(a)]~~produced by the microbrewery at its licensed premises~~[;]~~ and***:***

(a) ~~[(b)]~~ Offered for sale by the microbrewery at that same premises under the microbrewery's retail drink or package license***; or***

(b) Offered for sale by the microbrewery at a fair, festival, or other similar type of event as authorized under subsection (1)(e) of this section.

All other malt beverages produced by the microbrewery which are offered for retail sale shall be sold and physically transferred to a licensed distributor in compliance with all other relevant provisions of KRS Chapters 241, 242, 243, and 244, and a licensed microbrewery shall not otherwise affect sales of malt beverages directly to retail customers except as provided in subsection (3)(b) and (c) of this section.

(5) (a) A microbrewery selling malt beverages in accordance with subsection (3)(b) and (c) of this section shall collect and provide the licensed distributor all taxes due under KRS 243.884. The tax shall be computed at the rate of eleven percent (11%) of the wholesale value of the malt beverages sold by the microbrewery under the provisions of subsection (3)(b) and (c) of this section. For the purposes of this subsection "wholesale value" shall be determined in accordance with the contract required under subsection (3)(b)2. and (c)2. of this section, as applicable.

(b) The licensed distributor shall be responsible for remitting these amounts to the Commonwealth as provided in KRS 243.884(1). In accordance with KRS 243.886, the licensed distributor shall be allowed to deduct one percent (1%) of the tax remitted under this subsection, provided the amount due is not delinquent at the time of payment. Nothing in this subsection shall require the licensed distributor to verify the amount of taxes collected and provided by the microbrewery to be the true and accurate amount which is due according to KRS 243.884; nor shall the distributor be responsible for remittance of taxes due in the event the microbrewery fails to collect and provide the amounts owed under the provisions of this subsection.

(c) A microbrewery shall pay the excise tax on malt beverages in accordance with KRS 243.720(3) and 243.730 and shall be entitled to the credit set forth in KRS 243.720(3)(b).

(6) A microbrewery shall not be located in dry territory.

(7) This section does not exempt the holder of a microbrewery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from any rules of the board as established by administrative regulations, nor from regulation by the board, except as expressly stated in this section. The provisions of this section shall not be deemed inconsistent with the provisions of KRS 244.602.

(8) Nothing in this section shall be construed to vitiate the policy of this Commonwealth, as set forth in KRS 244.167 and 244.602, supporting an orderly three (3) tier system for the production and sale of malt beverages.

➔Section 17. 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]~~, 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]~~ adopts an ordinance ***after June 25, 2013,*** 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.

(c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county 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 within that county; or

2. Impose an action upon a city 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 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]~~, 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,]~~ 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]~~ 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 from the dining facilities from the sale of alcohol.

(5) In any ***territory***~~[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 ***local government having jurisdiction***~~[county]~~ approves by local ordinance the sale of alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 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 KRS 242.1241.

(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) Any city or county 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) 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.

(9) 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 18. 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, city~~[containing a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census]~~, or the fiscal court of a county~~[containing such a city]~~, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance ***after June 25, 2013,*** 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.

(c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the contrary, the fiscal court of a county 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 within that county; or

2. Impose an action upon a city 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, city~~[with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census]~~, or county~~[containing such a city]~~, 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 19. KRS 243.882 is amended to read as follows:

For the purposes of KRS 243.884 to ***243.890***~~[243.892]~~:

(1) "Wholesale sale" or "sale at wholesale" means a sale made for the purpose of resale in the regular course of business of beer, wine, or distilled spirits, except as provided in KRS 243.884(3).

(2) A "wholesaler" is a person required to be or who is a licensee authorized to do business pursuant to KRS 243.160 and 243.170.

(3) A "distributor" is a person required to be or who is a licensee authorized to do business pursuant to KRS 243.180.

➔Section 20. 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%) 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) 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) 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***, if that small farm winery produces no more than fifty thousand (50,000) gallons of wine per year***.

➔Section 21. KRS 244.050 is amended to read as follows:

(1) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by KRS 243.155, 243.157, ***Section 5 of this Act,*** and subsection (2) of this section.

(2) The holder of a quota retail drink license, a quota retail package license, an NQ2 license, or a distillery license may, after acquiring a sampling license, allow customers to sample***, free of charge,*** distilled spirits and wine under the following conditions:

(a) ***Free*** sampling shall be permitted only on licensed premises and by licensees holding a sampling license, during regular business hours; ***and***

~~(b)[A licensee shall not charge for the samples provided to customers;~~

~~(c) Sample sizes shall not exceed:~~

~~1. One (1) ounce for wine; and~~

~~2. One-half (1/2) ounce for distilled spirits; and~~

~~(d)~~ ***Except as authorized by Section 5 of this Act,*** a licensee shall limit a customer to:

1. ***One (1) ounce of free***~~Two (2)~~ distilled spirits samples per day; and

2. Six (6) ***ounces of free*** wine samples per day.

(3) Retailers holding a sampling license shall:

(a) Notify the Department of Alcoholic Beverage Control at least seven (7) days in advance of conducting a ***free*** sampling event; and

(b) Limit a ***free*** sampling event to a period not to exceed four (4) consecutive hours between 12 noon and 8 p.m.

(4) In addition to free sampling, a quota retail package licensee holding a sampling license may also sell sample distilled spirits and wine under the following conditions:

(a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours; and

(b) A licensee shall limit a customer to purchased samples totaling no more than:

1. Two (2) ounces of distilled spirits per day; and

2. Nine (9) ounces of wine per day.

(5) A quota retail package licensee holding both a sampling license and a nonquota retail malt beverage package license may also sell samples of malt beverages under the following conditions:

(a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours;

(b) A licensee shall limit a customer to no more than sixteen (16) ounces of malt beverages per day;

(c) Nothing in this subsection shall allow a quota retail package licensee to provide a customer samples of malt beverages free of charge;

(d) The retail price of a sample shall not be less than a licensee's purchase cost of the sample; and

(e) A licensee, supplier, or individual shall not request, require, or allow a distributor to provide malt beverages free of charge or participate in any activity allowed under this subsection.

(6) No customer shall be allowed to receive a combination of free and purchased samples totaling more than:

(a) Two (2) ounces of distilled spirits per day; and

(b) Nine (9) ounces of wine per day.

(7) Samples sold under subsections (4) and (5) of this section shall not constitute drink sales.

➔Section 22. KRS 244.085 is amended to read as follows:

(1) As used in KRS 244.083 and this section: "Premises" has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

(2) A person under ***twenty-one (21)***~~21~~ years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(3) A person under ***twenty-one (21)***~~21~~ years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under ***twenty-one (21)***~~21~~ years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(4) A person under ***twenty-one (21)***~~21~~ years of age shall not misrepresent his or her age for the purpose of inducing any licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.

(5) A person under ***twenty-one (21)***~~21~~ years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(6) Except as provided in KRS 244.087 and 244.090, a licensee, or his or her agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless:

(a) The usual and customary business of the establishment is a hotel, motel, restaurant, convention center, convention hotel complex, racetrack, simulcast facility, golf course, private club, park, fair, church, school, athletic complex, athletic arena, theater, small farm winery, distillery or brewery or winery tour, convenience store, grocery store, drug store, ***licensed APC premises,*** or similar establishment;

(b) All alcoholic beverage inventory is kept in a separate, locked department at all times when minors are on the premises;

(c) Written approval has been granted by the department to allow minors on the premises until 10 p.m. where the sale of alcohol is incidental to a specific family or community event including but not limited to weddings, reunions, or festivals. The licensee's request shall be in writing and shall specifically describe the event for which approval is requested. The state director shall approve or deny the request in writing; or

(d) The usual and customary business of the establishment is an entertainment facility where prebooked concerts are held. For the purpose of this paragraph, house bands, disc jockeys, and karaoke are not considered concerts. During the times minors are on the premises under this paragraph, the licensee shall:

1. Maintain the responsibility of all ticket sales;

2. Sell the concert tickets directly to the patron or have a contractual agreement with a vendor or promoter to sell the concert tickets for the licensee;

3. Maintain records of all gross concert ticket sales. The concert tickets shall have the name of a band or performer as well as the date of the concert;

4. Permit minors to be in the area where the concert is taking place only during the time of the concert; and

5. Prohibit minors on the premises until thirty (30) minutes prior to the concert and prohibit minors from remaining on the premises more than thirty (30) minutes after the concert performance has ended.

(7) Except as provided in subsection (6) of this section, a licensee or the licensee's agent, servant, or employee shall not allow any person under the age of twenty-one (21) to remain on any premises that sells alcoholic beverages by the package unless the underage person is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment.

(8) Except as provided in subsection (6) of this section, a person under the age of twenty-one (21) shall not remain on any premises that sells alcoholic beverages by the package unless he or she is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment.

(9) A violation of subsection (2), (3), (4), (5), or (8) of this section shall be deemed a status offense if committed by a person under the age of eighteen (18) and shall be under the jurisdiction of the juvenile session of the District Court or the family division of the Circuit Court, as appropriate.

➔Section 23. KRS 244.130 is amended to read as follows:

(1) Except in conformity with ***administrative*** regulations of the board, no licensee under KRS 243.020 to 243.670 shall advertise or cause or permit to be advertised in any manner any product which he or she is licensed to manufacture or sell.

(2) Subsection (1) of this section shall not prohibit:

(a) Advertising in newspapers, magazines, or periodicals having a general circulation;

(b) Promotional advertising on radio or television limited to no more than the name of the licensee and the products the licensee is permitted to manufacture or sell;

(c) Promotional advertising containing the names of establishments or products displayed on uniforms or equipment of sporting teams;~~[or]~~

(d) Promotional advertising mailed or delivered to a consumer's residence***; or***

(e) A distiller from providing visitors who are twenty-one (21) years of age or older, in conjunction with a distillery tour or an event conducted by a bona fide church or charitable organization, free:

1. Consumer-branded nonalcoholic novelty items whose actual retail cost does not exceed seventy-five dollars ($75) per item; and

2. Production by-products.

➔Section 24. KRS 244.240 is amended to read as follows:

(1) No distiller, rectifier, winery, or wholesaler and no employee, servant, or agent of a distiller, rectifier, winery, or wholesaler shall:

(a) ~~[(1)]~~ Be interested directly or indirectly in any way in any premises where distilled spirits or wine is sold at retail or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail***;*** ~~[.]~~

(b) ~~[(2)]~~ Make or cause to be made any loan to any person engaged in the manufacture or sale of distilled spirits or wine at wholesale or retail***;*** ~~[.]~~

(c) ~~[(3)]~~ Make any gift or render any kind of service whatsoever, directly or indirectly, to any licensee under KRS 243.030 which~~[in the sound judgment of the board]~~ may tend to influence the licensee to purchase the product of the distiller, rectifier, winery, or wholesaler***; or*** ~~[.]~~

(d) ~~[(4)]~~ Enter into a contract with any retail licensee under KRS Chapters 241 to 244 whereby the licensee agrees to confine his or her sales to distilled spirits or wine manufactured or sold by one (1) or more such distillers, rectifiers, wineries, or wholesalers. Such a contract shall be void.

(2) Nothing in this section shall prohibit the giving of discounts in the usual course of business if the same discounts are offered to all licensees holding the same license type buying similar quantities.

➔Section 25. KRS 244.590 is amended to read as follows:

(1) No brewer or distributor shall induce through any of the following means any retailer selling malt beverages by the package or drink to purchase any malt beverages from him or her to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if the brewer or distributor engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in commerce in malt beverages:

(a) By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retailer;

(b) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his or her business;

(c) By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the director of the Division of Malt Beverages, having regard for the public health, the quantity and value of the articles involved, the prevention of monopoly, and the practice of deception, may by administrative regulation otherwise prescribe;

(d) By paying or crediting the retailer for any advertising, display, or distribution service subject to the exceptions which the director may by administrative regulation prescribe;

(e) By guaranteeing any loan or the repayment of any financial obligation of the retailer; or

(f) By requiring the retailer to take and dispose of a certain quota of any malt beverages.

(2) Notwithstanding any provisions in KRS ***Chapters 241 to*** ~~[Chapter]~~ 244 and this section, a brewer or distributor may:

(a) Give, rent, loan, or sell to any retailer selling malt beverages by the package or drink signs, posters, placards, designs, devices, ***refrigerated coolers,*** decorations, or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail malt beverage establishment; and

(b) Provide or furnish draught-line cleaning or coil-cleaning service to a nonquota retail malt beverage package licensee either directly or indirectly with the consent of the distributor.

➔SECTION 26. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

(1) To promote economic development and tourism in any dry or moist county or city in which a distillery is located, a local option election for the sale of alcoholic beverages may be held in a city or county precinct where the distillery is located, notwithstanding any other provision of the Kentucky Revised Statutes.

(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 at distilleries located in (name of precinct)?'".

(3) When a majority of the votes cast in an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the premises of the distilleries located in that precinct shall become moist in the manner specified in KRS 242.200.

(4) The provisions of this section shall expire three (3) years after the effective date of this Act.

➔Section 27. 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.~~

~~(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.

(2)~~[(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.

(3)~~[(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.

(4)~~[(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.

(5)~~[(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.

(6)~~[(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.

(7)~~[(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.

(8)~~[(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.

(9)~~[(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.

(10)~~[(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)?'".

(11)~~[(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)?".

(12)~~[(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 28. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

No person shall possess, sell, offer for sale, or use any powered or crystalline alcoholic beverage product.

➔Section 29. The following KRS section is repealed:

243.892 Sales to be made only to licensed retailer -- Discounts prohibited.

Signed by Governor April 9, 2016.

CHAPTER 81

(SB 228)

AN ACT relating to education.

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

➔Section 1. KRS 158.148 is amended to read as follows:

(1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or

2. That disrupts the education process.

(b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.

(2) ~~[(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.

(3) ~~[(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 ***(2)*** ~~[(1)]~~ of this section.

(4) ~~[(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.

(5) ~~[(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 ***prohibit bullying.***

(c) ***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.

(d) ~~[(c)]~~ The code shall contain:

1. Procedures for identifying, documenting, and reporting incidents of ***bullying, 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 ***bullying or*** 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 ***an incident of bullying,*** 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 ***bullying and*** violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.

(e) ~~[(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.

(f) ~~[(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.

Signed by Governor April 9, 2016.

CHAPTER 82

(SB 129)

AN ACT relating to administrative regulations.

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

➔Section 1. KRS 13A.010 is amended to read as follows:

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

(1) "Administrative body" means each state board, bureau, cabinet, commission, department, authority, officer, or other entity, except the General Assembly and the Court of Justice, authorized by law to promulgate administrative regulations;

(2) "Administrative regulation" means each statement of general applicability promulgated by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes an existing administrative regulation, a new administrative regulation, an emergency administrative regulation, an administrative regulation in contemplation of a statute, ***and*** the amendment or repeal of an existing administrative regulation, but does not include:

(a) Statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public;

(b) Declaratory rulings;

(c) Intradepartmental memoranda not in conflict with KRS 13A.130;

(d) Statements relating to acquisition of property for highway purposes and statements relating to the construction or maintenance of highways; or

(e) Rules, regulations, and policies of the governing boards of institutions that make up the postsecondary education system defined in KRS 164.001 pertaining to students attending or applicants to the institutions, to faculty and staff of the respective institutions, or to the control and maintenance of land and buildings occupied by the respective institutions;

(3) "Adopted" means that an administrative regulation has become effective in accordance with the provisions of this chapter;

(4) "Authorizing signature" means the signature of the head of the administrative body authorized by statute to promulgate administrative regulations;

(5) "Commission" means the Legislative Research Commission;

(6) "Effective" means that an administrative regulation has completed the legislative subcommittee review established by KRS 13A.290, 13A.330, and 13A.331;

(7) "Federal mandate" means any federal constitutional, legislative**,** or executive law or order ***that***~~[which]~~ requires or permits any administrative body to engage in regulatory activities ***that***~~[which]~~ impose compliance standards, reporting requirements, recordkeeping, or similar responsibilities upon entities in the Commonwealth;

(8) "Federal mandate comparison" means a written statement containing the information required by KRS 13A.245;

(9) "Filed" or "promulgated" means that an administrative regulation, or other document required to be filed by this chapter, has been submitted to the Commission in accordance with this chapter;

(10) "***Local*** government" means and includes a city, county, urban-county, charter county, consolidated local government, special district, or a quasi-governmental body authorized by the Kentucky Revised Statutes or a local ordinance;

(11) "Proposed administrative regulation" means an administrative regulation that:

(a) Has been filed by an administrative body; and

(b) Has not become effective or been withdrawn;

(12) "Regulatory impact analysis" means a written statement containing the provisions required by KRS 13A.240;

(13) "Small business" means a business entity, including its affiliates, that:

(a) Is independently owned and operated; and

(b) 1. Employs fewer than one hundred fifty (150) full-time employees or their equivalent; or

2. Has gross annual sales of less than six million dollars ($6,000,000).

(14) "Statement of consideration" means the document required by KRS 13A.280 in which the administrative body summarizes the comments received, its responses to those comments, and the action taken, if any, as a result of those comments and responses;

(15) "Subcommittee" means the Administrative Regulation Review Subcommittee, any other subcommittee of the Legislative Research Commission, an interim joint committee, or a House and Senate standing committee;~~[and]~~

(16) "Tiering" means the tailoring of regulatory requirements to fit the particular circumstances surrounding regulated entities***; and***

(17) "Written comments" means comments submitted to the administrative body's contact person identified pursuant to subsection (6)(d) of Section 14 of this Act via hand delivery, United States mail, e-mail, or facsimile and may include but is not limited to comments submitted internally from within the promulgating administrative body or from another administrative body.

➔Section 2. KRS 13A.020 is amended to read as follows:

(1) There is hereby created a permanent subcommittee of the Legislative Research Commission to be known as the Administrative Regulation Review Subcommittee. The subcommittee shall be composed of eight (8) members appointed as follows: three (3) members of the Senate appointed by the President; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. The members of the subcommittee shall serve for terms of two (2) years, and the members appointed from each chamber shall elect one (1) member from their chamber to serve as co-chair. Any vacancy ***that***~~[which]~~ may occur in the membership of the subcommittee shall be filled by the same appointing authority who made the original appointment.

(2) On an alternating basis, each co-chair shall have the first option to set the monthly meeting date. A monthly meeting may be ***rescheduled***~~[canceled]~~ by agreement of both co-chairs. The co-chairs shall have joint responsibilities for subcommittee meeting agendas and presiding at subcommittee meetings. The members of the subcommittee shall be compensated for attending meetings, as provided in KRS 7.090(3).

(3) Any professional, clerical***,*** or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).

(4) A majority of the entire membership of the Administrative Regulation Review Subcommittee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership.

➔Section 3. KRS 13A.040 is amended to read as follows:

The director of the Legislative Research Commission shall appoint an administrative regulations compiler who shall:

(1) Receive administrative regulations, and other documents required to be filed by the provisions of this chapter, tendered for filing;

(2) Stamp administrative regulations tendered for filing with the time and date of receipt;

(3) Provide administrative and support services to the subcommittee;

(4) Maintain a file of administrative regulations and other documents required to be filed by this chapter, for public inspection, with suitable indexes;

(5) Maintain a file of ineffective administrative regulations;

(6) Maintain a file of material incorporated by reference, including superseded or ineffective material incorporated by reference;

(7) Prepare the Kentucky Administrative Regulations Service;

(8) Upon request, certify copies of administrative regulations and other documents that have been filed with the regulations compiler;

(9) Correct errors that do not change the substance of an administrative regulation, including, but not limited to, typographical errors, errors in format, and grammatical errors;

(10) Change items in an administrative regulation in response to a specific written request ***for a technical amendment*** submitted by the administrative body if the regulations compiler determines that the requested changes do not affect the substance of the administrative regulation. ***Examples of technical amendments***~~[The changes may]~~ include the address of the administrative body, citations to statutes or other administrative regulations if a format change within that statute or administrative regulation has changed the numbering or lettering of parts, or other changes in accordance with KRS 13A.312;

(11) Refuse to accept for filing administrative regulations, and other documents required to be filed by this chapter, that do not conform to the drafting, ***formatting***~~[format]~~, or filing requirements established by the provisions of

subsections (4) to (10) of Section 12 of this Act, KRS 13A.220, 13A.222(1), (2), and (3),~~[and]~~ 13A.230, ***and Section 25 of this Act,*** and notify the administrative body in writing of the reasons for refusing to accept an administrative regulation for filing; and

(12) Perform other duties required by the Commission or by a subcommittee.

➔Section 4. KRS 13A.050 is amended to read as follows:

(1) The Legislative Research Commission shall compile, publish, and distribute the administrative regulations filed by administrative bodies. This compilation shall be known as the Kentucky Administrative Regulations Service. The Legislative Research Commission shall maintain the official version of the administrative regulations in an electronic database that shall be made available to the public as provided by KRS 7.500.

(2) (a) There is hereby created a publication known as "~~[The]~~Administrative Register ***of Kentucky" or "Administrative Register***" to be published on a monthly basis by the Legislative Research Commission for the purpose of giving notice of administrative regulations filed in accordance with this chapter.

(b) Every administrative regulation forwarded to the Legislative Research Commission shall have its complete text published in the Administrative Register along with the accompanying statements required by KRS 13A.190, 13A.210, 13A.2251(1), 13A.240, 13A.245, 13A.250, and 13A.270.

(c) Within five (5) workdays of the publication of an administrative regulation in the Administrative Register, an administrative body shall:

1. Review the text and accompanying statements of the administrative regulation; and

2. Notify the regulations compiler in writing or by e-mail of errors.

(3) The Administrative Register shall be published the first day of each month and shall include all administrative regulations received by the Legislative Research Commission by 12 noon, eastern time, on the fifteenth day of the preceding month. When the fifteenth day falls on a Saturday, Sunday, or holiday**,** the deadline is the workday ***that***~~[which]~~ immediately precedes the Saturday, Sunday, or holiday.

(4) The compiler shall cause to be prepared a certificate to the effect that the text of the administrative regulations as published in this service is correct. One (1) copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be provided to the Office of the Secretary of State.

(5) The Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service and the Administrative Register. All fees paid to the Commission for these publications shall be placed in the State Treasury to the credit of a revolving trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section.

(6) Copies of administrative regulations or other items required to be filed by this chapter shall be made available to any interested party upon request to the Legislative Research Commission. The Commission may prescribe reasonable fees for duplication services and all fees paid to the Commission for duplication services shall be placed in the State Treasury to the credit of a revolving trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this subsection.

➔Section 5. KRS 13A.070 is amended to read as follows:

(1) The Commission ***may***~~[shall]~~ promulgate administrative regulations governing the manner and form in which administrative regulations shall be prepared, to the end that all administrative regulations shall be prepared in a uniform manner.~~[The compiler shall refuse to accept for filing any administrative regulation that does not conform to KRS Chapter 13A and the administrative regulations promulgated thereunder.]~~

(2) The Commission shall furnish advice and assistance to all administrative bodies in the preparation of their administrative regulations, and in revising, codifying, and editing existing or new administrative regulations.

(3) An administrative regulation promulgated by the Commission shall be signed by the President of the Senate and the Speaker of the House of Representatives.

➔Section 6. KRS 13A.100 is amended to read as follows:

Subject to limitations in applicable statutes, any administrative body ***that***~~[which]~~ is empowered to promulgate administrative regulations shall, by administrative regulation**,** prescribe, consistent with applicable statutes:

(1) Each statement of general applicability, policy, procedure, memorandum, or other form of action that implements; interprets; prescribes law or policy; describes the organization, procedure, or practice requirements of any administrative body; or affects private rights or procedures available to the public;

(2) The process for application for license, benefits available or other matters for which an application would be appropriate unless such process is prescribed by a statute;

(3) Fees, except for those exempted in paragraphs (a) through (j) of this subsection, to be charged by the administrative body if such fees are authorized by law and are not set by statute:

(a) State park room rates;

(b) Prices for food in restaurants at state facilities;

(c) Prices for goods at gift shops at state facilities;

(d) Prices for groceries and other items sold at state facilities;

(e) Prices charged for state publications;

(f) Prices charged for rides and amusement activities at state facilities;

(g) Admission fees to athletic and entertainment events at state facilities;

(h) Charges for swimming, skiing, horseback riding, and similar recreational activities at state facilities;

(i) Charges for boat and equipment rentals for recreational purposes at state facilities; and

(j) Admission fees charged for seminars and educational courses by state administrative bodies;

(4) The procedures to be utilized by the administrative body in the conduct of hearings by or for the administrative body unless such procedures are prescribed by a statute; and

(5) The disciplinary procedures within the jurisdiction of the administrative body unless such procedures are prescribed by statute.

➔Section 7. KRS 13A.110 is amended to read as follows:

Except as provided in Section 35 of this Act, and subject to limitations in applicable statutes, any administrative body ***that***~~[which]~~ is empowered to promulgate administrative regulations may, consistent with applicable statutes, prescribe forms and tables for use by the administrative body and for the public in dealing with the administrative body unless the content of such form is prescribed by a statute. Forms that are required to be submitted by a regulated entity shall be included in an administrative regulation. Forms and tables that meet the requirements of KRS 13A.2245 may be incorporated by reference.

➔Section 8. KRS 13A.120 is amended to read as follows:

(1) (a) An administrative body may promulgate administrative regulations to implement a statute only when the act of the General Assembly creating or amending the statute specifically authorizes the promulgation of administrative regulations or administrative regulations are required by federal law, in which case administrative regulations shall be no more stringent than the federal law or regulations.

(b) An administrative body that promulgates an administrative regulation required by federal law or federal regulation shall comply with the provisions of this chapter.

(2) An administrative body shall not promulgate administrative regulations:

(a) When a statute prohibits the administrative body from promulgating administrative regulations;

(b) When the administrative body is not authorized by statute to promulgate administrative regulations;

(c) When a statute prohibits the administrative body from regulation of that particular matter;

(d) When the administrative body is not authorized by statute to regulate that particular matter;

(e) When a statute prescribes the same or similar procedure for the matter regulated;

(f) When a statute sets forth a comprehensive scheme of regulation of the particular matter;

(g) On any matter ***that***~~[which]~~ is not clearly within the jurisdiction of the administrative body;

(h) On any matter ***that***~~[which]~~ is beyond the statutory authorization of the administrative body to promulgate administrative regulations or ***that***~~[which]~~ is not clearly authorized by statute; and

(i) ***That***~~[Which]~~ modify or vitiate a statute or its intent.

(3) If a statute requires an administrative body or official to submit an administrative regulation to an official or administrative body for review or approval prior to filing the administrative regulation with the commission, the administrative body or official shall not file the administrative regulation without first having obtained the review or approval.

(4) Any administrative regulation in violation of this section or the spirit thereof is null, void, and unenforceable.

(5) No administrative body, other than the Court of Justice, shall issue rules.

(6) No administrative body shall issue standards or by any other name issue a document of any type where an administrative regulation is required or authorized by law.

➔Section 9. KRS 13A.125 is amended to read as follows:

Prior to the effective date of a ***proposed***~~[new]~~ administrative regulation~~[, or an amended administrative regulation that has been filed with the Legislative Research Commission]~~, an administrative body shall not file ***a*** subsequent ***proposed administrative regulation with the same number or title unless:***

(1) The proposed administrative regulation already filed is withdrawn in accordance with Section 28 of this Act; and

(2) A subsequent proposed administrative regulation is filed in accordance with Section 14 of this Act~~[amendments to that administrative regulation unless:~~

~~(1) Failure to do so would result in a loss of accreditation, or federal or state funds, or the imposition of another state or federal penalty; or~~

~~(2) A court decision, or a federal or state mandate requires immediate implementation of the amendment; or~~

~~(3) Conditions warrant the filing of an emergency administrative regulation; or~~

~~(4) The amendments are made:~~

~~(a) After a public hearing or public comment period as provided by KRS 13A.280; or~~

~~(b) At a subcommittee meeting during which the administrative regulation is reviewed as provided by KRS 13A.290]~~.

➔Section 10. KRS 13A.130 is amended to read as follows:

(1) An administrative body shall not by internal policy, memorandum, or other form of action:

(a) Modify a statute or administrative regulation;

(b) Expand upon or limit a statute or administrative regulation; ***or***~~[and]~~

(c) Except as authorized by the Constitution of the United States, the Constitution of Kentucky**,** or a statute, expand or limit a right guaranteed by the Constitution of the United States, the Constitution of Kentucky, a statute, or an administrative regulation.

(2) Any administrative body memorandum, internal policy, or other form of action violative of this section or the spirit thereof is null, void, and unenforceable.

(3) This section shall not be construed to prohibit an administrative body issuing an opinion or administrative decision ***that***~~[which]~~ is authorized by statute.

➔Section 11. KRS 13A.180 is amended to read as follows:

An ordinary administrative regulation is one that is promulgated in the normal manner by an administrative body ***and that***~~[which]~~ does not require that it be placed in effect immediately.

➔Section 12. KRS 13A.190 is amended to read as follows:

(1) An emergency administrative regulation is one that:

(a) Must be placed into effect immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of federal or state funds;

3. Meet a deadline for the promulgation of an administrative regulation that is established by state ***statute***~~[law,]~~ or federal law~~[or regulation]~~; or

4. Protect human health and the environment; and

(b) 1. Is temporary in nature and will expire as provided in this section; or

2. Is temporary in nature and will be replaced by an ordinary administrative regulation as provided in this section.

(2) Emergency administrative regulations shall become effective and shall be considered as adopted upon filing. Emergency administrative regulations shall be published in the~~[next]~~ Administrative Register ***in accordance with the publication deadline established in subsection (3) of Section 4 of this Act***.

(3) (a) Except as provided by paragraph (b) of this subsection, emergency administrative regulations shall expire one hundred eighty (180) days after the date of filing or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.

(b) If an administrative body extends the time for filing a statement of consideration as provided by KRS 13A.280(2)(b), an emergency administrative regulation shall remain in effect for one hundred eighty (180) days after the date of filing plus the number of days extended under the provisions of KRS 13A.280(2)(b) or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.

(4) ***Except as established in subsection (5) of this section,*** an emergency administrative regulation ***with the same number or title or governing the same subject matter*** shall not be filed for a period of nine (9) months after it has been initially filed. No other emergency administrative regulation that is identical to~~[or substantially the same as]~~ the previously filed emergency administrative regulation shall be promulgated.

(5) ***If***~~[When]~~ an emergency administrative regulation ***with the same number or title or*** governing the same subject matter ***as***~~[governed by]~~ an emergency administrative regulation filed within the previous nine (9) months is filed, it shall contain a detailed explanation of the manner in which it differs from the previously filed emergency administrative regulation. The detailed explanation shall be included in the statement of emergency ***required by subsection (6) of this section***.

(6) Each emergency administrative regulation shall contain a statement of:

(a) The nature of the emergency;

(b) The reasons why an ordinary administrative regulation is not sufficient;

(c) Whether or not the emergency administrative regulation will be replaced by an ordinary administrative regulation;

(d) If the emergency administrative regulation will be replaced by an ordinary administrative regulation, the following statement: "The ordinary administrative regulation ***(is or is not)*** ~~[[is or is not]]~~identical to this emergency administrative regulation.";

(e) If the emergency administrative regulation will not be replaced by an ordinary administrative regulation, the reasons therefor; and

(f) If applicable, the explanation required by subsection (5) of this section.

(7) ***(a)*** An administrative body shall attach the:

1.~~[(a)]~~ Statement of emergency required by subsection (6) of this section to the front of the original and each copy of a proposed emergency administrative regulation; and

2.~~[(b)]~~ Regulatory impact analysis, tiering statement, federal mandate comparison, fiscal note, summary of material incorporated by reference if applicable, and other forms or documents required by the provisions of this chapter to the back of the emergency administrative regulation.

(b) An administrative body shall file with the regulations compiler:

1. The original and five (5) copies of the emergency administrative regulation; and

2. At the same time as, or prior to, filing the paper version, an electronic version of the emergency administrative regulation and the attachments required by paragraph (a) of this subsection

saved as a single document for each emergency administrative regulation in an electronic format approved by the regulations compiler.

(c) The original and four (4) copies of each emergency administrative regulation shall be stapled in the top left corner. The fifth copy of each emergency administrative regulation shall not be stapled. The original and the five (5) copies of each emergency administrative regulation shall be grouped together.

(8) (a) If an emergency administrative regulation will not be replaced by an ordinary administrative regulation, the administrative body shall schedule a public hearing and public comment period pursuant to KRS 13A.270(1). The public hearing and public comment period information required by KRS 13A.270(2) shall be attached to the back of the emergency administrative regulation.

(b) If an emergency administrative regulation will be replaced by an ordinary administrative regulation:

1. The ordinary administrative regulation shall be filed at the same time as the emergency administrative regulation that will be replaced; and

2. A public hearing and public comment period shall not be required for the emergency administrative regulation.

(9) The statement of emergency shall have a two (2) inch top margin. The number of the emergency administrative regulation shall be typed directly below the heading "Statement of Emergency." The number of the emergency administrative regulation shall be the same number as the ordinary administrative regulation followed by an "E."

(10) Each executive department emergency administrative regulation shall be signed by the head of the administrative body and countersigned by the Governor prior to filing with the Commission. These signatures shall be on the statement of emergency attached to the front of the emergency administrative regulation.

(11) (a) If an ordinary administrative regulation that was filed to replace an emergency administrative regulation is withdrawn, the emergency administrative regulation shall expire on the date the ordinary administrative regulation is withdrawn.

(b) If an ordinary administrative regulation that was filed to replace an emergency administrative regulation is withdrawn, the administrative body shall inform the regulations compiler of the reasons for withdrawal in writing.

(12) (a) If an emergency administrative regulation~~[,]~~ that was intended to be replaced by an ordinary administrative regulation~~[,]~~ is withdrawn, the emergency administrative regulation shall expire on the date it is withdrawn.

(b) If an emergency administrative regulation has been withdrawn, the ordinary administrative regulation that was filed with it shall not expire unless the administrative body informs the regulations compiler that the ordinary administrative regulation is also withdrawn.

(c) If an emergency administrative regulation is withdrawn, the administrative body shall inform the regulations compiler of the reasons for withdrawal in writing.

(13) A subcommittee may review an emergency administrative regulation and may recommend to the Governor that the ***administrative*** regulation be withdrawn.

➔Section 13. KRS 13A.200 is amended to read as follows:

An administrative regulation in contemplation of a statute provides a means whereby an administrative body may promulgate and file an administrative regulation following the enactment of a statute authorizing or directing its promulgation by the General Assembly and its approval by the Governor or its becoming law without signature but before the effective date subject to the following:

(1) The administrative regulation may be filed any time after signature by the Governor or upon the act becoming law without the Governor's signature but prior to the act's effective date***;***~~[.]~~

(2) The administrative regulation may be reviewed, hearings held, and all other steps taken with regard thereto, except for adoption, prior to the effective date of the statute ***that***~~[which]~~ authorized or directed its issuance***;***~~[.]~~

(3) All dates and other procedures ***that***~~[which]~~ apply to an ordinary administrative regulation shall apply to an administrative regulation in contemplation of a statute***; and***~~[.]~~

(4) An administrative regulation in contemplation of a statute shall in all other respects be considered as an ordinary administrative regulation.

➔Section 14. KRS 13A.220 is amended to read as follows:

All administrative regulations shall comply with the provisions of KRS 13A.222 and 13A.224.

(1) (a) An administrative body shall file with the regulations compiler:

1. The original and five (5) copies of an administrative regulation; and

2. At the same time ***as, or prior to, filing the paper version***~~[the original and five (5) copies are filed]~~, an electronic version of the administrative regulation and required attachments ***saved as a single document for each administrative regulation***~~[on a diskette or by e-mail]~~ in an electronic format approved by the regulations compiler.

(b) If there are differences between the paper copy and the electronic version of an administrative regulation filed with the regulations compiler, the electronic version shall be the controlling version.

(2) The original and four (4) copies of each administrative regulation shall be stapled in the top left corner. The fifth copy of each administrative regulation shall not be stapled. The original and the five (5) copies of each administrative regulation shall be grouped together.

(3) An amendment to an administrative regulation shall not be made on a copy of the administrative regulation reproduced from the Kentucky Administrative Regulations Service or the Administrative Register. It shall be a typed original in the format specified in subsection (4) of this section.

(4) The format of an administrative regulation shall be as follows:

(a) An administrative regulation shall be typewritten on white paper, size eight and one-half (8-1/2) by eleven (11) inches and shall be double-spaced through the last line of the body of the administrative regulation. The first page shall have a two (2) inch top margin. The administrative regulation shall be typed in a twelve (12) point font approved by the regulations compiler. The lines on each page shall be numbered, with each page starting with line number one (1). Pages of an administrative regulation and documents attached to the administrative regulation shall be numbered sequentially. Page numbers shall be centered in the bottom margin of each page. Copies of the administrative regulation may be mechanically reproduced;

(b) The regulations compiler shall place a stamp indicating the date and time of receipt of the administrative regulation in the two (2) inch margin on the first page;

(c) The cabinet, department, and division of the administrative body shall be listed on separate double-spaced lines two (2) inches from the top in the upper left hand corner of the first page. This shall be followed on the next double-spaced line by "(New Administrative Regulation)," "(Amendment)," "(Amended After Comments)," "(Repealer)," "(New Emergency Administrative Regulation)," "(Emergency Amendment)," or "(Emergency Repealer)," whichever is applicable;

(d) The notation shall be followed by the number and title of the administrative regulation on the next double-spaced line. The promulgating administrative body shall contact the regulations compiler prior to filing to obtain an administrative regulation number for a new administrative regulation;

(e) On the next double-spaced line following the number and title of an administrative regulation, after the words "RELATES TO:," the administrative body shall list all statutes and other enactments, including any branch budget bills or executive orders, to which the administrative regulation relates or which shall be affected by the administrative regulation. After the words "STATUTORY AUTHORITY:" the administrative body shall list the specific statutes and other enactments, where applicable, authorizing the promulgation of the administrative regulation. Federal statutes and regulations shall be cited in the "RELATES TO:" and "STATUTORY AUTHORITY:" sections as provided by ***subsection (4)(n) and (o) of Section 16 of this Act***~~[KRS 13A.2261]~~; and

(f) Following the citations provided for in paragraph (e) of this subsection, and following the words "NECESSITY, FUNCTION, AND CONFORMITY:" the administrative body shall include a brief statement setting forth the necessity for promulgating the administrative regulation, a summary of the functions intended to be implemented by the administrative regulation, and, if applicable, the statement required by KRS 13A.245(2)(b).

(5) The numbering within the body of an administrative regulation shall be the responsibility of the promulgating body, subject to the authority of the regulations compiler to divide or renumber an administrative regulation. The following format shall be used by the administrative body in the numbering of each administrative

regulation. Each section shall begin with the word "Section" followed by an Arabic number, and titles of sections shall be initially capitalized. Subsections shall be designated by an Arabic number in parentheses. Paragraphs shall be designated by lower case letters of the alphabet in parentheses (e.g., (a), (b), (c), etc.). Subparagraphs shall be designated by an Arabic number followed by a period (e.g., 1., 2., etc.). Clauses shall be designated by lower case letters of the alphabet followed by a period (e.g., a., b., c., etc.). Subclauses shall be designated by lower case Roman numerals in parentheses (e.g., (i), (ii), (iii), etc.). ***A section shall not be divided into subsections, paragraphs, subparagraphs, clauses, or subclauses if there is only one (1) item in that level of division.***

(6) After the complete text of an administrative regulation, on the following page, the administrative body shall include the following information:

(a) If the provisions of KRS 13A.120(3) are applicable, a statement that the official or the head of the administrative body has reviewed or approved the administrative regulation; the signature of such official or head; and the date on which such review or approval occurred;

(b) The authorizing signature of the administrative body promulgating the administrative regulation, and the date on which the administrative body approved the promulgation;

(c) Information relating to public hearings and the public comment period required by KRS 13A.270; and

(d) The name, position, ***mailing*** address, telephone number, ***e-mail address,*** and facsimile number of the contact person of the administrative body. The contact person shall be the person authorized by the head of an administrative body to:

1. Receive information relating to issues raised by the public or by a subcommittee prior to a public meeting of the subcommittee;

2. Negotiate changes in language with a subcommittee in order to resolve such issues; and

3. Answer questions relating to the administrative regulation.

(7) The format for signatures required by ***subsection (6)(a) and (b)***~~[paragraphs (a) and (b) of subsection (6)]~~ of this section shall be as follows:

(a) The signature shall be placed on a signature line; and

(b) The name and title of the person signing shall be typed immediately beneath the signature line.

(8) (a) A letter of request, notification, or withdrawal required to be filed with the regulations compiler pursuant to this chapter may be filed electronically if the letter:

1. Is on the administrative body's official letterhead; and

2. Contains the signature of a representative of that administrative body.

(b) Paragraph (a) of this subsection shall not apply to the letters required by subsection (2)(b) of Section 31 of this Act for amendments at a subcommittee meeting.

➔Section 15. KRS 13A.221 is amended to read as follows:

(1) An administrative body shall divide the general subject matter of administrative regulations it promulgates into topics. A separate administrative regulation shall be promulgated for each topic.

(2) An administrative body shall not incorporate all material relating to a general subject matter in one (1) administrative regulation. Material incorporated by reference shall be incorporated by reference in the administrative regulation governing the specific topic to which the material relates.

(3) When an administrative regulation is ***promulgated, the administrative body shall review the administrative regulation, whether it is new or amended, in its entirety for compliance***~~[amended, it shall be amended or repealed, whichever is applicable, to comply]~~ with the requirements of KRS Chapter 13A ***and current law governing the subject matter of the administrative regulation***.

➔Section 16. KRS 13A.222 is amended to read as follows:

(1) In a new administrative regulation, there shall be no underlining or bracketing.

(2) In an amendment to an administrative regulation, the new words shall precede the deleted words. The administrative body shall:

(a) Underline all new words; and

(b) Place the deleted words in brackets and strike through these words.

(3) (a) An administrative regulation shall not be amended by reference to a section only. An amendment shall contain the full text of the existing administrative regulation being amended. ***All changes made to the text of the existing administrative regulation shall be marked as required by subsection (2) of this section.***

(b) A section of an administrative regulation shall not be reserved for future use.

(4) In drafting administrative regulations, the administrative body shall comply with the ***following*** requirements***:***~~[established in this subsection.]~~

(a) The administrative body shall use plain and unambiguous words that are easily understood by laymen. The administrative body shall avoid ambiguous, indefinite, or superfluous words and phrases***;***~~[.]~~

(b) A duty, obligation, or prohibition shall be expressed by "shall" or "shall not." "Should," "could," or "must" shall not be used. The future tense shall not be expressed by the word "shall." A discretionary power shall be expressed by "may~~[.]~~"***;***

(c) The words "said," "aforesaid," "hereinabove," "hereinafter," "beforementioned," "whatsoever," or similar words of reference or emphasis shall not be used. Where an article may be used, the administrative body shall not use the word "such." It shall not use the expression "and/or" and shall not separate alternatives with a slash. It shall not use contractions. When a number of items are all mandatory, the word "and" shall be used. When all of a number of items are not mandatory, the word "or" shall be used***;***~~[.]~~

(d) Certain words are defined in the Kentucky Revised Statutes. Where applicable, these definitions shall be used. Definitions appearing in the Kentucky Revised Statutes shall not be duplicated in a proposed administrative regulation. A reference shall be made to the chapters and sections of the Kentucky Revised Statutes in which the definitions appear. ***The format for this reference shall be: "("Defined term") is defined by KRS (specific citation).";***

(e) ***1.*** If definitions are used, they shall be placed in alphabetical order in the first section of an administrative regulation or in a separate administrative regulation.

2. ***a.***~~[The section or administrative regulation shall be titled "Definitions."]~~If definitions are placed in the first section of an administrative regulation, the definitions shall govern only the terms in that administrative regulation.

b. The section shall be titled "Definition." or "Definitions."

c. A definition shall not be included in a definitions section if the defined term is not used in that administrative regulation or the material incorporated by reference in that administrative regulation.

3. ***a.*** If definitions are placed in a separate administrative regulation, that administrative regulation shall be the first administrative regulation of the specific chapter of the Kentucky Administrative Regulations Service to which the definitions apply.

b. The title of the administrative regulation shall~~[also]~~ contain the number of the chapter of the Kentucky Administrative Regulations Service to which the definitions apply ***and shall be in the format: "Definitions for (title number) KAR chapter (chapter number)."***

c. A definition shall not be included in a definitions administrative regulation if the defined term is not used in an administrative regulation in that specific chapter or the material incorporated by reference in an administrative regulation in that chapter.

4. In the text of an administrative regulation, the word defined in the definitions section, rather than the definition, shall be used.

5. Definitions shall be used only:

a.~~[1.]~~ When a word is used in a sense other than its dictionary meaning, or is used in the sense of one of several dictionary meanings;

b.~~[2.]~~ To avoid repetition of a phrase; or

c.~~[3.]~~ To limit or extend the provisions of an administrative regulation.

6. Definitions shall not establish requirements or standards;

(f) If a word has the same meaning as a phrase, the word shall be used***;*** ~~[.]~~

(g) The present tense and the indicative mood shall be used. Conditions precedent shall be stated in the perfect tense if their happening is required to be completed***;*** ~~[.]~~

(h) The same arrangement and form of expression shall be used throughout an administrative regulation, unless the meaning requires variations***;*** ~~[.]~~

(i) "If" or "except" shall be used rather than "provided that" or "provided, however." "If" shall be used to express conditions, rather than the words "when" or "where~~[.]~~"***;***

(j) A word importing the masculine gender may extend to females. A word importing the singular number may extend to several persons or things***;*** ~~[.]~~

(k) Any reference in an administrative regulation to "medical doctor," "M.D.," or "physician" shall be deemed to include a doctor of osteopathy or D.O., unless either of those terms is specifically excluded***;*** ~~[.]~~

(l) An administrative body shall use the phrases specified in this subsection:

Do Not Use:	Use:
And/or	"and" for a conjunctive "or" for a disjunctive
Any and all	either word
As provided in this administrative regulation	----
~~[At the time when]~~	
And the same hereby is	is
Either directly or indirectly	----
Except where otherwise provided	State specific exemption.
Final and conclusive	final
Full force and effect	force or effect
In the event that; In case	if
Including but not limited to	State the specific items to be included.
Is authorized; Is empowered	may
Is defined and shall be construed to mean	means
Is hereby required to	shall
It shall be lawful	may
Latin words	Do not use unless medical or scientific terminology. ***However, "et seq." may be used for citations.***
Null and void and of no effect	void
Order and direct	either word
Provision of law	law

Until such time as	until
Whenever	if*;*

(m) 1. Unless the authority for an administrative regulation is an appropriation provision that is not codified in the Kentucky Revised Statutes, the specific chapter and section number of the Kentucky Revised Statutes authorizing the promulgation of an administrative regulation shall be cited.

2. a. If an act has not been codified in the Kentucky Revised Statutes at the time an administrative regulation is promulgated, or if the authority is any branch budget bill, the citation shall be as follows: "(year) Ky. Acts ch. (chapter number), sec. (section number)." When an act has been codified, the administrative body shall notify the regulations compiler of the proper citation in writing. Upon receipt of the written notice, the regulations compiler shall correct the citation.

b. For acts of extraordinary sessions, the citation shall be as follows: "(year) (Extra. Sess.) Ky. Acts ch. (chapter number), sec. (section number)." If there is more than one (1) extraordinary session of the General Assembly in the year, the citation shall specify the specific extraordinary session, as follows: "(year) (2d Extra. Sess.) Ky. Acts ch. (chapter number), sec. (section number)."

3. When an act has been codified, the administrative body shall notify the regulations compiler of the proper citation of the Kentucky Revised Statutes in writing. Upon receipt of the written notice, the regulations compiler shall correct the citation.

4. If the statutory authority is an appropriation act, the citation shall be as follows: "(year) Ky. Acts ch. (chapter number), Part (part and subpart numbers)."

5. If the authority is an executive order, the citation shall be as follows: "EO (year executive order issued)-(number of executive order)~~[.]~~"*;*

(n) If the statutory authority is a federal statute, the citation shall be the:

1. United States Code (U.S.C.), if it has been codified; or

2. Public Law (Pub. L.) and official session laws, if it has not been codified*;*~~[.]~~

(o) 1. If the statutory authority is a federal regulation codified in the Code of Federal Regulations, the citation shall include the title, part, and section number, as follows: "(title number) C.F.R. (part and section number)."

2. a. If the statutory authority is a federal regulation that has not been codified in the Code of Federal Regulations, the citation shall be to the Federal Register, as follows: "(volume number) Fed. Reg. (page number) (effective date of the federal regulation) (section of Code of Federal Regulations in which it will be codified)."

b. When the federal regulation is codified, the citation shall be amended to read as provided by subparagraph 1. of this paragraph.

3. a. If the statutory authority is a federal regulation that has been amended, and the amendment is not reflected in the current issue date of the volume of the Code of Federal Regulations in which the federal regulation is codified, the citation shall be to the Federal Register as follows: "(federal regulation that has been amended), (volume number) Fed. Reg. (page number) (effective date of the amendment)."

b. When the amendment is codified in the appropriate volume of the Code of Federal Regulations, the citation shall be amended to read as provided by subparagraph 1. of this paragraph*;*~~[.]~~

(p) Citations of items in the "RELATES TO" paragraph of an administrative regulation shall comply with paragraphs (m), (n), and (o) of this subsection*; and*~~[.]~~

(q) An administrative regulation may cite the popular name of a federal or state law if the ***first usage of the*** popular name ***in that administrative regulation*** is accompanied by the citation required by this ***subsection***~~[paragraph]~~.

➔Section 17. KRS 13A.224 is amended to read as follows:

No material shall be incorporated by reference unless:

(1) The material incorporated by reference relates only to the specific subject matter governed by an administrative regulation;

(2) The material has been reviewed in detail by the administrative body;

(3) No ***state*** statute~~[, state]~~ or federal ***law***~~[regulation]~~ prescribes the same or similar procedure, or sets forth a comprehensive scheme of regulation of the subject matter; and

(4) Its incorporation is necessary in order to:

(a) Implement, interpret, or prescribe law or policy authorized or required by statute; ***or***

(b) Establish or describe the organization, procedure, or practice requirements authorized or required by statute.

➔Section 18. KRS 13A.2251 is amended to read as follows:

(1) An administrative body shall incorporate material by reference in the last section of an administrative regulation. This section shall include:

(a) The title of the material incorporated by reference placed in quotation marks, followed by the edition date of the material;

(b) Information on how the material may be obtained; and

(c) A statement that the material is available for public inspection and copying, subject to copyright law, at the main, regional, or branch offices of the administrative body, and the address and office hours of each. Following the required statement, the administrative body may include optional information that states the administrative body's Web site address or telephone number or that provides contact information for other sources that may have the material available to the public.

(2) The section incorporating material by reference shall be titled "Incorporation by Reference".

(a) If only one (1) item is incorporated by reference, the first subsection of the section incorporating material by reference shall contain the following statement: "(name and edition date of material incorporated) is incorporated by reference."

(b) If more than one (1) item is incorporated by reference, the first subsection of the section incorporating material by reference shall contain the following statement: "The following material is incorporated by reference: (a) (name and edition date of first item incorporated); and (b) (name and edition date of second item incorporated)."

(c) The second subsection of the section incorporating material by reference shall include the following statement: "This material may be inspected, copied, or obtained, subject to applicable copyright law, at (name of administrative body, full address), Monday through Friday, ***(state the regular office hours)***~~[8:00 a.m. to 4:30 p.m.]~~."

(3) A summary of the incorporated material, in detail sufficient to identify the subject matter to which it pertains, shall be attached to an administrative regulation that incorporates material by reference. This summary shall include:

(a) Relevant programs, statutes, funds, rights, duties, and procedures affected by the material and the manner in which they are affected;

(b) A citation of the specific state or federal statutes or regulations authorizing or requiring the procedure or policy found in the material incorporated by reference; and

(c) The total number of pages incorporated by reference.

(4) (a) One (1) copy of the material incorporated by reference shall be filed with the regulations compiler when the administrative regulation is filed.

(b) Material incorporated by reference shall be placed in a binder, attached to the back of the administrative regulation, or filed on a CD-ROM or DVD.

1. If the material is placed in a binder, the administrative body shall indicate, on the front binder cover and on the first page of the material incorporated by reference, the:

a. Number of the administrative regulation to which the material incorporated by reference pertains;

b. Date on which it is filed; and

c. Citation of each item that is included in the binder.

2. The material incorporated by reference may be attached to the back of the administrative regulation if it is:

a. No more than four (4) pages in length; and

b. Typewritten on white paper, size eight and one-half (8 1/2) by eleven (11) inches, and single-sided.

3. The material incorporated by reference may be filed on a CD-ROM or DVD disc if the material is saved in Adobe Portable Document Format (PDF). The administrative body shall indicate on the disc and the disc's storage case the:

a. Number of the administrative regulation to which the material incorporated by reference pertains;

b. Date on which it is filed; and

c. Citation of each item that is included on the disc.

(c) If the same material is incorporated by reference in more than one (1) administrative regulation, an administrative body may file one (1) copy of the material in a binder or on a CD-ROM or DVD disc. The numbers of the administrative regulations in which the material is incorporated by reference shall be indicated with the other information as required by paragraph (b) of this subsection.

➔Section 19. KRS 13A.2255 is amended to read as follows:

(1) When an administrative ***body***~~[regulation]~~ amends material that had been previously incorporated by reference, the amendment shall be accomplished by submission of:

(a) An amendment to the administrative regulation with a new edition date for the material incorporated by reference. The amendment shall be filed in accordance with:

1. Section 14 of this Act to initiate a change in an existing administrative regulation;

2. Section 25 of this Act to amend a proposed administrative regulation as a result of the hearing or written comments received; or

3. Section 31 of this Act to amend a proposed administrative regulation at a subcommittee meeting;

(b)~~[(1)]~~ An entire new document in which the amendments have been made but are not reflected in the manner specified in KRS 13A.222(2);

(c)~~[(2)]~~ A detailed summary of the changes and their effect. This summary shall***:***

1. a. Describe changes that are being made in the material incorporated by reference, in sufficient detail that a person reading the summary will know the differences between the material previously incorporated by reference and the new material; or

b. List each change in the manner required by subsection (2)(c) and (d) of Section 31 of this Act; and

2. Be attached to the ***back of the*** administrative regulation ***or, if part of an amendment pursuant to Section 31 of this Act, to the amendment submitted for the subcommittee meeting***; and

(d)~~[(3)]~~ The page or pages of any document developed by the promulgating administrative body in which changes have been made, with the changes accomplished in the manner specified in KRS 13A.222(2). Notwithstanding KRS 13A.040(6), the regulations compiler shall not be required to keep these marked copies once the administrative regulation has been adopted or withdrawn.

(2) (a) If the changes to the material incorporated by reference are technical in nature and authorized by subsection (10) of Section 3 of this Act or Section 29 of this Act, the administrative body may submit to the regulations compiler a copy of the revised material incorporated by reference and a detailed letter explaining what changes are made and the reason for the changes.

(b) If the regulations compiler determines that the requested change does not affect the substance of the material incorporated by reference and that the change is authorized by subsection (10) of Section 3 of this Act or Section 29 of this Act, the edition date stated in the administrative regulation shall be changed to match the edition date on the revised material and the history line of that administrative regulation shall note that a technical amendment was made.

(c) If the requested change affects the substance of the material incorporated by reference or is not authorized by subsection (10) of Section 3 of this Act or Section 29 of this Act, the administrative body shall comply with subsection (1) of this section.

➔Section 20. KRS 13A.230 is amended to read as follows:

(1) The administrative body shall attach the following forms to the back of the original and each copy of an administrative regulation:

(a) Regulatory impact analysis as required by KRS 13A.240;

(b) Tiering statement as required by KRS 13A.210;

(c) Fiscal note as required by KRS 13A.250;

(d) Federal mandate comparison, if applicable, as required by KRS 13A.245; and

(e) The summaries provided for in KRS 13A.2245, 13A.2251, or 13A.2255, if applicable.

(2) The forms required by subsection (1) of this section shall be obtained from the regulations compiler.

(3) The electronic version of an administrative regulation and the attachments required by subsection (1) of this section shall be sent by e-mail to the regulations compiler in a single document at the same time as, or prior to, filing the paper version in accordance with Section 12, 14, or 25 of this Act in an electronic format approved by the regulations compiler.

➔Section 21. KRS 13A.240 is amended to read as follows:

(1) Every administrative body shall prepare and submit to the Legislative Research Commission an original and five (5) duplicate copies of a regulatory impact analysis for every administrative regulation when it is filed with the Commission. The regulatory impact analysis shall include the following information:

(a) ***The number of the administrative regulation;***

(b) The name, e-mail address, and telephone number of the contact person of the administrative body identified pursuant to subsection (6)(d) of Section 14 of this Act, and, if applicable, the name, e-mail address, and telephone number of an alternate person to be contacted with specific questions about the regulatory impact analysis;

(c) A brief narrative summary of:

1. What the administrative regulation does;

2. The necessity of the administrative regulation;

3. How the administrative regulation conforms to the content of the authorizing statutes; and

4. How the administrative regulation currently assists or will assist in the effective administration of the statutes;

(d) ~~[(b)]~~ If this is an amendment to an existing administrative regulation, a brief narrative summary of:

1. How the amendment will change the existing administrative regulation;

2. The necessity of the amendment to the administrative regulation;

3. How the amendment conforms to the content of the authorizing statutes; and

4. How the amendment to the administrative regulation will assist in the effective administration of the statutes;

(e) ~~[(c)]~~ The type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation;

(f) ~~[(d)]~~ An analysis of how the entities referenced in paragraph ***(e)*** ~~[(c)]~~ of this subsection will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment to an existing administrative regulation. The analysis shall include but not be limited to:

1. A detailed explanation of the actions the entities referenced in paragraph ***(e)*** ~~[(c)]~~ of this subsection will be required to undertake in order to comply with the proposed administrative regulation;

2. An estimate of the costs imposed on entities referenced in paragraph ***(e)*** ~~[(c)]~~ of this subsection in order to comply with the proposed administrative regulation; and

3. The benefits that may accrue to the entities referenced in paragraph ***(e)*** ~~[(c)]~~ of this subsection as a result of compliance;

(g) ~~[(e)]~~ An estimate of how much it will cost the administrative body to implement this administrative regulation, both initially and on a continuing basis;

(h) ~~[(f)]~~ The source of the funding to be used for the implementation and enforcement of the administrative regulation;

(i) ~~[(g)]~~ An assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation or amendment to an existing administrative regulation;

(j) ~~[(h)]~~ A statement as to whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees; and

(k) ~~[(i)]~~ The tiering statement required by KRS 13A.210.

(2) The Legislative Research Commission shall review all regulatory impact analyses submitted by all administrative bodies, and~~[prepare a written analysis thereof and of the administrative regulation. The Legislative Research Commission]~~ may require any administrative body to submit background data upon which the information required by subsection (1) ***of this section*** is based, and an explanation of how the data was gathered.

➔Section 22. KRS 13A.250 is amended to read as follows:

(1) ***An*** ~~[Each]~~ administrative body that promulgates an administrative regulation shall consider the cost that the administrative regulation may cause state or local government to incur. The cost analysis shall include the projected cost or cost savings to the Commonwealth of Kentucky and each of its affected agencies, and the projected cost or cost savings to affected local governments, including cities, counties, fire departments, and school districts. Agencies affected by the administrative regulation may submit comments in accordance with KRS 13A.270(1) to the promulgating administrative body or to a subcommittee reviewing the administrative regulation.

(2) Each administrative body that promulgates an administrative regulation shall prepare and submit with the administrative regulation a fiscal note. The fiscal note shall state:

(a) The number of the administrative regulation;

(b) The name***, e-mail address,*** and telephone number of the contact person of the administrative body ***identified pursuant to subsection (6)(d) of Section 14 of this Act, and, if applicable, the name, e-mail address, and telephone number of an alternate person to be contacted with specific questions about the fiscal note***;

(c) The unit, part, or division of state or local government the administrative regulation will affect;

(d) In detail, the aspect or service of state or local government to which the administrative regulation relates, including identification of the applicable state or federal statute or regulation that mandates the aspect or service or authorizes the action taken by the administrative regulation; and

(e) The estimated effect of the administrative regulation on the expenditures and revenues of a state or local government agency for the first full year the administrative regulation will be in effect. If specific dollar estimates cannot be determined, the administrative body shall provide a brief narrative to explain the fiscal impact of the administrative regulation.

(3) Any administrative body may request the advice and assistance of the Commission in the preparation of the fiscal note.

➔Section 23. KRS 13A.255 is amended to read as follows:

(1) Within five (5) working days of the filing of an ordinary administrative regulation that proposes to establish or increase fees, except those fees exempted by KRS 13A.100(3), an administrative body shall mail or e-mail a notice containing the information required by subsection (2) of this section, to each state association, organization, or other body representing a person or entity affected by the administrative regulation.

(2) The notice shall include the following information:

(a) The name of the administrative body that filed the proposed administrative regulation;

(b) A statement that the administrative body has promulgated an administrative regulation that establishes or increases fees;

(c) A summary of the administrative regulation that includes:

1. The amount of each fee being established;

2. The amount of any increases to any fees previously established; and

3. The necessity for the establishment or increase in the fees;

(d) A statement that a person or entity may contact the administrative body for additional information;

(e) The time, date, and place of the scheduled public hearing;

(f) The deadline for submitting written comments as established in KRS 13A.270(1)(c); and

(g) The name, ***mailing*** address, ***e-mail address,*** and telephone number of the contact person for the administrative body ***identified pursuant to subsection (6)(d) of Section 14 of this Act***.

➔Section 24. KRS 13A.270 is amended to read as follows:

(1) (a) In addition to the public comment period required by paragraph (c) of this subsection, following publication in the Administrative Register of the text of an administrative regulation, the administrative body shall, unless authorized to cancel the hearing pursuant to subsection (7) of this section, hold a hearing, open to the public, on the administrative regulation.

(b) The public hearing shall not be held before the twenty-first day or later than the last workday of the month in which the administrative regulation is published in the Administrative Register.

(c) The administrative body shall accept written comments regarding the administrative regulation during the comment period. The comment period shall begin on the date the administrative regulation is filed with the regulations compiler and shall run until ***11:59 p.m. on the last day***~~[the end]~~ of the calendar month in which the administrative regulation was published in the Administrative Register.~~[If the last day of the calendar month falls on a Saturday, Sunday, or holiday, the administrative body shall consider all written comments received prior to the close of business of the first workday following the Saturday, Sunday, or holiday.]~~

(2) Each administrative regulation shall state:

(a) The place, time, and date of the scheduled public hearing;

(b) The manner in which interested persons shall submit their:

1. Notification of attending the public hearing; and

2. Written comments;

(c) That notification of attending the public hearing shall be transmitted to the administrative body no later than five (5) workdays prior to the date of the scheduled public hearing;

(d) The deadline for submitting written comments regarding the administrative regulation in accordance with ***subsection (1)(c)***~~[paragraph (c) of subsection (1)]~~ of this section; and

(e) The name, position, ***mailing*** address, ***e-mail address,*** and telephone and facsimile numbers of the person to whom a notification and written comments shall be transmitted.

(3) (a) A person who wishes to be notified that an administrative body has filed an administrative regulation shall:

1. Contact the administrative body by telephone or written letter to request that the administrative body send the information required by paragraph (c) or (d) of this subsection to the person; or

2. Complete an electronic registration form located on a centralized state government Web site developed and maintained by the Commonwealth Office of Technology.

(b) A registration submitted pursuant to paragraph (a) of this subsection shall:

1. Indicate whether the person wishes to receive notification regarding:

a. All administrative regulations promulgated by an administrative body; or

b. Each administrative regulation that relates to a specified subject area. The subject areas shall be provided by the administrative bodies and shall be listed on the centralized state government Web site in alphabetical order;

2. Include a request for the person to provide an e-mail address in order to receive regulatory information electronically;

3. Be valid for a period of four (4) years from the date the registration is submitted, or until the person submits a written request to be removed from the notification list, whichever occurs first; and

4. Be transmitted to the promulgating administrative body, if the registration was made through the centralized state government Web site. The collected e-mail addresses shall be used solely for the purposes of this subsection and shall not be sold, transferred, or otherwise made available to third parties, other than the promulgating administrative body.

(c) A copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), shall be e-mailed:

1. To every person who has:

a. Registered pursuant to paragraph (a) of this subsection; and

b. Provided an e-mail address as part of the registration request;

2. Within five (5) working days after the date the administrative regulation is filed with the Commission; and

3. With a request from the administrative body that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation.

(d) Within five (5) working days after the date the administrative regulation is filed with the Commission, the administrative body shall mail the following information to every person who has registered pursuant to paragraph (a) of this subsection but did not provide an e-mail address:

1. A cover letter from the administrative body requesting that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation;

2. A copy of the regulatory impact analysis required by KRS 13A.240 completed in detail sufficient to put the individual on notice as to the specific contents of the administrative regulation, including all proposed amendments to the administrative regulation; and

3. A statement that a copy of the administrative regulation may be obtained from the Commission's Web site, which can be accessed on-line through public libraries or any computer with Internet access. The Commission's Web site address shall be included in the statement.

(e) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to persons who have registered pursuant to paragraph (a) of this subsection, unless the person requested a copy pursuant to KRS 13A.280***(8)*** ~~[(7)]~~.

(4) (a) If small business may be impacted by an administrative regulation, the administrative body shall e-mail a copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), to the chief executive officer of the Commission on Small Business Advocacy within one (1) working day after the date the administrative regulation is filed with the Commission.

(b) The e-mail shall include a request from the administrative body that the Commission on Small Business Advocacy review the administrative regulation in accordance with KRS 11.202(1)(e) and submit its report or comments in accordance with the deadline established in subsection (1)(c) of this section. A copy of the report shall be filed with the regulations compiler.

(c) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to the Commission on Small Business Advocacy, unless its chief executive officer requested a copy pursuant to KRS 13A.280***(8)*** ~~[(7)]~~.

(5) (a) If a ***local*** government may be impacted by an administrative regulation, the administrative body shall send, by e-mail if the ***local*** government has an e-mail address, a copy of the administrative regulation as filed and all attachments required by KRS 13A.230(1) to each ***local*** government in the state within one (1) working day after the date the administrative regulation is filed with the Commission. If the ***local*** government does not have an e-mail address, the material shall not be sent.

(b) The e-mail shall include a request from the administrative body that the ***local*** government review the administrative regulation in the same manner as would the Commission on Small Business Advocacy under KRS 11.202(1)(e), and submit its report or comments in accordance with the deadline established in subsection (1)(c) of this section. A copy of the report or comments shall be filed with the regulations compiler.

(c) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to a ***local*** government, unless its contact person requested a copy pursuant to KRS 13A.280***(8)*** ~~[(7)]~~.

(6) Persons desiring to be heard at the hearing shall notify the administrative body in writing as to their desire to appear and testify at the hearing not less than five (5) workdays before the scheduled date of the hearing.

(7) The administrative body shall immediately notify the regulations compiler~~[by telephone and]~~ by letter if:

(a) No written notice of intent to attend the public hearing is received by the administrative body at least five (5) workdays before the scheduled hearing, and it chooses to cancel the public hearing; and

(b) No written comments have been received by the close of the last day of the public comment period.

(8) (a) 1. Upon receipt from interested persons of their intent to attend a public hearing, the administrative body shall notify the regulations compiler~~[by telephone and]~~ by letter that the public hearing shall be held.

2. If the public hearing is held but no comments are received during the hearing, the administrative body shall notify the regulations compiler~~[by telephone and]~~ by letter that the public hearing was held and that no comments were received.

(b) Upon receipt of written comments, the administrative body shall notify the regulations compiler~~[by telephone and]~~ by letter that written comments have been received.

(9) If the notifications required by subsections (7) and (8) of this section are not received by the regulations compiler by close of business on the second workday of the calendar month, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.

(10) The notifications required by subsections (7) and (8) of this section shall be made~~[by telephone and]~~ by letter. The letter may be sent by e-mail if the administrative body uses an electronic signature and letterhead for the e-mailed document.

(11) Every hearing shall be conducted in such a manner as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so, whether or not such person has given the notice contemplated by subsection (6) of this section. No transcript need be taken of the hearing, unless a written request for a transcript is made, in which case the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This section shall not preclude an administrative body from making a transcript or making a recording if it so desires.

(12) Nothing in this section shall be construed as requiring a separate hearing on each administrative regulation. Administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings required by this section.

➔Section 25. KRS 13A.280 is amended to read as follows:

(1) Following the last day of the comment period, the administrative body shall give consideration to all comments received at the public hearing and all written comments received during the comment period, including any report filed by the Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a ***local*** government in accordance with KRS 11.202(1)(e) and 13A.270(5).

(2) (a) Except as provided in paragraph (b) of this subsection, the administrative body shall file with the commission on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the month of publication the statement of consideration relating to the administrative regulation ***and, if applicable, the amended after comments version***.

(b) If the administrative body has received a significant number of public comments, it may extend the time for filing the statement of consideration ***and, if applicable, the amended after comments version*** by notifying the regulations compiler in writing on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the month of publication. The administrative body shall file the statement of consideration ***and, if applicable, the amended after comments version,*** with the Commission on or before 12 noon, eastern time, no later than the fifteenth day of the second calendar month following the month of publication.

(3) (a) If the administrative regulation is amended as a result of the hearing or written comments received, the administrative body shall forward the items specified in ***this*** paragraph~~[(b) of this subsection]~~ to the regulations compiler by 12 noon, eastern time, on the applicable deadline specified in subsection (2) of this section***:***~~[.~~

~~(b)]~~ 1. The original and five (5) copies of the administrative regulation indicating any amendments in the original wording resulting from comments received at the public hearing and during the comment period;

2. The original and five (5) copies of the statement of consideration as required by subsection (2) of this section, attached to the back of the original and each copy of the administrative regulation; and

3. The regulatory impact analysis, tiering statement, federal mandate comparison, or fiscal note on local government. These documents shall reflect changes resulting from amendments made after the public hearing.

(b) The original and four (4) copies of the amended after comments version, the statement of consideration, and the attachments required by paragraph (a)3. of this subsection shall be stapled in the top left corner. The fifth copy shall not be stapled.

(c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the amended after comments version, the statement of consideration, and the required attachments saved as a single document for each amended after comments administrative regulation in an electronic format approved by the regulations compiler.

(4) (a) If the administrative regulation is not amended as a result of the public hearing, or written comments received, the administrative body shall file the original and five (5) copies of the statement of consideration with the regulations compiler by 12 noon, eastern time, on the deadline established in subsection (2) of this section. ***The original and four (4) copies of the statement of consideration shall be stapled in the top left corner. The fifth copy of each statement of consideration shall not be stapled.***

(b) If the statement of consideration covers multiple administrative regulations, as authorized by subsection (6)(g) of this section, the administrative body shall file with the regulations compiler:

1. The original and five (5) copies of the statement of consideration as required by paragraph (a) of this subsection; and

2. Two (2) additional unstapled copies of the statement of consideration for each additional administrative regulation included in the group of administrative regulations.

(c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the statement of consideration saved as a single document for each statement of consideration in an electronic format approved by the regulations compiler.

(5)~~[(b)]~~ If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.

(6)~~[(5)]~~ The format for the statement of consideration shall be as follows:

(a) The statement shall be typewritten on white paper, size eight and one-half (8-1/2) by eleven (11) inches. Copies of the statement may be mechanically reproduced;

(b) The first page of the statement of consideration shall have a two (2) inch top margin;

(c) The heading of the statement shall consist of the words "STATEMENT OF CONSIDERATION RELATING TO" followed by the number of the administrative regulation that was the subject of the public hearing and comment period and the name of the promulgating administrative body. The heading shall be centered. This shall be followed by the words "Not Amended After Comments" or "Amended After Comments," whichever is applicable;

(d) If a hearing has been held or written comments received, the heading is to be followed by:

1. A statement setting out the date, time and place of the hearing, if the hearing was held;

2. A list of those persons who attended the hearing or who submitted comments and the organization, agency, or other entity represented, if applicable; and

3. The name and title of the representative of the promulgating administrative body;

(e) Following the general information, the promulgating administrative body shall summarize the comments received at the public hearing and during the comment period and the response of the promulgating administrative body. Each subject commented upon shall be summarized in a separate numbered paragraph. Each numbered paragraph shall contain two (2) subsections:

1. Subsection (a) shall be labeled "Comment," shall identify the name of the person, and the organization represented if applicable, who made the comment, and shall contain a summary of the comment; and

2. Subsection (b) shall be labeled "Response" and shall contain the response to the comment by the promulgating administrative body;

(f) Following the summary and comments, the promulgating administrative body shall:

1. Summarize the statement and the action taken by the administrative body as a result of comments received at the public hearing and during the comment period; and

2. If amended after the comment period, list the changes made to the administrative regulation in the format prescribed by KRS 13A.320(2)(c) and (d); and

(g) If administrative regulations were considered as a group at a public hearing, one (1) statement of consideration may include the group of administrative regulations. If a comment relates to one (1) or more of the administrative regulations in the group, the summary of the comment and response shall specify each administrative regulation to which it applies.

(7)~~[(6)]~~ If the administrative regulation is amended pursuant to subsection (3) of this section, the full text of the administrative regulation shall be published in the Administrative Register. The changes made to the administrative regulation shall be typed in bold and made in the format prescribed by KRS 13A.222(2). The administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee after such publication.

(8)~~[(7)]~~ If requested, copies of the statement of consideration and, if applicable, the ***amended after comments***~~[amended after comments]~~ version of the administrative regulation shall be made available by the promulgating administrative body to persons attending the hearing or submitting comments or who specifically request a copy from the administrative body.

➔Section 26. KRS 13A.290 is amended to read as follows:

(1) ***(a)*** Except as provided by KRS 158.6471 and 158.6472, the Administrative Regulation Review Subcommittee shall meet monthly to review administrative regulations prior to close of business on the fifteenth day of the calendar month.

(b) The agenda shall:

1.~~[(a)]~~ Include each administrative regulation that was published in the prior month's Administrative Register not including the administrative regulations published in the "As Amended" section;

2.~~[(b)]~~ Include each administrative regulation for which a statement of consideration was received on or before 12 noon, eastern time, on the fifteenth day of the prior calendar month;

3.~~[(c)]~~ Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and

4.~~[(d)]~~ Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter.

(c) Review of an administrative regulation shall include the entire administrative regulation and all attachments filed with the administrative regulation. The review of amendments to existing administrative regulations shall not be limited to only the changes proposed by the promulgating administrative body.

(2) The meetings shall be open to the public.

(3) Public notice of the time, date, and place of the Administrative Regulation Review Subcommittee meeting shall be given in the Administrative Register.

(4) A representative of the administrative body promulgating the administrative regulation under consideration shall be present to explain the administrative regulation and to answer questions thereon. If a representative of the administrative body with authority to amend the administrative regulation is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.

(5) Following the meeting and before the next regularly scheduled meeting of the Commission, the Administrative Regulation Review Subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The Administrative Regulation Review Subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an existing administrative regulation it has reviewed.~~[One (1) copy thereof shall be sent to the promulgating administrative body.]~~ The Administrative Regulation Review Subcommittee's findings shall be published in the Administrative Register.

(6) (a) After review by the Administrative Regulation Review Subcommittee, the Commission shall, ***on the first Wednesday of the following month, or if the first Wednesday is a legal holiday, the next workday of the month***~~[at its next regularly scheduled meeting]~~, assign the administrative regulation to:

1. ***An interim joint committee***~~[A subcommittee]~~ of appropriate jurisdiction over the subject matter of the administrative regulation; or

2. During a session of the General Assembly, the House of Representatives and Senate standing committees of appropriate jurisdiction over the subject matter of the administrative regulation.

(b) Upon notification of the assignment by the Commission, the legislative subcommittee to which the administrative regulation is assigned shall notify the regulations compiler:

1. Of the date, time, and place of the meeting at which it will consider the administrative regulation; or

2. That it will not meet to consider the administrative regulation.

(7) Within thirty (30) days of the assignment, the subcommittee may hold a public meeting during which the administrative regulation shall be reviewed. If the thirtieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday. The subcommittee may also review an existing administrative regulation and make a determination as provided by KRS 13A.030(2) and (3). Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.

(8) Except as provided in subsection (9) of this section, a subcommittee shall be empowered to make the same nonbinding determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee.

(9) ***(a) A majority of the entire membership of the subcommittee to which an administrative regulation is referred pursuant to subsection (6)(a) of this section shall constitute a quorum for purposes of reviewing administrative regulations.***

(b) In order to amend an administrative regulation pursuant to Section 31 of this Act or to find an administrative regulation deficient pursuant to KRS 13A.030(2) and (3), the motion to amend or find deficient shall be approved by a majority of the entire membership of the subcommittee. Additionally, during a session of the General Assembly, standing committees of the Senate and House of Representatives shall agree in order to amend an administrative regulation or to find an administrative regulation deficient pursuant to KRS 13A.030(2) and (3) by:

1.~~[(a)]~~ Meeting separately; or

2.~~[(b)]~~ Meeting jointly. If the standing committees meet jointly, it shall require a majority vote of Senate members voting and a majority of House members voting***, as well as the majority vote of the entire membership of the standing committees meeting jointly,*** in order to take action on the administrative regulation.

(10) (a) Upon adjournment of the meeting at which a legislative subcommittee has considered an administrative regulation pursuant to subsection (7) of this section, the subcommittee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.

(b) Following the meeting and before the next regularly scheduled meeting of the Commission, the subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing.~~[One (1) copy thereof shall be sent to the promulgating administrative body.]~~ The subcommittee's findings shall be published in the Administrative Register.

➔Section 27. KRS 13A.300 is amended to read as follows:

(1) The administrative body ***that***~~[which has]~~ promulgated an administrative regulation may request that consideration of the administrative regulation be deferred by the subcommittee.

(2) The deferral of an administrative regulation scheduled for review by the Administrative Regulation Review Subcommittee shall be governed by the following:

(a) A request for deferral shall be automatically granted if:

1. The administrative body submits a written letter to the regulations compiler; and

2. The letter is received prior to the subcommittee meeting***;***~~[.]~~

(b) A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee***;***~~[.]~~

(c) The~~[(2) A]~~ subcommittee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation***;***~~[.]~~

(d)~~[(3)]~~ Except as provided in ***paragraph (e) of this*** subsection~~[(4) of this section]~~, an administrative regulation that has been deferred shall be placed on the agenda of the next scheduled meeting of the subcommittee~~[that is reviewing the administrative regulation]~~. The subcommittee shall consider the administrative regulation as if it had met all other requirements of filing. Repromulgation shall not be required in those cases***; and***~~[.]~~

(e)~~[(4)]~~ An administrative regulation shall not be deferred under this ***subsection***~~[section]~~ more than twelve (12) ***times***~~[consecutive months]~~.

(3) The deferral of an administrative regulation referred to a second committee pursuant to subsection (6)(a) of Section 26 of this Act shall be governed by the following:

(a) Except as provided in paragraphs (c), (d), and (e) of this subsection:

1. A request for deferral shall be automatically granted if:

a. The administrative body submits a written letter to the regulations compiler; and

b. The letter is received prior to the committee meeting;

2. A request for deferral may be granted at the discretion of the second committee if the request is made by the administrative body orally at a meeting of the committee; and

3. The committee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;

(b) An administrative regulation that is deferred shall be placed on the agenda of the next scheduled meeting of the committee. If the committee does not have a meeting scheduled during the following calendar month, the deferred administrative regulation shall take effect on the last workday of the calendar month following the month in which the administrative regulation is deferred;

(c) An administrative regulation shall not be deferred from the final scheduled meeting of an interim joint committee to which the administrative regulation was referred pursuant to subsection (6)(a)1. of Section 26 of this Act;

(d) An administrative regulation shall not be deferred from the final scheduled meeting of a standing committee to which the administrative regulation was referred pursuant to subsection (6)(a)1. of Section 26 of this Act; and

(e) An administrative regulation shall not be deferred from an interim joint committee to House and Senate standing committees or from House and Senate standing committees to an interim joint committee.

➔Section 28. KRS 13A.310 is amended to read as follows:

(1) An administrative regulation, once adopted, cannot be withdrawn but shall be repealed if it is desired that it no longer be effective.

(2) An administrative regulation, once adopted, cannot be suspended but shall be repealed if it is desired to suspend its effect.

(3) (a) An administrative regulation shall be repealed only by the promulgation of an administrative regulation that:

1. Is titled "Repeal of (state number of administrative regulation to be repealed)";
2. Contains the reasons for repeal in the "NECESSITY, FUNCTION, AND CONFORMITY" paragraph;
3. Includes in the body of the administrative regulation, a citation to the number and title of the administrative regulation or regulations being repealed; and
4. Meets the filing and formatting requirements of KRS 13A.220.

(b) ***1. Except as provided in subparagraph 2. of this paragraph,*** on the effective date of an administrative regulation that repeals an administrative regulation, ***determined in accordance with KRS 13A.330 or 13A.331,*** the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.

2. If the repealing administrative regulation specifies an effective date that is after the administrative regulation would become effective pursuant to KRS 13A.330 or 13A.331, the specified effective date shall be considered the effective date of the repealing administrative regulation. On the specified effective date, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.

(c) An administrative body may repeal more than one (1) administrative regulation in an administrative regulation promulgated pursuant to paragraph (a) of this subsection if the administrative regulations being repealed are contained in the same chapter of the Kentucky Administrative Regulations Service.

(4) (a) An ordinary administrative regulation may be withdrawn by the promulgating administrative body at any time prior to its adoption.

(b) An ordinary administrative regulation that has been found deficient may be withdrawn by the promulgating administrative body at any time prior to receipt by the regulations compiler of the determination of the Governor made pursuant to KRS 13A.330 or 13A.331 or may be withdrawn by the Governor.

(c) If an ordinary administrative regulation is withdrawn, the administrative body or the Governor shall inform the regulations compiler of the reasons for withdrawal in writing.

(5) Once an ordinary administrative regulation is withdrawn**,** it shall not be reinstated, except by repromulgation as a totally new matter.

➔Section 29. KRS 13A.312 is amended to read as follows:

(1) If authority over a subject matter is transferred to another administrative body or if the name of an administrative body is changed by statute or by executive order during the interim between regular sessions of the General

Assembly, the administrative regulations of that administrative body in effect on the effective date of the statutory change or the executive order shall remain in effect as they exist until the administrative body that has been granted authority over the subject matter amends or repeals the administrative regulations pursuant to KRS Chapter 13A.

(2) ***After receipt of a written request, submitted pursuant to subsection (3) of this section, to make changes to an administrative regulation*** pursuant to the statutory change or executive order, the regulations compiler shall alter the administrative regulations referenced in subsection (1) of this section to:

(a) Change the name of the administrative body pursuant to the provisions of the statute or executive order; and

(b) Make any other technical changes necessary to carry out the provisions of the statute or executive order.

(3) The administrative body that has been granted statutory authority over the subject matter shall provide to the regulations compiler in writing:

(a) A listing of the administrative regulations that require any changes; and

(b) The specific names, terms, or other information to be changed with those changes properly referenced.

(4) The administrative body that has been granted statutory authority over the subject matter shall submit new forms to replace forms previously incorporated by reference in an administrative regulation if the only changes on the form are the name and mailing address of the administrative body. If there are additional changes to a form incorporated by reference, the administrative body shall promulgate an amendment to the existing administrative regulation and make the changes to the material incorporated by reference in accordance with KRS 13A.2255.

(5) If an administrative body is abolished by statute or executive order and the authority over its subject matter is not transferred to another administrative body, the Governor, or the secretary of the cabinet to which the administrative body was attached, shall promulgate an administrative regulation to repeal the existing administrative regulations that were promulgated by the abolished administrative body. The repeal shall be accomplished as provided by KRS 13A.310.

➔Section 30. KRS 13A.315 is amended to read as follows:

(1) An administrative regulation shall expire and shall not be reviewed by a legislative subcommittee if:

(a) It has not been reviewed or approved by the official or administrative body with authority to review or approve;

(b) ***The statement of consideration and, if applicable, the amended after comments version***~~[An item]~~ is not filed on or before a deadline specified by this chapter;

(c) The administrative body has failed to comply with the provisions of this chapter governing the filing of administrative regulations, the public hearing and public comment period, or the statement of consideration; or

(d) The administrative regulation is deferred pursuant to KRS 13A.300***(2)*** more than twelve (12) ***times***~~[consecutive months]~~.

(2) (a) An administrative regulation that has been found deficient by a subcommittee shall be withdrawn immediately if, pursuant to KRS 13A.330 or 13A.331, the Governor has determined that it shall be withdrawn.

(b) The Governor shall notify the regulations compiler in writing and by telephone that he or she has determined that the administrative regulation found deficient shall be withdrawn.

(c) The written withdrawal of an administrative regulation governed by the provisions of this subsection shall be made in a letter to the regulations compiler in the following format: "Pursuant to KRS ***(***13A.330(2)(b) or 13A.331(2)(b)***, whichever is applicable)***, I have determined that (administrative regulation number and title) shall be (withdrawn, or withdrawn and amended to conform to the finding of deficiency, as applicable). The administrative regulation, (administrative regulation number and title), is hereby withdrawn."

(d) An administrative regulation governed by the provisions of this subsection shall be considered withdrawn upon receipt by the regulations compiler of the written withdrawal.

➔Section 31. KRS 13A.320 is amended to read as follows:

(1) (a) An administrative body may amend an administrative regulation at a subcommittee meeting with the consent of the subcommittee. A subcommittee may amend an administrative regulation at a subcommittee meeting with the consent of the administrative body.

(b) An administrative regulation shall not be amended at a public meeting of a subcommittee unless the amendment concerns an issue that was related to the administrative regulation filed with the Legislative Research Commission and was:

1. Considered at the public hearing;

2. Raised pursuant to a comment received by the administrative body at the public hearing or during the public comment period pursuant to KRS 13A.280(1); or

3. Raised during the subcommittee meeting.

(c) Nothing in this chapter shall be construed to require ***the administrative regulation's*** ~~[its]~~ resubmission or refiling or other action. The administrative regulation may be adopted as amended.

(d) ***Following approval of an amendment to an administrative regulation at a subcommittee meeting*** ~~[Subsequent to its adoption]~~, the administrative regulation ***as amended*** shall be published in the Administrative Register, unless all amendments to the administrative regulation that were made at ***the*** ~~[a]~~ meeting of ***the*** ~~[a]~~ subcommittee:

1. Relate only to the ***formatting*** ~~[format]~~ and drafting requirements of KRS 13A.220(5) and 13A.222(4)(b), (c), (i), (j), and (l); and

2. Do not alter the intent, meaning, conditions, standards, or other requirements of the administrative regulation.

(e) If the amendments to an administrative regulation made at a meeting of a subcommittee meet the ***exception*** requirements of paragraph (d) of this subsection, the regulations compiler shall publish a notice in the Administrative Register that the administrative regulation was amended at a subcommittee meeting only to comply with the ***formatting*** ~~[format]~~ and drafting requirements of this chapter.

(2) When an administrative body intends to amend an administrative regulation at a meeting of the subcommittee, the following requirements shall be met:

(a) Amendments offered by the administrative body prior to a subcommittee meeting shall be approved by the head of the administrative body.

(b) Amendments shall be contained in a letter to the subcommittee. The letter shall:

1. Identify the administrative body;

2. State the number and title of the administrative regulation;

3. Be dated;

4. Be filed with the regulations compiler at least three (3) workdays prior to the meeting of the subcommittee if the amendments are initiated by the administrative body; and

5. Comply with the format requirements in paragraphs (c) and (d) of this subsection if the amendments are initiated by the administrative body.

(c) On separate lines, the amendment shall be identified by the number of the:

1. Page;

2. Section, subsection, paragraph, subparagraph, clause, or subclause, as appropriate; and

3. Line.

(d) 1. If a word or phrase, whether or not underlined, is to be deleted, the amendment shall identify the word or phrase to be deleted and state that it is to be deleted. If a word or phrase is to be replaced by another word or phrase, the amendment shall specify the word or phrase that is to be deleted and shall specify the word or phrase that is to be inserted in lieu thereof.

2. If new language is to be inserted, the amendment shall state that it is to be inserted, and the new language shall be underlined.

3. If the amendment consists of no more than four (4) words, the words shall be placed between quotation marks. If the amendment consists of more than four (4) words, the amendment shall be indented and not placed between quotation marks.

4. If a section, subsection, paragraph, subparagraph, clause, or subclause is to be deleted in its entirety, the amendment shall identify it and state that it is deleted in its entirety, whether or not it contains underlined or bracketed language.

(3) If an amendment is drafted by subcommittee staff on behalf of a subcommittee, the amendment shall be made:

(a) In the format required by subsection (2)(c) and (d) of this section; or

(b) By substituting the complete text of the administrative regulation, with the proposed changes made to the administrative regulation typed in bold, italicized, and in the format prescribed by KRS 13A.222(2).

(4) An amendment to an administrative regulation may be made orally at a subcommittee meeting if the requirements of subsection (1)(a) of this section are met.

(5) ***Except for an amendment made orally pursuant to subsection (4) of this section:***

(a) For a meeting of the Administrative Regulation Review Subcommittee, an administrative body shall submit twenty (20) copies of an amendment to an administrative regulation to the regulations compiler prior to the Administrative Regulation Review Subcommittee meeting at which the amendment will be considered ***and, if applicable, in accordance with the deadline established in subsection (2)(b)4. of this section; or***

(b) For a meeting of a subcommittee other than the Administrative Regulation Review Subcommittee, an administrative body shall contact the regulations compiler prior to the subcommittee meeting at which the amendment will be considered to find out the number of copies needed for that specific subcommittee. The original amendment and the specified number of copies shall be submitted to the regulations compiler prior to the subcommittee meeting at which the amendment will be considered and, if applicable, in accordance with the deadline established in subsection (2)(b)4. of this section.

➔Section 32. KRS 131.130 is amended to read as follows:

Without limitation of other duties assigned to it by law, the following powers and duties are vested in the Department of Revenue:

(1) The department may promulgate administrative regulations, and direct proceedings and actions, for the administration and enforcement of all tax laws of this state. To assist taxpayers in understanding and interpreting the tax laws, the department may, through incorporation by reference, include examples as part of any administrative regulation. The examples may include demonstrative, nonexclusive lists of items if the department determines ***the***~~[such]~~ lists would be helpful to taxpayers in understanding the application of the tax laws.

(2) The department, by representatives it appoints in writing, may take testimony or depositions, and may examine hard copy or electronic records, any person's documents, files, and equipment if those records, documents, or equipment will furnish knowledge concerning any taxpayer's tax liability, when it deems this reasonably necessary to the performance of its functions. The department may enforce this right by application to the Circuit Court in the county ***where***~~[wherein]~~ the person is domiciled or has his or her principal office, or by application to the Franklin Circuit Court, which courts may compel compliance with the orders of the department.

(3) The department shall prescribe the style, and determine and enforce the use or manner of keeping, of all assessment and tax forms and records employed by state and county officials, and may prescribe forms necessary for the administration of any revenue law~~[by the promulgation of an administrative regulation pursuant to KRS Chapter 13A incorporating the forms by reference]~~.

(4) The department shall advise on all questions respecting the construction of state revenue laws and ***its***~~[the]~~ application~~[thereof]~~ to various classes of taxpayers and property.

(5) Attorneys employed by the Finance and Administration Cabinet and approved by the Attorney General as provided in KRS 15.020 may prosecute all violations of the criminal and penal laws relating to revenue and taxation. If a Finance and Administration Cabinet attorney undertakes any of the actions prescribed in this subsection, that attorney shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including

the authority to sign, file, and present any complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.

(6) In the event of the incapacity of attorneys employed by the Finance and Administration Cabinet or at the request of the secretary of the Finance and Administration Cabinet, the Attorney General or his or her designee shall prosecute all violations of the criminal and penal laws relating to revenue and taxation. If the Attorney General undertakes any of the actions prescribed in this subsection, he or she shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including but not limited to the authority to sign, file, and present any and all complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.

(7) The department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the department for administration.

(8) The department may research the fields of taxation, finance, and local government administration, and publish its findings, as the commissioner may deem wise.

(9) The department may ***promulgate*** ~~[make]~~ administrative regulations necessary to establish a system of taxpayer identifying numbers for the purpose of securing proper identification of taxpayers subject to any tax laws or other revenue measure of this state, and may require the taxpayer to place on any return, report, statement, or other document required to be filed, any number assigned pursuant to ***the*** ~~[such]~~ administrative regulations.

(10) The department may, when it is in the best interest of the Commonwealth and helpful to the efficient and effective enforcement, administration, or collection of sales and use tax, motor fuels tax, or the petroleum environmental assurance fee, enter into agreements with out-of-state retailers or other persons for the collection and remittance of sales and use tax, the motor fuels tax, or the petroleum environmental assurance fee.

(11) The department may enter into annual memoranda of agreement with any state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization to assume the collection duties for any debts due the state entity and may renew that agreement for up to five (5) years. Under such an agreement, the department shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of those liquidated debts as provided under:

(a) KRS Chapters 131, 134, and 135 for the collection, refund, and administration of delinquent taxes; and

(b) Any applicable statutory provisions governing the state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization for the collection, refund, and administration of any liquidated debts due the state entity.

(12) The department may refuse to accept a personal check in payment of taxes due or collected from any person who has ever tendered a check to the state which, when presented for payment, was not honored. Any check so refused shall be considered as never having been tendered.

➔Section 33. KRS 141.050 is amended to read as follows:

(1) Except to the extent required by differences between this chapter and its application and the federal income tax law and its application, the administrative and judicial interpretations of the federal income tax law, computations of gross income and deductions therefrom, accounting methods, and accounting procedures, for purposes of this chapter shall be as nearly as practicable identical with those required for federal income tax purposes. Changes to federal income tax law made after the Internal Revenue Code reference date contained in KRS 141.010(3) shall not apply for purposes of this chapter unless adopted by the General Assembly.

(2) Every person subject to the provisions of this chapter shall keep~~[such]~~ records, render under oath~~[such]~~ statements, make~~[such]~~ returns, and comply with ***the*** ~~[such]~~ rules and ***administrative*** regulations as the department from time to time may ***promulgate*** ~~[prescribe]~~. Whenever the department judges it necessary, it may require ***a*** ~~[such]~~ person, by notice served upon him ***or her***, to make a return, render under oath~~[such]~~ statements, or keep~~[such]~~ records, as the department deems sufficient to show whether or not ***the*** ~~[such]~~ person is liable for tax, and the extent of ***the*** ~~[such]~~ liability.

(3) The commissioner or his ***or her*** authorized agent or representative, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any taxpayers, may require the attendance of the taxpayer or of any other person having knowledge in the premises.

(4) The department shall~~[prescribe the forms and reports necessary to the proper administration of any and all provisions of this chapter, and shall]~~ promulgate~~[such]~~ rules and regulations necessary to effectively carry out the provisions of this chapter.

➔Section 34. KRS 141.068 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Authority" means the Kentucky Economic Development Finance Authority as created pursuant to KRS 154.20-010;

(b) "Investor" has the same meaning as set forth in KRS 154.20-254;

(c) "Investment fund" has the same meaning as set forth in KRS 154.20-254;

(d) "Investment fund manager" has the same meaning as set forth in KRS 154.20-254; and

(e) "Tax credit" means the credits provided for in KRS 154.20-258.

(2) (a) An investor which is an individual or a corporation shall be entitled to the credit certified by the authority under KRS 154.20-258 against the tax due computed as provided by KRS 141.020 or 141.040, respectively, and against the tax imposed by KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.

(b) The amount of the certified tax credit that may be claimed in any tax year of the investor shall be determined in accordance with the provisions of KRS 154.20-258.

(3) (a) In the case of an investor that is a pass-through entity not subject to the tax imposed by KRS 141.040, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be taken by the pass-through entity against the limited liability entity tax imposed by KRS 141.0401, and shall also be apportioned among the partners, members, or shareholders at the same ratio as the partners', members', or shareholders' distributive shares of income are determined for the tax year during which the amount of the credit is certified by the authority.

(b) The amount of the tax credit apportioned to each partner, member, or shareholder that may be claimed in any tax year of the partner, member, or shareholder shall be determined in accordance with the provisions of KRS 154.20-258.

(4) (a) In the case of an investor that is a trust not subject to the tax imposed by KRS 141.040, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be apportioned to the trust and the beneficiaries on the basis of the income of the trust allocable to each for the tax year during which the tax credit is certified by the authority.

(b) The amount of tax credit apportioned to each trust or beneficiary that may be claimed in any tax year of the trust or beneficiary shall be determined in accordance with the provisions of KRS 154.20-258.

(5) The Department of Revenue shall promulgate administrative regulations under KRS Chapter 13A ***to adopt***~~[adopting forms and]~~ procedures for the~~[reporting and]~~ administration of ***the*** credits authorized by KRS 154.20-258.

➔SECTION 35. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

Notwithstanding Section 7 of this Act, the Department of Revenue shall publish tax forms and instructions to those forms without promulgation of an administrative regulation.

➔Section 36. The following KRS sections are repealed:

13A.075 Legislative Research Commission may promulgate regulations.

13A.140 Administrative regulations presumed valid -- Promulgating administrative body to bear burden of proof in court challenge.

Signed by Governor April 9, 2016.

CHAPTER 83

(SB 60)

AN ACT relating to offenses committed in a continuing course of conduct against vulnerable victims and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 501 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "offense against a vulnerable victim" means any violation of:

(a) KRS 508.100;

(b) KRS 508.110;

(c) KRS 508.120;

(d) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, or 530.020, if the victim is under the age of fourteen (14), or if the victim is an individual with an intellectual disability, physically helpless, or mentally incapacitated, as those terms are defined in KRS 510.010;

(e) KRS 529.100 or 529.110 if the victim is a minor;

(f) KRS 530.064(1)(a);

(g) KRS 531.310;

(h) KRS 531.320; or

(i) Any felony in KRS Chapter 209.

(2) A person may be charged with committing an offense against a vulnerable victim in a continuing course of conduct if the unlawful act was committed against the same person two (2) or more times over a specified period of time.

(3) If a person is charged as committing the crime in a continuing course of conduct, the indictment shall clearly charge that the crime was committed in a continuing course of conduct.

(4) To convict a person of an offense against a vulnerable victim in a continuing course of conduct, the jury shall unanimously agree that two (2) or more acts in violation of the same statute occurred during the specified period of time. The jury need not agree on which specific acts occurred.

(5) If a person is convicted of an offense against a vulnerable victim in a continuing course of conduct, that person may not also be convicted of charges based on the individual unlawful acts that were part of the continuing course of conduct.

(6) The penalty, probation and parole eligibility, and other consequences of an offense charged under this section shall be the same as for the offense when charged based on an individual act.

(7) The applicability of this section shall be governed by the age of the victim at the time of the offense.

➔Section 2. Whereas protecting the health and safety of Kentucky's most vulnerable citizens is one of the most important goals of our government and no just cause exists for delay, 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 9, 2016.

CHAPTER 84

(SB 293)

AN ACT relating to reorganization.

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

➔Section 1. KRS 42.0201 is amended to read as follows:

(1) There is created within the Finance and Administration Cabinet the Office of the Controller.

(2) The Office of the Controller shall be headed by an executive director appointed by the secretary of the Finance and Administration Cabinet with the approval of the Governor. The executive director shall function as the state controller, who shall be a person qualified by education and experience for the position and held in high professional esteem in the accounting community.

(3) The state controller shall be the Commonwealth's chief accounting officer and shall be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. The Office of the Controller shall establish guidelines for state personnel administration on issues relating to paycheck distribution dates, assignment of data elements to accurately report labor costs, assignment and tracking of actual expenditures by code, and coverage issues relating to Social Security and Medicare.

(4) The state controller; the executive director of the Office of Financial Management, Finance and Administration Cabinet; and the state budget director designated under KRS 11.068 shall develop and maintain the Commonwealth's strategic financial management program.

(5) Executive directors and division directors appointed under this section shall be appointed by the secretary with the approval of the Governor.

(6) There are established in the Office of the Controller the following organizational entities:

(a) The Office of Financial Management, which shall be headed by an executive director, shall have the duties and responsibilities established in KRS 42.410, and shall serve as administrative staff to the Turnpike Authority of Kentucky. The executive director shall serve as secretary to the authority;

(b) The Office of Material and Procurement Services, which shall be headed by an executive director and shall have the duties established in KRS 42.024***. There are established within the Office of Material and Procurement Services the following organizational entities:***

1. The Division of Professional Services and Training, which shall be headed by a division director who is appointed by the secretary of the Finance and Administration Cabinet pursuant to KRS 12.050, and who shall report to the executive director; and

2. The Division of Contract Management, which shall be headed by a division director who is appointed by the secretary of the Finance and Administration Cabinet pursuant to KRS 12.050, and who shall report to the executive director;

(c) The Division of Local Government Services, which shall be headed by a division director and shall be responsible for:

1. Providing property valuation administrators with fiscal, personnel, payroll, training, and other essential administrative support services;

2. Overseeing Kentucky's Social Security coverage program, including but not limited to all aspects of FICA wage reporting for state government and the Commonwealth's Social Security coverage agreement;

3. Serving as liaison between local governments and the federal Internal Revenue Service and Social Security Administration;

4. Serving as the payroll and fiscal officer for the sheriff and clerk in counties over seventy thousand (70,000) in population, disbursing various reimbursements and expenditures to local governments and serving as liaison and conduit for all court fees associated with report of state money through the Circuit Courts;

5. Directing the federal employment tax program for state employees; and

6. Performing state government's duties relating to the county fee system for local entities;

(d) The Office of Statewide Accounting Services, headed by an executive director appointed by the secretary of the Finance and Administration Cabinet, subject to the approval of the Governor. The executive director shall report directly to the state controller. The office shall perform financial record keeping functions at the state controller's direction, and shall be responsible for the performance of the cabinet's functions outlined in KRS 45.305, 48.800, and other related statutes. There is established within the Office of Statewide Accounting Services the Division of Customer Resource Center, which shall be headed by a division director appointed by the secretary pursuant to KRS 12.050 and who shall report to

the executive director of the Office of Statewide Accounting Services. The division shall be responsible for:

1. Providing a help desk for users of state government's financial and procurement system, including state employee users and vendors and payees of the Commonwealth who do, or would like to do, business with the state;

2. Training state employees in the use of state government's financial and procurement system; and

3. Assisting cabinet entities in improving the quality of their products and processes; and

(e) The Division of State Risk and Insurance Services, headed by a division director appointed by the secretary of the Finance and Administration Cabinet, subject to the approval of the Governor. The director shall report directly to the state controller and shall have the duties specified in KRS 42.0651.

➔Section 2. 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 ***Division of Taxpayer Ombudsman, headed by a division director who is appointed by the secretary pursuant to KRS 12.050, and who shall report to the commissioner. The division***~~[taxpayer ombudsman, who]~~ shall perform those duties set out in KRS 131.083;

(b) 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;

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 shall administer the protest functions for the department from office resolution through court action;

(c) 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;

(d) 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) 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) 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 3. KRS 131.083 is amended to read as follows:

The department shall provide the services of a ***Division of Taxpayer Ombudsman***~~[taxpayer ombudsman]~~ to carry out the spirit and specific purposes of KRS 131.041 to 131.081. The ***division***~~[taxpayer ombudsman]~~ shall:

(1) Coordinate the resolution of taxpayer complaints and problems, if so requested by a taxpayer or the taxpayer's representative;

(2) Provide recommendations to the department for new or revised informational publications and recommend taxpayer and department employee education programs needed to reduce or eliminate errors or improve voluntary taxpayer compliance;

(3) Provide recommendations to the department for simplification or other improvements needed in tax laws, regulations, forms, systems, and procedures to promote better understanding and voluntary compliance by taxpayers; and

(4) At least annually, on or before October 1, prepare and submit a report to the commissioner of the Department of Revenue summarizing the activities of the ***division***~~[taxpayer ombudsman]~~ during the immediately preceding fiscal year, describing any recommendations made pursuant to subsections (2) and (3) of this section, including the progress in implementing such recommendations, and providing such other information as the ***division***~~[taxpayer ombudsman]~~ deems appropriate relating to the rights of Kentucky taxpayers.

➔Section 4. The General Assembly confirms Executive Order 2015-836, dated November 17, 2015, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 9, 2016.

CHAPTER 85

(SB 56)

AN ACT relating to driving under the influence and declaring an emergency.

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

➔Section 1. KRS 189A.010 is amended to read as follows:

(1) A person shall not operate or be in physical control of a motor vehicle anywhere in this state:

(a) Having an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle;

(b) While under the influence of alcohol;

(c) While under the influence of any other substance or combination of substances which impairs one's driving ability;

(d) While the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle;

(e) While under the combined influence of alcohol and any other substance which impairs one's driving ability; or

(f) Having an alcohol concentration of 0.02 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle, if the person is under the age of twenty-one (21).

(2) With the exception of the results of the tests administered pursuant to KRS 189A.103(7), if the sample of the person's blood or breath that is used to determine the alcohol concentration thereof was obtained more than two (2) hours after cessation of operation or physical control of a motor vehicle, the results of the test or tests shall be inadmissible as evidence in a prosecution under subsection (1)(a) or (f) of this section. The results of the test or tests, however, may be admissible in a prosecution under subsection (1)(b) or (e) of this section.

(3) In any prosecution for a violation of subsection (1)(b) or (e) of this section in which the defendant is charged with having operated or been in physical control of a motor vehicle while under the influence of alcohol, the alcohol concentration in the defendant's blood as determined at the time of making analysis of his blood or breath shall give rise to the following presumptions:

(a) If there was an alcohol concentration of less than 0.05 based upon the definition of alcohol concentration in KRS 189A.005, it shall be presumed that the defendant was not under the influence of alcohol; and

(b) If there was an alcohol concentration of 0.05 or greater but less than 0.08 based upon the definition of alcohol concentration in KRS 189A.005, that fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but that fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant.

The provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions of whether the defendant was under the influence of alcohol or other substances, in any prosecution for a violation of subsection (1)(b) or (e) of this section.

(4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person charged with violation of subsection (1) of this section is legally entitled to use any substance, including alcohol, shall not constitute a defense against any charge of violation of subsection (1) of this section.

(b) A laboratory test or tests for a controlled substance shall be inadmissible as evidence in a prosecution under subsection (1)(d) of this section upon a finding by the court that the defendant consumed the substance under a valid prescription from a practitioner, as defined in KRS 218A.010, acting in the course of his or her professional practice.

(5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of subsection (1) of this section shall:

(a) For the first offense within a ***ten (10)***~~[five (5)]~~ year period, be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500), or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or imprisonment, or both. If any of the aggravating circumstances listed in subsection (11) of this section are present while the person was operating or in physical control of a motor vehicle, the mandatory minimum term of imprisonment shall be four (4) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(b) For the second offense within a ***ten (10)***~~[five (5)]~~ year period, be fined not less than three hundred fifty dollars ($350) nor more than five hundred dollars ($500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be fourteen (14) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(c) For a third offense within a ***ten (10)***~~[five (5)]~~ year period, be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(d) For a fourth or subsequent offense within a ***ten (10)***~~[five (5)]~~ year period, be guilty of a Class D felony. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be two hundred forty (240) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release; and

(e) For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state or jurisdiction, for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair one's driving ability, or any combination of alcohol and such substances, or while having an unlawful alcohol concentration, or driving while intoxicated, but shall not include convictions for violating subsection (1)(f) of this section. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction.

(6) Any person who violates the provisions of subsection (1)(f) of this section shall have his driving privilege or operator's license suspended by the court for a period of no less than thirty (30) days but no longer than six (6) months, and the person shall be fined no less than one hundred dollars ($100) and no more than five hundred dollars ($500), or sentenced to twenty (20) hours of community service in lieu of a fine. A person subject to the penalties of this subsection shall not be subject to the penalties established in subsection (5) of this section or any other penalty established pursuant to KRS Chapter 189A, except those established in KRS 189A.040(1).

(7) If the person is under the age of twenty-one (21) and there was an alcohol concentration of 0.08 or greater based on the definition of alcohol concentration in KRS 189A.005, the person shall be subject to the penalties established pursuant to subsection (5) of this section.

(8) For a second or third offense within a ***ten (10)***~~[five (5)]~~ year period, the minimum sentence of imprisonment or community labor shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a fourth or subsequent offense under this section, the minimum term of imprisonment shall be one hundred twenty (120) days, and this term shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a second or subsequent offense, at least forty-eight (48) hours of the mandatory sentence shall be served consecutively.

(9) When sentencing persons under subsection (5)(a) of this section, at least one (1) of the penalties shall be assessed and that penalty shall not be suspended, probated, or subject to conditional discharge or other form of early release.

(10) In determining the ***ten (10)***~~[five (5)]~~ year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

(a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;

(b) Operating a motor vehicle in the wrong direction on a limited access highway;

(c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;

(d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;

(e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section; and

(f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

(12) The substances applicable to a prosecution under subsection (1)(d) of this section are:

(a) Any Schedule I controlled substance except marijuana;

(b) Alprazolam;

(c) Amphetamine;

(d) Buprenorphine;

(e) Butalbital;

(f) Carisoprodol;

(g) Cocaine;

(h) Diazepam;

(i) Hydrocodone;

(j) Meprobamate;

(k) Methadone;

(l) Methamphetamine;

(m) Oxycodone;

(n) Promethazine;

(o) Propoxyphene; and

(p) Zolpidem.

➔Section 2. KRS 189A.070 is amended to read as follows:

(1) Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, a person convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall have his or her license to operate a motor vehicle or motorcycle revoked by the court as follows:

(a) For the first offense within a ***ten (10)***~~[five (5)]~~ year period, for a period of not less than thirty (30) days nor more than one hundred twenty (120) days;

(b) For the second offense within a ***ten (10)***~~[five (5)]~~ year period, for a period of not less than twelve (12) months nor more than eighteen (18) months;

(c) For a third offense within a ***ten (10)***~~[five (5)]~~ year period, for a period of not less than twenty-four (24) months nor more than thirty-six (36) months; and

(d) For a fourth or subsequent offense within a ***ten (10)***~~[five (5)]~~ year period, sixty (60) months.

(e) For purposes of this section, "offense" shall have the same meaning as described in KRS 189A.010(5)(e).

(2) In determining the ***ten (10)***~~[five (5)]~~ year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

(3) In addition to the period of license revocation set forth in subsection (1) or (7) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle until he has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.

(4) A person under the age of eighteen (18) who is convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall have his license revoked by the court until he reaches the age of eighteen (18) or shall have his license revoked as provided in subsection (1) or (7) of this section, whichever penalty will result in the longer period of revocation or court-ordered driving conditions.

(5) Licenses revoked pursuant to this chapter shall forthwith be surrendered to the court upon conviction. The court shall transmit the conviction records, and other appropriate information to the Transportation Cabinet. A court shall not waive or stay this procedure.

(6) Should a person convicted under this chapter whose license is revoked fail to surrender it to the court upon conviction, the court shall issue an order directing the sheriff or any other peace officer to seize the license forthwith and deliver it to the court.

(7) After a minimum of twelve (12) months from the effective date of the revocation, a person whose license has been revoked pursuant to subsection (1)(b), (c), or (d) of this section may move the court to reduce the period of revocation on a day-for-day basis for each day the person held a valid ignition interlock license under KRS 189A.420, but in no case shall the reduction reduce the period of ignition interlock use to less than twelve (12) months. The court may, upon a written finding in the record for good cause shown, order such a period to be reduced to not less than twelve (12) months, if:

(a) The person maintained a valid ignition interlock license and did not operate a motor vehicle or motorcycle without a functioning ignition interlock device as provided for in KRS 189A.420;

(b) The person did not operate a motor vehicle or motorcycle in violation of any restrictions specified by the court; and

(c) The functioning ignition interlock device was installed on the motor vehicle or motorcycle for a period of time not less than twelve (12) months under subsection (1)(b), (c), or (d) of this section.

(8) Upon a finding of a violation of any of the conditions specified in subsection (7) of this section or of the order permitting any reduction in a minimum period of revocation that is issued pursuant thereto, the court shall dissolve such an order and the person shall receive no credit toward the minimum period of revocation required under subsection (1)(b), (c), or (d) of this section.

➔Section 3. KRS 189A.090 is amended to read as follows:

(1) No person shall operate or be in physical control of a motor vehicle while his or her license is revoked or suspended under this chapter, or upon the conclusion of a license revocation period pursuant to KRS 189A.340 unless the person has his or her valid ignition interlock license in the person's possession and the motor vehicle or motorcycle is equipped with a functioning ignition interlock device as required by KRS 189A.420.

(2) In addition to any other penalty imposed by the court, any person who violates subsection (1) of this section shall:

(a) For a first offense within a ***ten (10)***~~[five (5)]~~ year period, be guilty of a Class B misdemeanor and have his license revoked by the court for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class A misdemeanor and have his license revoked by the court for a period of one (1) year;

(b) For a second offense within a ***ten (10)***~~[five (5)]~~ year period, be guilty of a Class A misdemeanor and have his license revoked by the court for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of two (2) years;

(c) For a third or subsequent offense within a ***ten (10)*** ~~[five (5)]~~ year period, be guilty of a Class D felony and have his license revoked by the court for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of five (5) years; and

(d) At the sole discretion of the court, in the interest of public safety and upon a written finding in the record for good cause shown, the court may order that, following any period of incarceration required for the conviction of an offense under paragraph (a), (b), or (c) of this subsection, the eligible person is authorized to apply for and the cabinet shall issue to the person an ignition interlock license for the remainder of the original period of suspension or revocation and for the entire period of the new revocation if the person is and remains otherwise eligible for such license.

(3) The ***ten (10)*** ~~[five (5)]~~ year period under this section shall be measured in the same manner as in KRS 189A.070.

(4) Upon a finding of a violation of any of the requirements of an ignition interlock license, the court shall dissolve such an order and the person shall receive no credit toward the remaining period of revocation required under subsection (2)(b) or (c) of this section.

➔Section 4. KRS 189A.200 is amended to read as follows:

(1) The court shall at the arraignment or as soon as such relevant information becomes available suspend the motor vehicle operator's license and motorcycle operator's license and driving privileges of any person charged with a violation of KRS 189A.010(1) who:

(a) Has refused to take an alcohol concentration or substance test as reflected on the uniform citation form;

(b) Has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his operator's license revoked or suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ***ten (10)*** ~~[five (5)]~~ year period immediately preceding his arrest; or

(c) Was involved in an accident that resulted in death or serious physical injury as defined in KRS 500.080 to a person other than the defendant.

(2) Persons whose licenses have been suspended pursuant to this section may file a motion for judicial review of the suspension, and the court shall conduct the review in accordance with this chapter within thirty (30) days after the filing of the motion. The court shall, at the time of the suspension, advise the defendant of his rights to the review. If the person files a motion with the court waiving the right to judicial review of the suspension, the court, in its discretion, may authorize the person to apply to the cabinet for issuance of an ignition interlock license under KRS 189A.420 for the period of the suspension. If the person complies with KRS 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and apply the court-determined credit on a day-for-day basis for any subsequent ignition interlock requirement arising from the same incident.

(3) When the court orders the suspension of a license pursuant to this section, the defendant shall immediately surrender the license to the Circuit Court clerk, and the court shall retain the defendant in court or remand him into the custody of the sheriff until the license is produced and surrendered. If the defendant has lost his operator's license, other than due to a previous suspension or revocation, which is still in effect, the sheriff shall take him to the office of the circuit clerk so that a new license can be issued. If the license is currently under suspension or revocation, the provisions of this subsection shall not apply.

(4) The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet any license surrendered to him pursuant to this section.

(5) Licenses suspended under this section shall remain suspended until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension, but in no event for a period longer than the maximum license suspension period applicable to the person under KRS 189A.070 and 189A.107. Nothing in this subsection shall prevent the person from filing a motion for, the court from granting, or the cabinet from issuing an ignition interlock license under subsection (2) of this section.

(6) Any person whose operator's license has been suspended pursuant to this section shall be given credit for all pretrial suspension time against the period of revocation imposed. Licenses suspended under this section shall remain suspended until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension, but in no event for a period longer than the maximum license suspension period applicable to the person under KRS 189A.070 and 189A.107.

➔Section 5. KRS 189A.240 is amended to read as follows:

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(a), if the court determines by a preponderance of the evidence that:

(1) The person was charged and arrested by a peace officer with a violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);

(2) The peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);

(3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) as charged; and

(4) The person has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his motor vehicle operator's license suspended or revoked on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ***ten (10)***~~[five (5)]~~ year period immediately preceding his arrest, then the court shall continue to suspend the person's operator's license or privilege to operate a motor vehicle. The provisions of this section shall not be construed as limiting the person's ability to challenge any prior convictions or license suspensions or refusals.

➔Section 6. KRS 189A.330 is amended to read as follows:

(1) The clerk of the court in which hearings for violation of KRS 189A.010 are heard shall report to the Administrative Office of the Courts on or within five (5) working days of January 1, April 1, July 1, and October 1 of each year the cases involving violations of KRS 189A.010 which have not resulted in a final ruling by the court within ***one hundred eighty (180)***~~[ninety (90)]~~ days of the date upon which the person was charged with a violation of KRS 189A.010.

(2) The Administrative Office of the Courts shall forward a copy of the lists of these cases to the Chief Justice and the Office of the Attorney General.

(3) Upon a determination that there is sufficient cause, the Office of the Attorney General may appoint a special prosecutor or prosecutors to assist in the disposition of these cases within a reasonable time period.

(4) The Chief Justice may take actions deemed necessary and reasonable to facilitate the resolution of these cases within a reasonable time period.

➔Section 7. KRS 189A.340 is amended to read as follows:

(1) (a) Except as provided in KRS 189A.420(4), at the time that the court revokes a person's license under any provision of KRS 189A.070, for an offense in violation of KRS 189A.010(1)(a),(b),(e), or (f), the court shall also order that, at the conclusion of the license revocation, any license the person shall be issued shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device.

(b) The ignition interlock periods shall be as follows:

1. The first time in a ***ten (10)***~~[five (5)]~~ year period, a functioning ignition interlock device shall be installed for a period of six (6) months, if at the time of offense, any of the aggravating circumstances listed under KRS 189A.010(11) were present while the person was operating or in physical control of a motor vehicle.

2. The second time in a ***ten (10)***~~[five (5)]~~ year period, a functioning ignition interlock device shall be installed for a period of twelve (12) months.

3. The third or subsequent time in a ***ten (10)***~~[five (5)]~~ year period, a functioning ignition interlock device shall be installed for a period of thirty (30) months.

(c) In determining the ***ten (10)***~~[five (5)]~~ year period under paragraph (b) of this subsection, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered, resulting in the license revocations described in KRS 189A.070.

(2) Nothing in this section limits:

(a) The person's right to apply for an ignition interlock license during any period of suspension or revocation arising from the same incident;

(b) The cabinet's authority to issue an ignition interlock license during any period of suspension or revocation arising from the same incident if the person meets all application requirements and is otherwise eligible for such license; or

(c) The person from receiving credit on a day-for-day basis toward any ignition interlock requirement in paragraph (a) of this subsection for any period the person held a valid ignition interlock license during any period of suspension or revocation arising from the same incident. A person prohibited from operating any motor vehicle or motorcycle without a functioning ignition interlock device under paragraph (a) of subsection (1) of this section shall receive any court-determined credit on a day-for-day basis toward any such ignition interlock requirement for any period the person holds a valid ignition interlock license during any period of suspension or revocation arising from the same incident.

➔Section 8. KRS 189A.410 is amended to read as follows:

(1) At any time following the expiration of the minimum license suspension periods enumerated in:

(a) KRS 189A.010(6); or

(b) KRS 189A.070 for a violation of:

1. KRS 189A.010(1)(c) or (d); or

2. KRS 189A.010(1)(a), (b), or (e) for a first offense within a ***ten (10)*** ~~[five (5)]~~ year period if, at the time of the offense, none of the aggravating circumstances enumerated under KRS 189A.010(11) were present while the person was operating or in control of a motor vehicle;

the court may grant the person hardship driving privileges for the balance of the suspension period imposed by the court, upon written petition of the defendant, if the court finds reasonable cause to believe that revocation would hinder the person's ability to continue his employment; continue attending school or an educational institution; obtain necessary medical care; attend driver improvement, alcohol, or substance abuse education programs; or attend court-ordered counseling or other programs.

(2) Before granting hardship driving privileges, the court shall order the person to:

(a) Provide the court with proof of motor vehicle insurance;

(b) If necessary, provide the court with a written, sworn statement from his or her employer, on a form provided by the cabinet, detailing his or her job, hours of employment, and the necessity for the person to use the employer's motor vehicle either in his or her work at the direction of the employer during working hours, or in travel to and from work if the license is sought for employment purposes; and

(c) If the person is self-employed, to provide the information required in paragraph (b) of this subsection together with a sworn statement as to its truth;

(d) Provide the court with a written, sworn statement from the school or educational institution which he attends, of his or her class schedule, courses being undertaken, and the necessity for the person to use a motor vehicle in his travel to and from school or other educational institution if the license is sought for educational purposes. Licenses for educational purposes shall not include participation in sports, social, extracurricular, fraternal, or other noneducational activities;

(e) Provide the court with a written, sworn statement from a physician, or other medical professional licensed but not certified under the laws of Kentucky, attesting to the person's normal hours of treatment, and the necessity to use a motor vehicle to travel to and from the treatment if the license is sought for medical purposes;

(f) Provide the court with a written, sworn statement from the director of any alcohol or substance abuse education or treatment program as to the hours in which the person is expected to participate in the program, the nature of the program, and the necessity for the person to use a motor vehicle to travel to and from the program if the license is sought for alcohol or substance abuse education or treatment purposes;

(g) Provide the court with a copy of any court order relating to treatment, participation in driver improvement programs, or other terms and conditions ordered by the court relating to the person which require him or her to use a motor vehicle in traveling to and from the court-ordered program. The judge shall include in the order the necessity for the use of the motor vehicle; and

(h) Provide to the court any information as may be required by administrative regulation of the Transportation Cabinet.

(3) The court shall not issue a hardship license to a person who has refused to take an alcohol concentration or substance test or tests offered by a law enforcement officer.

➔Section 9. This Act shall be known as the Brianna Taylor Act.

➔Section 10. Whereas all instances of driving under the influence pose an immediate danger to the health, safety, and welfare of the citizens of the Commonwealth, 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 9, 2016.

CHAPTER 86

(HB 422)

AN ACT relating to local code enforcement.

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

➔Section 1. KRS 65.8805 is amended to read as follows:

As used in KRS 65.8801 to 65.8839, unless the context otherwise requires:

(1) "Local government" means any county, ***consolidated local government,*** ~~[any municipal corporation of any class incorporated in the Commonwealth, any]~~ urban-county government~~[organized and governed under KRS Chapter 67A]~~, ~~[and any]~~charter county government***, unified local government, or city of any class*** ~~[organized and governed under KRS Chapter 67]~~.

(2) "Code enforcement board" means an administrative body created and acting under the authority of KRS 65.8801 to 65.8839.

(3) "Joint code enforcement board" means two (2) or more local governments that have entered into an interlocal agreement in accordance with KRS 65.210 to 65.300 to perform and enforce the duties of a code enforcement board as provided in KRS 65.8801 to 65.8839.

(4) "Code enforcement officer" means a city police officer, safety officer, citation officer, county police officer, sheriff, deputy sheriff, university police officer, airport police officer, or other public law enforcement officer with the authority to issue a citation.

(5) "Ordinance" means an official action of a local government body, which is a regulation of a general and permanent nature and 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.

(6) "Imminent danger" means a condition which is likely to cause serious or life-threatening injury or death at any time.

(7) "Abatement costs" means a local government's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with any local government ordinance.

(8) "Final order" means any order:

(a) Issued by the code enforcement board in accordance with subsection (4) or (6) of Section 8 of this Act;

(b) Issued by an assigned hearing officer in accordance with subsection (7) of Section 5 of this Act and that is not appealed to the code enforcement board as provided in subsection (6) of Section 8 of this Act;

(c) Created because a violator neither paid nor contested the citation within seven (7) days as provided in subsection (6) of Section 7 of this Act;

(d) Created because of a failure of a violator to appear at a hearing the violator requested to contest the citation as provided in subsection (1) of Section 8 of this Act.

(9) "Owner" means a person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property.

(10) "Premises" means a lot, plot, or parcel of land, including any structures upon it.

➔Section 2. KRS 65.8808 is amended to read as follows:

(1) The legislative body of a local government may, by ordinance, create a code enforcement board which shall have the power to issue remedial orders and impose civil fines as a method of enforcing a local government ordinance when a violation of the ordinance has been classified as a civil offense in accordance with this section. Any local government may expand its code enforcement board to include additional cities or counties within its jurisdiction for performing the function for which the code enforcement board was organized.

(2) Subject to the limitations set forth in subsection (3) of this section, the legislative body of a local government may ***utilize a code enforcement board***~~[elect]~~ to enforce any ordinance of the local government, including ***but not limited to,*** any zoning ***or nuisance*** ordinance.~~[or regulation, by classifying a violation of the ordinance as a civil offense and establishing civil fines which may be imposed on any person who commits a violation of the ordinance. If a local government elects to enforce an ordinance as a civil offense,]~~ ***Each ordinance to be enforced by a code enforcement board,***~~[the ordinance,]~~ by its express terms, shall provide~~[:~~

~~(a)]~~ that ***each***~~[a]~~ violation of the ordinance ***shall constitute***~~[is]~~ a civil offense.~~[;~~

~~]~~ ***The ordinance shall provide either:***

(a)~~[(b)]~~ A ***specific***~~[maximum]~~ civil fine ***or fines*** that may be imposed for each violation of the ordinance; ***or***~~[and]~~

(b)~~[(c)]~~ ***Two (2) separate civil fines as follows:***

1. A maximum civil fine that may be imposed for each offense if the citation is contested under subsection (6) of Section 7 of this Act; and

2. A specific civil fine of less than the maximum civil fine that will be imposed for each offense if the person who has committed the offense does not contest the citation.

(3) No legislative body of a local government shall classify the violation of an ordinance as a civil offense if the same conduct that is regulated by the ordinance would also***, under any provision of the Kentucky Revised Statutes,*** constitute a criminal offense or a moving motor vehicle offense~~[under any provision of the Kentucky Revised Statutes]~~.

➔Section 3. KRS 65.8811 is amended to read as follows:

(1) (a) A code enforcement board shall consist of no fewer than three (3) members who shall be appointed by the executive authority of the local government, subject to the approval of the legislative body.

(b) A joint code enforcement board shall include representation on the board of all participating local governments and members shall be appointed as set out in the terms of the interlocal agreement.

(2) The initial appointments to a code enforcement board shall be as follows:

(a) One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of one (1) year;

(b) One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of two (2) years; and

(c) One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of three (3) years.

All subsequent appointments shall be made for a term of three (3) years.

(3) (a) Each member of a code enforcement board shall have resided within the boundaries of the local government unit for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.

(b) Board members serving on joint code enforcement boards shall have resided within the boundaries of the local government they represent for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.

(4) A member may be reappointed, subject to approval of the legislative body.

(5) Any vacancy on a code enforcement board shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled~~[by the executive authority]~~ within sixty (60) days, the remaining members of the code enforcement board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(6) Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written statement to the member and to the legislative body of the local government setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.

(7) All members of a code enforcement board shall, before entering upon their duties, take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.

(8) The members of a code enforcement board may be reimbursed for expenses or compensated, or both, as specified in the ordinance creating the board.

(9) No member of a local government code enforcement board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the code enforcement board.

(10) Each legislative body that elects to establish a code enforcement board is encouraged to provide opportunities for education regarding pertinent topics for the members of the code enforcement board.

➔Section 4. KRS 65.8815 is amended to read as follows:

(1) The board shall, upon the initial appointment of its members, and annually thereafter, elect a chair from among its members, who shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select one (1) of their number to preside in place of the chair and exercise the powers of the chair.

(2) ***Regular*** meetings of the code enforcement board shall be held as specified in the ordinance creating the board. ***A code enforcement board shall be authorized to conduct special or emergency meetings in accordance with KRS 61.805 to 61.850.***

(3) The presence of at least a majority of the board's entire membership shall constitute a quorum. The affirmative vote of a majority of the members constituting a quorum shall be necessary for any official action to be taken. Any member of a code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(4) Minutes shall be kept for all proceedings of the code enforcement board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

(5) All meetings and hearings of the code enforcement board shall be open to the public.

(6) The local government legislative body shall provide clerical and administrative personnel~~[as reasonably required by its code enforcement board]~~ for the proper conduct of ***the duties of the code enforcement board***~~[its duties]~~.

➔SECTION 5. A NEW SECTION OF KRS 65.8801 TO 65.8839 IS CREATED TO READ AS FOLLOWS:

(1) A code enforcement board may assign a hearing officer as provided by ordinance to conduct hearings in accordance with the procedures set forth in Section 8 of this Act.

(2) (a) Any member of the code enforcement board, including the chair, may be assigned as a hearing officer.

(b) An individual that is not a member of the code enforcement board may be assigned by the code enforcement board as a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with a unit of local government that created the code enforcement board.

(3) Any person assigned to be a hearing officer by a code enforcement board shall have experience or shall have received training in the code enforcement process and basic procedural due process, as specified in the ordinance creating the code enforcement board. The experience or training shall include, at a minimum, acquired knowledge regarding a party's fundamental due process right to:

(a) Be accompanied and advised by counsel at the hearing;

(b) Present evidence and witnesses on his or her behalf at the hearing;

(c) Examine the evidence opposing the party; and

(d) Confront and cross-examine the witnesses opposing the party.

(4) An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.

(5) Any hearing conducted by a hearing officer under this section shall conform to the procedural requirements of subsections (1) to (5) of Section 8 of this Act.

(6) The hearing officer shall make written findings of fact, conclusions of law, and a recommended order for consideration by the code enforcement board. The hearing officer shall, within twenty-four (24) hours of entry, forward these findings, conclusions, and recommended order to the alleged violator in the manner required by subsection (5) of Section 8 of this Act and to the code enforcement board for its action under Section 8 of this Act.

(7) (a) In lieu of subsection (6) of this section, a local government may provide in the ordinance establishing the code enforcement board that a hearing officer shall make written findings of facts and conclusions of law, and enter final orders consistent with the authority granted to the code enforcement board under subsection (4) of Section 8 of this Act.

(b) The findings of fact, conclusions of law, and final order shall be forwarded within twenty-four (24) hours of entry to the alleged violator in the manner required by subsection (5) of Section 8 of this Act and to the code enforcement board.

(c) For appeals of a final order of a hearing officer issued under this subsection, the local government shall designate in the ordinance governing the operation of the code enforcement board that either:

1. A final order issued by a hearing officer under this subsection may be appealed by the alleged violator to the code enforcement board in accordance with terms specified in the ordinance governing the operation of the code enforcement board. If the local government provides appeals to the code enforcement board, the appeal shall be filed in writing to the code enforcement board within seven (7) days of the receipt of the final order. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the code enforcement board before appealing to District Court as authorized under Section 9 of this Act; or

2. A final order issued by a hearing officer under this subsection may be appealed by the alleged violator directly to District Court, in accordance with the provisions of Section 9 of this Act.

➔Section 6. KRS 65.8821 is amended to read as follows:

Each code enforcement board shall have the power to:

(1) Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and ordinances of the local government or local governments creating the board.

(2) Conduct hearings, or assign a hearing officer to conduct a hearing, to determine whether there has been a violation of any local government ordinance that the board has jurisdiction to enforce.~~[Any member of the code enforcement board, including the chairman, may be assigned to conduct hearings on behalf of the board. All hearing officers, including members of a code enforcement board who serve as hearing officers, shall receive training related to the conduct of administrative hearings in accordance with procedures set out in KRS 13B.080.]~~

(3) Subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas issued by the board***, or an assigned hearing officer,*** may be served by any code enforcement officer.

(4) Take testimony under oath. The chairman of the board, or an assigned hearing officer, shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.

(5) Make findings and issue orders that are necessary to remedy any violation of a local government ordinance that the board has jurisdiction to enforce.

(6) Impose civil fines as authorized by ordinance on any person found to have violated any ordinance that the board has jurisdiction to enforce.

➔Section 7. KRS 65.8825 is amended to read as follows:

(1) Enforcement proceedings before a code enforcement board ***or hearing officer*** shall be initiated by the issuance of a citation by a code enforcement officer.

(2) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation by:

(a) Personal service to the alleged violator;

(b) Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or

(c) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

(3) When authorized by ordinance, a code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.

(4) ~~[(3)]~~ The citation issued by the code enforcement officer shall be in a form prescribed by the local government and shall contain, in addition to any other information required by ordinance or rule of the board:

(a) The date and time of issuance;

(b) The name and address of the person to whom the citation is issued;

(c) The date and time the offense was committed;

(d) The facts constituting the offense;

(e) The section of the code or the number of the ordinance violated;

(f) The name of the code enforcement officer;

(g) The civil fine that will be imposed for the violation if the person does not contest the citation ***if the local government has elected to use the alternative authorized under subsection (2)(b) of Section 2 of this Act***;

(h) The maximum civil fine that may be imposed if the person elects to contest the citation;

(i) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and

(j) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the code enforcement board ***or hearing officer*** to contest the citation and that the determination that a violation was committed shall be final***, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court***.

(5) ~~[(4)]~~ After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering the citation to the administrative official designated by ordinance or by the board. ***The code enforcement officer, hearing officer, or code enforcement board may also elect to provide notice of the issuance of the citation to any lienholder with an interest in the subject premises.***

(6) ~~[(5)]~~ When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing ~~[before the code enforcement board]~~to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest

the citation and the determination that a violation was committed shall be considered final. In this event, the ***citation, as issued, shall be deemed*** ~~[board shall enter]~~ a final order determining that the violation was committed and imposing the civil fine set forth in the citation***, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court***. ***Notice of the final order shall be provided to the cited violator in the manner set forth in subsection (5) of Section 8 of this Act.***

➔Section 8. KRS 65.8828 is amended to read as follows:

(1) When a hearing ~~[before the code enforcement board]~~is requested, the code enforcement board, through its clerical and administrative staff, shall schedule a hearing. Not less than seven (7) days before the date set for the hearing, the code enforcement board shall notify the person who requested the hearing of the date, time, and place of the hearing. The notice may be given by ***regular first-class mail;*** certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. ***The code enforcement board may also elect to provide notice of hearing to any lienholders with an interest in the subject premises.*** Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, ***the citation, as issued, shall be deemed*** ~~[the board shall enter]~~ a final order determining that the violation was committed and imposing the civil fine set forth in the citation***, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court. Notice of the final order shall be provided to the cited violator in the manner set forth in subsection (5) of Section 8 of this Act***.

(2) Each case that is the subject of a hearing may be presented by an attorney selected by the local government or by a member of the administrative staff of the local government. An attorney may either be counsel to the code enforcement board or may represent the local government by presenting cases at the hearing, but in no case shall an attorney serve in both capacities.

(3) All testimony shall be under oath and shall be recorded. The code enforcement board or assigned hearing officer shall take testimony from the code enforcement officer, the alleged offender, and any witnesses to the alleged violation offered by the code enforcement officer or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(4) If a code enforcement board conducts the hearing, or upon the receipt of recommendations of a hearing officer pursuant to ~~[this]~~subsection ***(6) of Section 5 of this Act***, then the code enforcement board shall determine, based on the evidence presented, whether a violation was committed. ~~[If a hearing officer conducts the hearing, the hearing officer shall make written findings of fact, conclusions of law, and a recommended order for consideration by the board.]~~When the board determines that no violation was committed, an order dismissing the citation shall be entered. When the board determines that a violation has been committed, the board ***may*** ~~[shall]~~ issue an order upholding the citation and may order the offender to ***do either or both of the following:***

(a) Pay a civil fine in an amount up to the maximum authorized by ordinance***;*** ~~[,]~~ or~~[may order the offender to]~~

(b) Remedy a continuing violation within a specified time to avoid the imposition of a fine~~[, or both,]~~ as authorized by ordinance.

(5) Every final order ***following a hearing*** of a code enforcement board shall be reduced to writing, which shall include the findings and conclusions of the board, and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the board is issued, the order shall be delivered to that person by ***regular first-class mail;*** certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

(6) If the code enforcement board is reviewing a final order entered by a hearing officer on appeal as authorized by subsection (7) of Section 5 of this Act, the code enforcement board shall review the record created before the hearing officer and determine whether there is substantial evidence on the record to support a finding by the hearing officer that a violation was committed. If the code enforcement board determines that there is not substantial evidence on the record, it shall issue an order dismissing the citation. If the code enforcement board determines that there is substantial evidence on the record that a violation was committed, it shall issue a final order upholding the order entered by the hearing officer. The provisions of subsections (1) and (4) of this section shall apply to any appeal hearing conducted pursuant to this subsection.

➔Section 9. KRS 65.8831 is amended to read as follows:

(1) An appeal from any final order issued ~~[by a code enforcement board]~~***pursuant to subsection (7)(c)2. of Section 5 of this Act, or pursuant to subsection (4) or (6) of Section 8 of this Act*** may be made to the District Court of the county in which the local government is located within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the ***final***~~[board's]~~ order in the same manner as any civil action under the Rules of Civil Procedure. ***The District Court shall review the final order***~~[the]~~ ***de novo***~~[appeal shall be limited to a review of the record created before the code enforcement board]~~.

(2) A judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

(3) If no appeal from a final order ~~[of a code enforcement board]~~is filed within the time period set forth in ***subsection (1) of*** this section, the ~~[code enforcement board's]~~order shall be deemed final for all purposes.

➔Section 10. KRS 65.8835 is amended to read as follows:

(1) The local government shall possess a lien on property owned by the person found by a ~~[final,]~~nonappealable ***final*** order ***as defined by subsection (8) of Section 1 of this Act***~~[of a code enforcement board]~~, or by a final judgment of the court, to have committed a violation of a local government ordinance***. The lien shall be*** for all ***civil*** fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance***, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839***. The lien***:***

(a) Shall be recorded in the office of the county clerk***;***

(b) ~~[. The lien]~~Shall be notice to all persons from the time of its recording and shall bear interest until paid***;***

(c) ***Subject to Section 11 of this Act,***~~[. The lien]~~ shall take precedence over all other ~~[subsequent]~~liens, except state, county, school board, and city taxes***;***~~[, and]~~

(d) ***Shall continue for ten (10) years following the date of the nonappealable final order, or final judgment of the court; and***

(e) May be enforced by judicial proceedings***, including an action to foreclose***.

(2) In addition to the remedy prescribed in subsection (1) of this section, the person found to have committed the violation shall be personally responsible for the amount of ***the lien, including all civil fines assessed for the violation and for all charges, fees, and abatement costs incurred by the local government in connection with the enforcement of the ordinance***~~[all fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance]~~. The local government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(3) Nothing in this section shall otherwise affect the rights or obligations between the owner of the property and those persons who claim a security interest in the property.

➔SECTION 11. A NEW SECTION OF KRS 65.8801 TO 65.8839 IS CREATED TO READ AS FOLLOWS:

(1) A local government adopting the provisions of KRS 65.8801 to 65.8839 shall implement a system for notification to lienholders that meets the minimum requirements of subsection (2) of this section and shall comply with the procedures to permit remedial action by lienholders as provided in subsection (3) of this section in order to obtain and maintain the lien priority over previously filed liens granted in Section 10 of this Act.

(2) A local government shall create a notification system that provides lienholders and others that elect to do so with electronic notifications of all final orders entered pursuant to KRS 65.8801 to 65.8839. The system shall meet the following minimum requirements:

(a) An individual or entity may register with the local government to receive information on each final order by providing a name, mailing address, phone number, and an electronic mailing address to the local government. The local government shall accept this information in any form submitted by a registrant. It shall be the responsibility of the registrant to maintain and update its contact information with the local government, except that a local government shall inform a registrant of any evidence the local government receives that the electronic mailing address is invalid or not functional in order to provide the registrant an opportunity to submit an updated electronic mailing address;

(b) No less than once a month but no more frequently than once per week, the local government shall send electronic mail notification of all final orders issued pursuant to the provisions of KRS 65.8801 to 65.8839 since the last date of notification to each party registered pursuant to paragraph (a) of this subsection. The notification shall, at a minimum, include or provide an electronic link to a document or database meeting the requirements of this paragraph that includes:

1. The name of the person charged with a violation;

2. The physical address of the premises where the violation occurred;

3. The last known mailing address for the owner of the premises where the violation occurred.

4. A specific description of the citation leading to the final order, including the citation detail set forth in paragraphs (a) to (h) of subsection (4) of Section 7 of this Act, which may be satisfied by including a copy of the full citation;

5. The findings of the final order, including the penalty or penalties imposed by the final order, which may be satisfied by providing a copy of the full final order; and

6. The status of the final order in regards to its ability to be appealed pursuant to Section 9 of this Act, except that the local government shall provide an update to registrants if an appeal is filed on a final order pursuant to Section 9 of this Act;

(c) A local government shall post the notification required under paragraph (b) of this subsection or provide a summary of the information regarding each final order required by paragraph (b) of this subsection in a conspicuous place on its public Web site, which shall be affiliated with the local government and contain other information about the local government, within ten (10) days of the issuance of the final order. If the local government posts using summary form:

1. The summary shall be calculated to reasonably allow identification of the specific properties which may be impacted by the lien.

2. Upon request, the local government shall provide the complete record of a final order created under paragraph (b) of this section without charge; and

(d) A local government shall maintain the records created under this subsection for a period of ten (10) years following their issuance.

(3) (a) A lien holder of record may, within forty-five (45) days from the date of issuance of notification under subsection (2) of this section, correct the violation if it has not already been abated, or elect to pay all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs. This subsection shall not prohibit the local government from taking immediate action if necessitated under Section 12 of this Act.

(b) The lien provided by Section 10 of this Act shall not take precedence over previously recorded liens if:

1. The local government failed to comply with the requirements of subsection (2) of this section for notification of the final order; or

2. A prior lienholder corrected the violation or paid all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs within forty-five (45) days as provided in paragraph (a) of this subsection.

(c) A lien that does not take precedence over previously recorded liens under the circumstances outlined in paragraph (b) of this subsection, shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(d) Nothing contained in this subsection shall prohibit a local government from recording a lien before the forty-five (45) day period established in paragraph (a) of this subsection expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period established in paragraph (a) of this subsection, the local government shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(4) The local government may delegate responsibility for compliance with this section to the code enforcement board or its administrative staff as specified in the ordinance establishing and governing the operation of the code enforcement board.

(5) The failure of a local government to comply with this section or the failure of a lien to take precedence over previously filed liens as provided in subsection (3)(b) of this section, shall not limit or restrict any other remedies that the local government has against the property or the violator.

(6) The requirements of this section shall not be mandatory for a local government's compliance with Section 13 of this Act.

(7) The requirements of this section shall not apply to a local government when it enforces Section 13 of this Act.

➔Section 12. KRS 65.8838 is amended to read as follows:

Nothing contained in KRS 65.8801 to 65.8839 shall prohibit a local government from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the existence of the violation presents ***imminent danger,*** a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Abatement costs" means a local government's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve public health, safety, and welfare in accordance with any local government ordinance;

(b) "Automobile collector" means a person who collects and restores motor vehicles;

(c) "Code enforcement board" means an administrative body created and acting under the authority of KRS 65.8801 to 65.8839;

(d) "Code enforcement officer" means a city police officer, safety officer, citation officer, county police officer, sheriff, deputy sheriff, university police officer, airport police officer, or other public law enforcement officer with the authority to issue a citation;

(e) "Imminent danger" means a condition which is likely to cause serious or life-threatening injury or death at any time;

(f) "Local government" means any county, consolidated local government, urban-county government, charter county government, unified local government, or city of any class;

(g) "Ordinance" means an official action of a local government body, which is a regulation of a general and permanent nature and 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;

(h) "Ordinary public view" means a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property;

(i) "Owner" means a person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property;

(j) "Parts car" means an automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles; and

(k) "Premises" means a lot, plot, or parcel of land, including any structures upon it.

(2) (a) The provisions of this section may be enforced through a code enforcement board pursuant to KRS 65.8801 to 65.8839, or by any other means authorized by law, including but not limited to direct enforcement through the enactment of an ordinance as provided in subsection (6) of this section.

(b) If the provisions of this section are enforced through a code enforcement board pursuant to KRS 65.8801 to 65.8839, the provisions of subsections (7), (8), and (9) of this section shall not apply, and KRS 65.8801 to 65.8839 shall supersede any conflicting provisions of this section.

(3) Except as provided in subsection (4) of this section, it shall be unlawful for the owner, occupant, or person having control or management of any premises within a local government to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:

(a) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;

(b) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or inoperative and which are not inhabited;

(c) Rubbish; or

(d) The excessive growth of weeds or grass.

(4) The provisions of paragraph (a) of subsection (3) of this section shall not apply to:

(a) Junked, wrecked, or inoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a:

1. Licensed automotive recycling dealer as described in KRS 190.010(8);

2. Used motor vehicle dealer as defined in KRS 190.010(6): or

3. Motor vehicle auction dealer as defined in KRS 190.010(11);

(b) Junked, wrecked, or inoperative motor vehicles, including parts cars, stored on private premises by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and

(c) Any motor vehicle as defined in KRS 281.010 that is owned, controlled, operated, managed, or leased by a motor carrier.

(5) An owner shall not permit any structure upon his or her premises to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist on the structure or premises which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the local government.

(6) Any local government may establish by ordinance reasonable standards and procedures for the enforcement of this section. The procedures shall comply with all applicable statutes, administrative regulations, or codes. Any ordinance establishing these procedures may be enforced by any means authorized by law. Proper notice shall be given to owners before any action is taken pursuant to this section, and, prior to the demolition of any unfit or unsafe structure, the right to a hearing shall be afforded the owner.

(7) Unless imminent danger exists on the subject premises that necessitates immediate action, the local government shall send, within fourteen (14) days of a final determination after hearing or waiver of hearing by the owner, a copy of the determination to any lien holder of record of the subject premises by first-class mail with proof of mailing. The lien holder of record may, within forty-five (45) days from receipt of that notice, correct the violations cited or elect to pay all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs, as permitted by subsection (8) of this section.

(8) A local government shall have a lien against the property for all civil fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs. The affidavit of the code enforcement officer 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. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in subsection (9) of this section. The local government shall possess the lien for ten (10) years following the date of the final, nonappealable order of a code enforcement board or final judgment of the court. The lien may be enforced by judicial proceeding.

(9) The lien provided in subsection (8) of this section shall not take precedence or priority over a previously recorded lien if:

(a) The local government failed to provide the lien holder a copy of the determination in accordance with subsection (7) of this section; or

(b) The lien holder received a copy of the determination as required by subsection (7) of this section, and the lien holder corrected the violations or paid all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs.

(10) In addition to the remedy prescribed in subsection (6) of this section or any other remedy authorized by law, the owner of a premises upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all civil fines assessed for the violation and all charges, fees, and abatement costs incurred by the local government in connection with the enforcement of the ordinance. The local government may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of a local government to comply with subsection (7) of this section, and the failure of a lien to take precedence over previously filed liens as provided in subsection (9) of this section, shall not limit or restrict any remedies that the local government has against the owner of the premises.

(11) The provisions of subsections (6), (8), and (10) of this section shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the premises.

(12) The provisions of this section shall not be enforced by a county government upon any premises situated in an unincorporated portion of the county that is assessed as agricultural land for tax purposes by the property valuation administrator.

➔Section 14. KRS 99.710 is amended to read as follows:

(1) If the legislative body of a consolidated local government, a city of any class, or a county containing a city of the first class finds and declares that there exists in the consolidated local government, city of any class, or county containing a city of the first class blighted or deteriorated properties and that there is need in the city or county for the exercise of powers, functions, and duties conferred by KRS 99.705 to 99.730, the legislative body may adopt the provisions of KRS 99.705 to 99.730 by ordinance.

(2) The ordinance adopting the provisions of KRS 99.705 to 99.730 shall also establish a vacant property review commission which shall certify properties as blighted or deteriorated to the legislative body. The ordinance shall specify the duties of, the number of members that will serve on, the requirements of membership, and the makeup of the commission. Members shall be appointed by the mayor and approved by the legislative body. No officer or employee of the consolidated local government, city of any class, or county containing a city of the first class whose duties include enforcement of housing, building, plumbing, fire, or related codes shall be appointed to the commission.

(3) Nothing in KRS 99.705 to 99.730 shall prevent the duties of a vacant property review commission from being assigned to a local government code enforcement board established pursuant to KRS 65.8801 to 65.8839.

➔Section 15. KRS 382.135 is amended to read as follows:

(1) In addition to any other requirement imposed by law, a deed to real property shall contain the following:

(a) ***The full name of the grantor and grantee;***

(b) The mailing addresses of the grantor and grantee;

(c)~~[(b)]~~ A statement of the full consideration;

(d)~~[(c)]~~ A statement indicating the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent; and

(e)~~[(d)]~~ 1. In the case of a transfer other than by gift, or with nominal or no consideration a sworn, notarized certificate signed by the grantor or his agent and the grantee or his agent, or the parent or guardian of a person under eighteen (18) years old, that the consideration reflected in the deed is the full consideration paid for the property; or

2. In the case of a transfer either by gift or with nominal or no consideration, a sworn, notarized certificate signed by the grantor or his agent and the grantee or his agent, or the parent or guardian of a person under eighteen (18) years old, stating that the transfer is by gift and setting forth the estimated fair cash value of the property.

(2) The deed filing requirements listed in subsection (1)***(c)***~~[(b)]~~, ***(d)***~~[(c)]~~, and ***(e)***~~[(d)]~~ of this section shall not apply to:

(a) Deeds which only convey utility easements;

(b) Deeds which transfer property through a court action pursuant to a divorce proceeding;

(c) Deeds which convey rights-of-way that involve governmental agencies;

(d) Deeds which convey cemetery lots;

(e) Deeds which correct errors in previous deeds conveying the same property from the same grantor to the same grantee; or

(f) Deeds which convey real property to a local airport board.

(3) In the case of an exchange of properties, the fair cash value of the property being exchanged shall be stated in the body of the deed.

(4) In the event of a transfer of property by will or under the laws of intestate succession, the personal representative of the estate, prior to closing out the estate, shall file an affidavit with the county clerk of each county in which any of the property is located, which shall contain the following:

(a) The names and addresses of the persons receiving each property passing by will or intestate succession; and

(b) The full or fair market value of each property as estimated or established for any purpose in the handling of the estate, or a statement that no such values were estimated or established.

(5) No county clerk or deputy clerk shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

➔Section 16. 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 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 ***provisions and other local ordinances*** as ***authorized***~~[defined]~~ in KRS ***65.8801 to 65.8839***~~[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.

➔Section 17. Section 18 of this Act shall not be interpreted or otherwise construed to affect the status, priority, or enforcement of any lien that was created and existed pursuant to the provisions of KRS 82.725 or KRS 381.770 prior to January 1, 2017.

➔Section 18. Effective January 1, 2017, the following KRS sections are repealed:

82.700 Definitions for KRS 82.700 to 82.725.

82.705 Local government authorized to enact nuisance code.

82.710 Requirements for local government nuisance code.

82.715 Notice of violation -- Liability of property owner -- Appeal.

82.720 Lien of local government for fines and penalties -- Effect on rights of secured parties.

82.722 KRS 82.700 to 82.725 not to be enforced upon agricultural land in unincorporated portion of county.

82.725 Short title for KRS 82.700 to 82.725.

381.770 Abatement of nuisance -- Exceptions -- Enforcement ordinance -- Lien -- Personal liability of property owner.

Signed by Governor April 9, 2016.

CHAPTER 87

(SB 114)

AN ACT relating to medical authorizations by advanced practice registered nurses.

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

➔Section 1. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

(1) Be a citizen of the United States;

(2) Be at least twenty-one (21) years of age;

(3) Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;

(4) Possess a valid license to operate a motor vehicle;

(5) Be fingerprinted for a criminal background check;

(6) Not have been convicted of any felony;

(7) Not be prohibited by federal or state law from possessing a firearm;

(8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;

(9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;

(10) Have passed a medical examination as defined by the council by administrative regulation ***and provided by a licensed physician, physician assistant, or advanced practice registered nurse*** to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(13) Have been interviewed by the employing agency;

(14) Not have had certification as a peace officer permanently revoked in another state;

(15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies

shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.315 to 15.510; and

(17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.315 to 15.510.

➔Section 2. KRS 72.465 is amended to read as follows:

(1) The coroner shall in his sound discretion determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of KRS 72.410 to 72.470, and if inquiry reveals that the physician ***or advanced practice registered nurse*** of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician ***or advanced practice registered nurse*** to sign the certificate of death. In all other instances, the coroner shall sign the death certificate in coroner's cases.

(2) In the event an autopsy is performed under the provisions of KRS 72.410 to 72.470 subsequent to the time that a death certificate has been filed with the Cabinet for Health and Family Services, Vital Statistics Branch, the coroner shall notify the Vital Statistics Branch of any change that may be necessary in the original certificate.

➔Section 3. KRS 186.411 is amended to read as follows:

(1) If a person with a seizure condition applies for an original, duplicate, modified, or renewal operator's license, or applies for an instruction permit, he shall be required by the cabinet to present to the Division of Driver Licensing certification by a physician ***or advanced practice registered nurse*** that his condition is controlled by drugs, details of the drugs, dosages which the person takes, and that the person has been free of any seizures for ninety (90) days; his own statement that he has been free of any seizures for ninety (90) days before the date of the application, and that he is taking the medication prescribed by his physician ***or advanced practice registered nurse***. The division shall upon receipt of the required documentation issue him a letter of authorization to present to the circuit clerk. The circuit clerk shall not issue an operator's license to a person with a seizure condition who does not present the letter of authorization.

(2) Any person who has a seizure condition who cannot present the certification that his condition is controlled by drugs or a statement that he has been seizure-free for ninety (90) days shall be notified in writing by the cabinet that the person's privilege to operate a motor vehicle is withdrawn and of his right to have an informal hearing on the matter of whether he is an unsafe driver as a result of having the seizure condition. The notice shall be mailed by first-class mail to the address of record of the person. The hearing shall be automatically waived if not requested within twenty (20) days after the cabinet mails notice. The hearing shall be scheduled as early as practical after receipt of the request at a time and place designated by the cabinet.

(3) A person whose seizure condition would impair his ability to operate a motor vehicle may present evidence of the condition to the Division of Driver Licensing's medical review board as established under KRS 186.444, including his own attested statement, physician's ***or advanced practice registered nurse's*** statement, and medical dosage details. If the board determines that the person's seizure condition would not impair his ability to operate a motor vehicle, the division shall issue the letter of authorization required by subsection (1) of this section.

(4) A person whose seizure condition is of a nature that the seizure condition would not impair the ability to operate a motor vehicle may present evidence of this fact to the Division of Driver Licensing including the person's own attested statement, physician's ***or advanced practice registered nurse's*** statement, and medicine dosage details. If the division determines that the person's seizure condition does not impair the ability to operate a motor vehicle, the division shall issue the letter of authorization required by subsection (1) of this section.

(5) Any physician ***or advanced practice registered nurse*** shall not be subject to civil or criminal liability, absent a showing of bad faith, for providing any reports, records, examinations, opinions, or recommendations pursuant to this section.

➔Section 4. KRS 189.125 is amended to read as follows:

(1) Except as otherwise provided in this section, "motor vehicle" as used in this section means every vehicle designed to carry fifteen (15) or fewer passengers and used for the transportation of persons, but the term does not include:

(a) Motorcycles;

(b) Motor-driven cycles; or

(c) Farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.

(2) A person shall not sell any new motor vehicle in this state nor shall any person make application for registering a new motor vehicle in this state unless the front or forward seat or seats have adequate anchors or attachments secured to the floor and/or sides to the rear of the seat or seats to which seat belts may be secured.

(3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint system of a type meeting federal motor vehicle safety standards.

(b) Any driver of a motor vehicle, when transporting a child under the age of eight (8) years who is between forty (40) inches and fifty-seven (57) inches in height in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat. A child of any age who is greater than fifty-seven (57) inches in height shall not be required to be secured in a child booster seat under this section.

(4) As used in this section:

(a) "Child restraint system" means any device manufactured to transport children in a motor vehicle which conforms to all applicable federal motor vehicle safety standards; and

(b) "Child booster seat" means a child passenger restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.

(5) Failure to use a child passenger restraint system or a child booster seat shall not be considered as contributory negligence, nor shall such failure to use a passenger restraint system or booster seat be admissible as evidence in the trial of any civil action. Failure of any person to wear a seat belt shall not constitute negligence per se.

(6) A person shall not operate a motor vehicle manufactured after 1981 on the public roadways of this state unless the driver and all passengers are wearing a properly adjusted and fastened seat belt, unless the passenger is a child who is secured as required in subsection (3) of this section. The provisions of this subsection shall not apply to:

(a) A person who has in his possession at the time of the conduct in question a written statement from a physician***, advanced practice registered nurse,*** or licensed chiropractor that he is unable, for medical or physical reasons, to wear a seat belt; or

(b) A letter carrier of the United States postal service while engaged in the performance of his duties.

(7) A conviction for a violation of subsection (6) of this section shall not be transmitted by the court to the Transportation Cabinet. The Transportation Cabinet shall not include a conviction for a violation of subsection (6) of this section as part of any person's driving history record.

(8) The provisions of subsection (6) of this section shall supersede any existing local ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of this section may be enacted by any unit of local government.

➔Section 5. KRS 213.076 is amended to read as follows:

(1) (a) A certificate of death or a provisional certificate of death for each death which occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed by the state registrar prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death. The funeral director, or person acting as such, shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. Effective January 1, 2015, all certificates of death shall be filed with the cabinet using the Kentucky Electronic Death Registration System in a manner directed by the state registrar.

(b) At the time of obtaining the required personal and statistical particulars from the informant referred to in paragraph (a) of this subsection, the funeral director, or person acting as such, shall ask the informant if the deceased ever served in the military. If the informant answers in the affirmative, then the funeral director, or person acting as such, shall provide the informant with a fact sheet stating military burial rights supplied by the Kentucky Department of Veterans' Affairs.

(c) The funeral director, or person acting as such, shall within five (5) days of the death, present the certificate to the attending physician***, advanced practice registered nurse, or physician assistant***, if any, or to the health officer or coroner as directed by the state registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as required by this chapter.

(d) It shall be unlawful for an institution to release a dead human body until the funeral director, or person acting as such, has completed and filed with the local registrar or person in charge of the institution, a provisional certificate of death. If death occurs outside an institution, the provisional certificate shall be filed with the local registrar by the funeral director, or person acting as such, prior to final disposition of the dead body. A copy of the provisional certificate of death signed by the person with whom it was filed, shall constitute authority for the possession, transportation, and, except for cremation, final disposition of the body.

(e) All persons having in their possession a completed provisional certificate of death shall file the certificate at not more than weekly intervals with the local registrar.

(f) If the place of death is unknown but the dead body is found in the Commonwealth, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation subject to amendment upon completion of any postmortem examination required to be performed.

(g) If death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, and the place where it is first removed shall be considered the place of death. If a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space, and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, but the certificate shall show the actual place of death insofar as can be determined.

(2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call attention to the defects in the certificate and require the person responsible for the entry to complete or correct. The state registrar may also require additional information about the circumstances and medical conditions surrounding a death in order to properly code and classify the underlying cause. A funeral director shall not be held responsible for the failure of a physician, ***advanced practice registered nurse, physician assistant,*** dentist, chiropractor, or coroner to complete or correct the entry for which he or she is responsible.

(3) The medical certification shall be completed, signed, and returned to the funeral director within five (5) working days after presentation to the physician, ***advanced practice registered nurse, physician assistant,*** dentist, or chiropractor in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by KRS 72.400 to 72.475. In such cases, or if the cause of death is unknown or under investigation, the cause of death shall be shown as such on the certificate. A supplemental report providing the medical information omitted from the original certificate shall be filed by the certifier with the state registrar within five (5) days after receiving results of the inquiry as required by KRS 72.400 to 72.475. The supplemental report shall be made a part of the existing death certificate. This report shall be considered an amendment, and the death certificate shall be marked "Amended." In the absence of the physician, ***advanced practice registered nurse, physician assistant,*** dentist, or chiropractor, or with such person's approval, the certificate may be completed and signed by his associate physician, ***advanced practice registered nurse, physician assistant,*** dentist, or chiropractor, or the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, or a physician***, advanced practice registered nurse, or physician assistant*** employed by the local health department, if the individual has access to the medical history of the case and death is due to natural causes.

(4) If death occurs more than thirty-six (36) hours after the decedent was last treated or attended by a physician, ***advanced practice registered nurse, physician assistant,*** dentist, or chiropractor, the case shall be referred to the coroner for investigation to determine and certify the cause of death. In the event that a coroner is not available to sign the certificate and there is no duly appointed deputy, the county judge/executive shall appoint a competent person to investigate the death and certify to its cause.

(5) (a) The physician, ***advanced practice registered nurse, physician assistant,*** dentist, chiropractor, or coroner who certifies to the cause of death shall return the certificate to the funeral director, or person acting as such, who, in turn, shall file the certificate directly with the Vital Statistics Branch. Any certified copies of the record requested at the time of filing shall be issued in not more than two (2) working days.

(b) In the case of a death in which diabetes was known to be an underlying cause or contributing condition, diabetes shall be listed in the appropriate location on the death certificate by the physician, ***advanced practice registered nurse, physician assistant,*** dentist, chiropractor, or coroner who certifies to the cause of death.

(6) The Vital Statistics Branch shall provide self-addressed, color-coded envelopes for the funeral homes in the Commonwealth of Kentucky.

(7) Three (3) free verification-of-death statements shall be provided to the funeral director by the Vital Statistics Branch for every death in the Commonwealth of Kentucky.

(8) The body of any person whose death occurs in Kentucky shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the Cabinet for Health and Family Services to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the Cabinet for Health and Family Services and the local health department. The Cabinet for Health and Family Services shall identify by regulation those communicable diseases which require blood and body fluid precautions. If a person who has been diagnosed as being infected with a communicable disease for which blood and body fluid precautions are required, dies within a health facility as defined in KRS 216B.015, the facility shall notify any embalmer or funeral director to whom the body will be transported of the need for such precautions. The notice shall be provided by including the statement "Blood and Body Fluid Precautions" on the provisional report-of-death form as prescribed by the Cabinet for Health and Family Services. Lack of this notice shall not relieve any embalmer or funeral director from taking universal blood and body fluid precautions as are recommended by the United States Department of Health and Human Services, Centers for Disease Control for Morticians' Services. No embalmer or funeral director shall charge more for embalming the remains of a person with a communicable disease which requires blood and body fluid precautions than the price for embalming services listed on the price list funeral providers are required to maintain and provide to consumers pursuant to 16 C.F.R. Sec. 453.2 (1988).

(9) A burial-transit permit for the final disposition issued under the law of another state which accompanies a dead body or fetus brought into the Commonwealth shall be the authority for final disposition of the body or fetus in the Commonwealth and may be accepted in lieu of a certificate of death. There shall be noted on the face of the record made for return to the local registrar that the body was shipped to Kentucky for interment and the actual place of death.

(10) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required or the Department for Public Health deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body the funeral director, or person acting as such, shall file with the local registrar or deputy registrar prior to interment a provisional certificate of death which shall contain the name, date, and place of death of the deceased, the name of the medical certifier, and an agreement to furnish within ten (10) days a complete and satisfactory certificate of death.

(11) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by a copy of the provisional certificate of death. The sexton, or if there is no sexton, the funeral director, or person acting as such, shall enter on the provisional certificate over his signature, the date, place, and manner of final disposition and file the certificate within five (5) days with the local registrar.

(12) Authorization for disinterment, transportation, and reinterment or other disposition shall be required prior to disinterment of any human remains. The authorization shall be issued by the state registrar upon proper application. The provisions of this subsection shall apply to all manners of disposition except cremation and without regard for the time and place of death. The provisions of KRS 381.765 shall not apply to remains removed for scientific study and the advancement of knowledge.

(13) After a death certificate has been on file for five (5) years, it may not be changed in any manner except upon order of a court. Prior to that time, requests for corrections, amendments, or additions shall be accompanied by prima facie evidence which supports the requested change.

➔Section 6. KRS 387.540 is amended to read as follows:

(1) Prior to a hearing on a petition for a determination of partial disability or disability and the appointment of a limited guardian, guardian, limited conservator, or conservator, an interdisciplinary evaluation report shall be filed with the court. The report may be filed as a single and joint report of the interdisciplinary evaluation team, or it may otherwise be constituted by the separate reports filed by each individual of the team. If the court and all parties to the proceeding and their attorneys agree to the admissibility of the report or reports, the report or reports shall be admitted into evidence and shall be considered by the jury. The report shall be compiled by at least three (3) individuals, including a physician ***or an advanced practice registered nurse***, a psychologist licensed or certified under the provisions of KRS Chapter 319, and a person licensed or certified as a social worker or an employee of the Cabinet for Health and Family Services who meets the qualifications of KRS 335.080(1)(a), (b), and (c) or 335.090(1)(a), (b), and (c). The social worker shall, when possible, be chosen from among employees of the Cabinet for Health and Family Services residing or working in the area, and there shall be no additional compensation for their service on the interdisciplinary evaluation team.

(2) At least one (1) person participating in the compilation of the report shall have knowledge of the particular disability which the respondent is alleged to have or knowledge of the skills required of the respondent to care for himself and his estate.

(3) If the respondent is alleged to be partially disabled or disabled due to mental illness, at least one (1) person participating in the compilation of the interdisciplinary evaluation report shall be a qualified mental health professional as defined in KRS 202A.011(12). If the respondent is alleged to be partially disabled or disabled due to an intellectual disability, at least one (1) person participating in the compilation of the evaluation report shall be a qualified professional in the area of intellectual disabilities as defined in KRS 202B.010(12).

(4) The interdisciplinary evaluation report shall contain:

(a) A description of the nature and extent of the respondent's disabilities, if any;

(b) Current evaluations of the respondent's social, intellectual, physical, and educational condition, adaptive behavior, and social skills. Such evaluations may be based on prior evaluations not more than three (3) months old, except that evaluations of the respondent's intellectual condition may be based on individual intelligence test scores not more than one (1) year old;

(c) An opinion as to whether guardianship or conservatorship is needed, the type of guardianship or conservatorship needed, if any, and the reasons therefor;

(d) An opinion as to the length of time guardianship or conservatorship will be needed by the respondent, if at all, and the reasons therefor;

(e) If limited guardianship or conservatorship is recommended, a further recommendation as to the scope of the guardianship or conservatorship, specifying particularly the rights to be limited and the corresponding powers and duties of the limited guardian or limited conservator;

(f) A description of the social, educational, medical, and rehabilitative services currently being utilized by the respondent, if any;

(g) A determination whether alternatives to guardianship or conservatorship are available;

(h) A recommendation as to the most appropriate treatment or rehabilitation plan and living arrangement for the respondent and the reasons therefor;

(i) A listing of all medications the respondent is receiving, the dosage, and a description of the impact of the medication upon the respondent's mental and physical condition and behavior;

(j) An opinion whether attending a hearing on a petition filed under KRS 387.530 would subject the respondent to serious risk of harm;

(k) The names and addresses of all individuals who examined or interviewed the respondent or otherwise participated in the evaluation; and

(l) Any dissenting opinions or other comments by the evaluators.

(5) The evaluation report may be compiled by a community center for mental health or individuals with an intellectual disability, a licensed facility for mentally ill or developmentally disabled persons, if the respondent is a resident of such facility, or a similar agency.

(6) In all cases where the respondent is a resident of a licensed facility for mentally ill or developmentally disabled persons and the petition is filed by an employee of that facility, the petition shall be accompanied by an interdisciplinary evaluation report prepared by the facility.

(7) Except as provided in subsection (6) of this section, the court shall order appropriate evaluations to be performed by qualified persons or a qualified agency. The report shall be prepared and filed with the court and copies mailed to the attorneys for both parties at least ten (10) days prior to the hearing. All items specified in subsection (4) of this section shall be included in the report.

(8) If the person evaluated is a poor person as defined in KRS 453.190, the examiners shall be paid by the county in which the petition is filed upon an order of allowance entered by the court. Payment shall be in an amount which is reasonable as determined by the court, except no payment shall be required of the county for an evaluation performed by a salaried employee of a state agency for an evaluation performed within the course of his employment. Additionally, no payment shall be required of the county for an evaluation performed by a salaried employee of a community center for mental health or individuals with an intellectual disability or private facility or agency where the costs incurred by the center, facility, or agency are reimbursable through third-party payors. Affidavits or other competent evidence shall be admissible to prove the services rendered but not to prove their value.

(9) The respondent may file a response to the evaluation report no later than five (5) days prior to the hearing.

(10) The respondent may secure an independent evaluation. If the respondent is unable to pay for the evaluation, compensation for the independent evaluation may be paid by the county in an amount which is reasonable as determined by the court.

Signed by Governor April 9, 2016.

CHAPTER 88

(SB 154)

AN ACT relating to physician assistants.

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

➔Section 1. KRS 311.854 is amended to read as follows:

(1) A physician shall not supervise a physician assistant without approval of the board. Failure to obtain board approval as a supervising physician or failure to comply with the requirements of KRS 311.840 to 311.862 or related administrative regulations shall be considered unprofessional conduct and shall be subject to disciplinary action by the board that may include revocation, suspension, restriction, or placing on probation the supervising physician's right to supervise a physician assistant.

(2) To be approved by the board as a supervising physician, a physician shall:

(a) Be currently licensed and in good standing with the board;

(b) Maintain a practice primarily within this Commonwealth. The board in its discretion may modify or waive this requirement;

(c) Submit a completed application and the required fee to the board. The application shall include but is not limited to:

1. A description of the nature of the physician's practice;

2. A statement of assurance by the supervising physician that the scope of medical services and procedures described in the application or in any supplemental information shall not exceed the normal scope of practice of the supervising physician;

3. A description of the means by which the physician shall maintain communication with the physician assistant when they are not in the same physical location;

4. The name, address, and area of practice of one (1) or more physicians who agree in writing to accept responsibility for supervising the physician assistant in the absence of the supervising physician;~~[and]~~

5. A description of the scope of medical services and procedures to be performed by the physician assistant for which the physician assistant has been trained in an approved program***; and***

6. An outline of the specific parameters for review of countersignatures.

(3) Prior to a physician assistant performing any service or procedure beyond those described in the initial application submitted to the board under subsection (2)(c) of this section, the supervising physician shall supplement that application with information that includes but is not limited to:

(a) A description of the additional service or procedure;

(b) A description of the physician assistant's education, training, experience, and institutional credentialing;

(c) A description of the level of supervision to be provided for the additional service or procedure;~~[and]~~

(d) The location or locations where the additional service or procedure will be provided***; and***

(e) Any changes to the specific parameters for review of countersignatures.

The initial and supplemental applications required under this section may be submitted to the board at the same time.

(4) A physician who has been supervising a physician assistant prior to July 15, 2002, may continue supervision and the physician assistant may continue to perform all medical services and procedures that were provided by the physician assistant prior to July 15, 2002. The supervising physician shall submit the initial application and any supplemental application as required in this section by October 15, 2002.

(5) A physician may enter into supervision agreements with no more than four (4) physician assistants and shall not supervise more than four (4) physician assistants at any one (1) time. Application for board approval to be a supervising physician shall be obtained individually for each physician assistant.

(6) The board may impose restrictions on the scope of practice of a physician assistant or on the methods of supervision by the supervising physician upon consideration of recommendations of the Physician Assistant Advisory Committee established in KRS 311.842 after providing the applicant with reasonable notice of its intended action and after providing a reasonable opportunity to be heard.

➔Section 2. 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) 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 ***and outline the specific parameters for review of countersignatures in the application required by Section 1 of this Act. Countersignature requirements shall be determined by the supervising physician, practice, or institution. As used in this subsection:***

(a) "Practice" means a medical practice composed of two (2) or more physicians organized to provide patient care services, regardless of its legal form or ownership; and

(b) "Institution" means all or part of any public or private facility, place, building, or agency, whether organized for profit or not, that is used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care~~[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]~~;

(11) (a) Reevaluate 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 9, 2016.

CHAPTER 89

(SB 118)

AN ACT relating to money transmitters.

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

➔Section 1. KRS 286.11-007 is amended to read as follows:

This subtitle does not apply to:

(1) The United States or any department, agency, or instrumentality thereof;

(2) The United States Post Office or a contractor acting on behalf of the United States Post Office;

(3) A state or any agency, department, or political subdivision of a state;

(4) A financial institution or its subsidiaries, affiliates, and service corporations, or any office of an international banking corporation, branch of a foreign bank, or corporation organized pursuant to the Bank Service Corporation Act, 12 U.S.C. secs. 181 to 1867, or a corporation organized under the Edge Act, 12 U.S.C. secs. 611 to 633;~~[or]~~

(5) ***A service provider that:***

(a) Pursuant to a written agreement, acts on behalf of an entity exempt from licensure as set forth in subsection (4) of this section; and

(b) Allows the state or federal regulators with regulatory jurisdiction over the exempt entity to examine and inspect the service provider's applicable records, books, and transactions;

(6) A service provider that receives money or monetary value on behalf of an entity selling goods or services other than money transmission services if:

(a) The entity, upon receipt of funds by the service provider, immediately either:

1. Provides the purchased goods or services to the purchaser; or

2. Credits the purchaser for the full amount of money or monetary value received by the service provider, which credit is not revocable by the entity, and evidences this credit in writing; and

(b) The entity is obligated to provide the purchased goods or services to the purchaser regardless of whether or not the service provider transmits the money or monetary value to the entity; or

(7) The provision of electronic transfer of government benefits for any federal, state, or county governmental agency as defined in Federal Reserve Board Regulation E, by a contractor for and on behalf of the United States or any department, agency, or instrumentality thereof, or any state or any political subdivisions thereof.

Signed by Governor April 9, 2016.

CHAPTER 90

(HB 382)

AN ACT relating to the transfer of motor vehicles.

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

➔Section 1. KRS 186A.220 is amended to read as follows:

(1) Except as otherwise provided in this chapter, when any motor vehicle dealer licensed in this state buys or accepts such a vehicle in trade, which has been previously registered or titled for use in this or another state, and which he holds for resale, he shall not be required to obtain a certificate of title for it, but shall, within fifteen (15) days after acquiring such vehicle, notify the county clerk of the assignment of the motor vehicle to his dealership and pay the required transferor fee.

(2) Upon purchasing such a vehicle or accepting it in trade, the dealer shall obtain from his transferor, properly executed, all documents required by KRS 186A.215, to include the odometer disclosure statement thereon, together with a properly assigned certificate of title.

(3) The dealer shall execute his application for assignment upon documents designated by the Department of Vehicle Regulation, to the county clerk of the county in which he maintains his principal place of business. Such clerk shall enter the assignment upon the automated system.

(4) The dealer shall retain the properly assigned certificate of title received from his transferor, and may make any reassignments thereon until the forms for dealer assignment on the certificate of title are exhausted. The Department of Vehicle Regulation may, if it deems it warranted, provide a special document to allow for additional dealer assignments without requiring system generated documents.

(5) ***(a)*** When ***a dealer*** ~~[he]~~ assigns the vehicle to a purchaser for use, he shall deliver the properly assigned certificate of title, and other documents if appropriate, to such purchaser, who shall make application for registration and a certificate of title thereon.

(b) The dealer may, with the consent of the purchaser, deliver the assigned certificate of title, and other appropriate documents of a new or used vehicle, directly to the county clerk, and on behalf of the purchaser, make application for registration and a certificate of title. In so doing, the dealer shall require from the purchaser proof of insurance as mandated by KRS 304.39-080 before delivering possession of the vehicle.

(c) Notwithstanding the provisions of KRS 186.020, 186A.065, 186A.095, 186A.215, and 186A.300, if a dealer elects to deliver the title documents to the county clerk and has not received a clear certificate of title from a prior owner, the dealer shall retain the documents in his possession until the certificate of title is obtained.

(d) When a dealer assigns a vehicle to a purchaser for use under paragraph (a) of this subsection, the transfer and delivery of the vehicle is effective immediately upon the delivery of all necessary legal documents, or copies thereof, including proof of insurance as mandated by KRS 304.39-080.

(6) The department may make available, upon proper application from a licensed motor vehicle dealer, electronic means by which the dealer can interface directly with AVIS and the department. If the department grants this

access, all fees currently required for the issuance of a certificate of title shall continue to be charged and remitted to the appropriate parties as provided by statute.

(7) The Department of Vehicle Regulation shall assure that the automated system is capable of accepting instructions from the county clerk that a certificate of title shall not be produced under a dealer registration situation.

Signed by Governor April 9, 2016.

CHAPTER 91

(SB 249)

AN ACT relating to fire department reporting standards.

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, 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. Made pursuant to an agreement with a power supplier;

b. Amended by the power supplier based on the variable cost of fuel; and

c. 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) (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, wholly or in part, 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)(c) of this section; or

2. Governed by a board, council, commission, committee, authority, or corporation with any member or members who are appointed by the chief executive or governing body of a city, county, or combination of cities and counties, or whose voting membership includes governmental officials who serve in an ex officio capacity;

(7) "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) "Registry" means the online central registry and reporting portal established pursuant to KRS 65A.020; and

(9) (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, except as set out in paragraph (d)8. of this subsection;

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. Chambers of commerce;

6. 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;

7. Any entity whose budget, finances, and financial information are fully integrated with and included as a part of the budget, finances, and financial reporting of the city, county, or cities and counties in which it operates;~~[or]~~

8. Federally regulated public housing authorities established pursuant to KRS Chapter 80 that receive no more than twenty percent (20%) of their total funding for any fiscal year from nonfederal fees, not including rental income***; or***

9. a. Any fire protection district or volunteer fire department district operating under KRS Chapter 75; or

b. Any fire department incorporated under KRS Chapter 273;

with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars ($100,000).

➔Section 2. KRS 75.430 is amended to read as follows:

(1) Each recognized and certified fire department created pursuant to KRS Chapter 273 ***with annual receipts from all sources or annual expenditures of greater than one hundred thousand dollars ($100,000)*** shall comply with the provisions of KRS 65A.010 to 65A.090.

(2) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 ***or a recognized and certified fire protection district or volunteer fire department district operating under KRS Chapter 75*** which, for the year in question, receives from all sources or expends for all purposes less than one hundred thousand dollars ($100,000) shall ***submit financial information to the commission as provided in Section 3 of this Act***~~[prepare a financial statement and submit it to the commission by July 31 of each year]~~.

(3) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 which, for the year in question, receives from all sources or expends for all purposes one hundred thousand dollars ($100,000) or more shall prepare a financial statement and shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to perform a review of the financial statement, and shall submit the reviewed statement to the commission by July 31 of each year.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "fire department" means:

(a) Any fire protection district or volunteer fire department district operating under KRS Chapter 75; or

(b) Any fire department incorporated under KRS Chapter 273;

with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars ($100,000).

(2) If a fire department's annual revenues or expenditures equals or exceeds one hundred thousand dollars ($100,000) for two (2) consecutive fiscal years, then the fire department shall, for the next reporting period and any subsequent reporting period for which it exceeds that amount, be considered a special purpose governmental entity as defined in KRS 65A.010 and shall comply with KRS Chapter 65A until its annual revenues or expenditures are less than one hundred thousand dollars ($100,000), whereupon it may again qualify as a fire department under this section.

(3) Each fire department shall for each fiscal year beginning on and after July 1, 2016, annually submit to the commission the information required by this section. The information shall be submitted at the time and in the form and format required by the commission. The information submitted shall include at a minimum the following:

(a) Administrative information:

1. The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the fire department;

2. The fiscal year of the fire department;

3. The Kentucky Revised Statute and, if applicable, the local government ordinance under which the fire department was established; the date of establishment; the establishing entity; and the statute or statutes, local government ordinance, or interlocal agreement under which the fire department operates, if different from the statute or statutes, ordinance, or agreement under which it was established;

4. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the fire department;

5. The operational boundaries and service area of the fire department and the services provided by the fire department;

6. A listing of the taxes or fees imposed and collected by the fire department, 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.

7. The primary contact for the fire department for purposes of communication with the commission;

8. The code of ethics that applies to the fire department, and whether the fire department has adopted additional ethics provisions;

9. A listing of all federal, state, and local governmental entities that have oversight authority over the fire department or to which the fire department submits reports, data, or information; and

10. Any other related administrative information required by the commission; and

(b) Financial information including budgets and financial expenditure information that are designed to ensure that all public funds received by the fire departments are being responsibly used. The commission shall, through the promulgation of an administrative regulation, establish the specific financial information that shall be filed to meet the requirements of this paragraph.

(4) The commission shall review the reports required by this section and, if the commission finds that a report submitted does not comply with the requirements established by this section and regulations promulgated hereunder, the commission shall notify the fire department in writing. The notification shall include a description of the specific deficiencies identified, and shall describe the process the fire department shall follow to correct the deficiencies, including the time within which a response must be provided.

(5) If a fire department fails to comply with this section or Section 2 of this Act, then the commission may withhold:

(a) Incentive pay to qualified firefighters under KRS 95A.250;

(b) Volunteer fire department aid, funds used to purchase workers compensation insurance for fire departments, and the low-interest loans under KRS 95A.262;

(c) Funds from the Thermal Vision Grant program under KRS 95A.400 to 95A.440; and

(d) Any other funds that the commission controls.

(6) The commission may report any irregularities relating to the finances or operations of a fire department that it identifies to the Attorney General, Auditor of Public Accounts, or any other public official with jurisdiction over fire departments for further investigation and follow-up.

(7) The commission may prescribe corrective actions to bring fire departments that are, as of the effective date of this Act, not in compliance with KRS Chapter 65A into compliance with this section. Any sanctions imposed by the Department for Local Government prior to the effective date of this Act, shall be lifted upon notification by the commission to the department that the fire department in question has complied with the corrective actions prescribed by the commission.

(8) The information reported by fire departments under this section shall be considered public records under KRS 61.872 to 61.884. The commission shall prominently post on its Web site the availability of the

information required by this section and shall provide contact information and procedures for obtaining copies of the information.

(9) The fire commission shall promulgate administrative regulations under KRS Chapter 13A as soon as practicable after the effective date of this Act, to implement this section and Section 2 of this Act.

(10) By October 1, 2016, and on or before each October 1 thereafter, the commission shall file an annual report with the Legislative Research Commission detailing the compliance of the fire departments required to report under this section with subsection (3) of this section. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.

Signed by Governor April 9, 2016.

CHAPTER 92

(HB 189)

AN ACT relating to interlocal agreements.

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

➔SECTION 1. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

(1) Provided that the terms of the agreement are not being substantively changed, whenever an existing agreement that complies with the requirements of KRS 65.210 to 65.300 is amended to join new parties or to remove existing parties, approval of the Attorney General or the Department for Local Government under KRS 65.260 and approval of the agency or officer with jurisdiction under KRS 65.300 shall not be required for the amendment to be effective.

(2) In lieu of the requirements of KRS 65.290, when an agreement is amended pursuant to subsection (1) of this section, each public agency subject to the agreement, including any public agency withdrawing from the agreement, shall send the following to the county clerk of the county in which it is located, to the Secretary of State, and to either the Attorney General or the Department for Local Government, if either agency would have had the responsibility for review under KRS 65.260:

(a) A copy of the full agreement, including any amendments;

(b) A statement containing the effective date and subject of the original agreement;

(c) A list of the parties being added to or removed from the agreement; and

(d) A certification signed by each party being added to the agreement that confirms that the party is:

1. A public agency as defined in KRS 65.230; and

2. Eligible under KRS 65.240 to join the interlocal agreement with the existing parties to the agreement.

(3) Public agencies may, by the terms of an agreement made pursuant to KRS 65.210 to 65.300, specify the manner in which parties may be added to or removed from the agreement pursuant to this section. The language may authorize the addition of new parties or the removal of existing parties with or without the requirement of action by the legislative body of each public agency that is a party to the existing agreement or with a requirement of action by a minimum percentage of the legislative bodies of the public agencies that are parties to the agreement. In the absence of this language, action by the legislative body of each public agency that is a party to the existing agreement shall be required to amend the agreement to add new parties or remove existing parties.

Signed by Governor April 9, 2016.

CHAPTER 93

(HB 402)

AN ACT relating to the taxation of property used as a landfill.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "municipal solid waste disposal facility" has the same meaning as in KRS 224.1-010.

(2) (a) All municipal solid waste disposal facilities shall be assessed by the department as of January 1 each year.

(b) The department shall have sole power to value and assess the tangible personal property and real property of all municipal solid waste disposal facilities.

(c) The department shall bill and collect all ad valorem taxes on municipal solid waste disposal facilities and shall divide, allocate, and distribute the tax receipts.

(3) (a) The authority of the department to assess and tax the property of a municipal solid waste disposal facility shall be limited to taxable real property and tangible personal property.

(b) The real and tangible personal property shall be assessed and taxed in the same manner as real and tangible personal property of all other taxpayers under KRS Chapter 132, excluding KRS 132.030.

(c) The department shall promulgate administrative regulations under KRS Chapter 13A to implement a valuation methodology for municipal solid waste disposal facilities.

➔Section 2. KRS 132.020 is amended to read as follows:

(1) The owner or person assessed shall pay an annual ad valorem tax for state purposes at the rate of:

(a) Thirty-one and one-half cents ($0.315) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation;

(b) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of all privately owned leasehold interests 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, upon the prior approval of the Kentucky Economic Development Finance Authority, except that the rate shall not apply to the proportion of value of the leasehold interest created through any private financing;

(c) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of all qualifying voluntary environmental remediation property, provided the property owner has corrected 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 or the petroleum storage tank environmental assurance fund. This rate shall apply for a period of three (3) years following the Energy and Environment Cabinet's issuance of a No Further Action Letter or its equivalent, after which the regular tax rate shall apply;

(d) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation;

(e) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of unmanufactured agricultural products;

(f) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm operations;

(g) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl;

(h) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all 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;

(i) Fifteen cents ($0.15) upon each one hundred dollars ($100) of value of all machinery actually engaged in manufacturing;

(j) Fifteen cents ($0.15) upon each one hundred dollars ($100) of value of all 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, including radio and television towers used to transmit or facilitate the transmission of the signal broadcast and equipment used to gather or transmit weather information, but excluding telephone and cellular communication towers;

(k) Fifteen cents ($0.15) upon each one hundred dollars ($100) of value of all tangible personal property which has been certified as a pollution control facility as defined in KRS 224.1-300***. In the case of tangible personal property certified as a pollution control facility which is incorporated into a landfill facility, the tangible personal property shall be presumed to remain tangible personal property for purposes of this paragraph if the tangible personal property is being used for its intended purposes***;

(l) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all property which has been certified as an alcohol production facility as defined in KRS 247.910, or as a fluidized bed energy production facility as defined in KRS 211.390;

(m) Twenty-five cents ($0.25) upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043;

(n) Five cents ($0.05) upon each one hundred dollars ($100) of value of goods held for sale in the regular course of business, which includes:

1. Machinery and equipment held in a retailer's inventory for sale or lease originating under a floor plan financing arrangement;

2. Motor vehicles:

a. Held for sale in the inventory of a licensed motor vehicle dealer, including licensed 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; or

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;

3. Raw materials, which includes distilled spirits and distilled spirits inventory; and

4. In-process materials, which includes distilled spirits and distilled spirits inventory, held for incorporation in finished goods held for sale in the regular course of business;

(o) Ten cents ($0.10) per one hundred dollars ($100) of assessed value on the operating property of railroads or railway companies that operate solely within the Commonwealth;

(p) One and one-half cents ($0.015) per one hundred dollars ($100) of assessed value on aircraft not used in the business of transporting persons or property for compensation or hire;

(q) One and one-half cents ($0.015) per one hundred dollars ($100) of assessed value on federally documented vessels not used in the business of transporting persons or property for compensation or hire, or for other commercial purposes; and

(r) Forty-five cents ($0.45) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed, except as provided in KRS 132.030, 132.200, 136.300, and 136.320, providing a different tax rate for particular property.

(2) Notwithstanding subsection (1)(a) of this section, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that the increase exceeds the preceding year's assessment by more than four percent (4%), excluding:

(a) The assessment of new property as defined in KRS 132.010(8);

(b) The assessment from property which is subject to tax increment financing pursuant to KRS Chapter 65; and

(c) The assessment from leasehold property which is owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 and entitled to the

reduced rate of one and one-half cents ($0.015) pursuant to subsection (1)(b) of this section. In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(3) By July 1 each year, the department shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of subsection (2) of this section and certify the rate to the county clerks for their use in preparing the tax bills. If the assessments for all counties have not been certified by July 1, the department shall, when either real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been determined to be acceptable by the department, or when the number of counties having at least seventy-five percent (75%) of the total real property assessment for the previous year have been determined to be acceptable by the department, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(4) If the tax rate set by the department as provided in subsection (2) of this section produces more than a four percent (4%) increase in real property tax revenues, excluding:

(a) The revenue resulting from new property as defined in KRS 132.010(8);

(b) The revenue from property which is subject to tax increment financing pursuant to KRS Chapter 65; and

(c) The revenue from leasehold property which is owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 and entitled to the reduced rate of one and one-half cents ($0.015) pursuant to subsection (1) of this section;

the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase shall not exceed four percent (4%) per year.

(5) The provisions of subsection (2) of this section notwithstanding, the assessed value of unmined coal certified by the department after July 1, 1994, shall not be included with the assessed value of other real property in determining the state real property tax rate. All omitted unmined coal assessments made after July 1, 1994, shall also be excluded from the provisions of subsection (2) of this section. The calculated rate shall, however, be applied to unmined coal property, and the state revenue shall be devoted to the program described in KRS 146.550 to 146.570, except that four hundred thousand dollars ($400,000) of the state revenue shall be paid annually to the State Treasury and credited to the Department for Energy Development and Independence for the purpose of public education of coal-related issues.

➔Section 3. 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**.** ***In the case of tangible personal property certified as a pollution control facility which is incorporated into a landfill facility, the tangible personal property shall be presumed to remain tangible personal property for purposes of this subsection if the tangible personal property is being used for its intended purposes***;

(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;

(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 4. KRS 136.120 is amended to read as follows:

(1) (a) The following public service companies shall pay a tax on their operating property to the state, and to the extent the operating property is subject to local taxation, shall pay a local tax to the county, incorporated city, and taxing district where its operating property is located:

1. Railway companies;
2. Sleeping car companies;
3. Chair car companies;
4. Dining car companies;
5. Gas companies;
6. Water companies;
7. Bridge companies;
8. Street railway companies;
9. Interurban electric railroad companies;
10. Express companies;
11. Electric light companies;
12. Electric power companies, including wind turbine and solar generating companies;
13. Commercial air carriers;
14. Air freight carriers;
15. Pipeline companies;
16. Privately owned regulated sewer companies;
17. ~~[Municipal solid waste disposal facilities, as defined by KRS 224.1-010(15), where solid waste is disposed by landfilling;~~

~~18.]~~ Railroad car line companies, which means any company, other than a railroad company, which owns, uses, furnishes, leases, rents, or operates to, from, through, in, or across this state or any part

thereof, any kind of railroad car including, but not limited to, flat, tank, refrigerator, passenger, or similar type car; and

18.~~[19.]~~ Every other like company or business performing any public service.

(b) The following companies shall not be subject to the provisions of paragraph (a) of this subsection:

1. Bus line companies;

2. Regular and irregular route common carrier trucking companies;

3. Taxicab companies;

4. Providers of communications service as defined in KRS 136.602;

5. Providers of multichannel video programming services as defined in KRS 136.602; and

6. A qualified air freight forwarder as defined in KRS 141.121.

(2) (a) The property of the taxpayers shall be classified as operating property, nonoperating tangible property, and nonoperating intangible property.

(b) Nonoperating intangible property within the taxing jurisdiction of the Commonwealth shall be taxable for state purposes only at the same rate as the intangible property of other taxpayers not performing public services.

(c) Operating property and nonoperating tangible property shall be subject to state and local taxes at the same rate as the tangible property of other taxpayers not performing public services.

(3) (a) The Department of Revenue shall:

1. Have sole power to value and assess all of the property of every corporation, company, association, partnership, or person performing any public service, including those enumerated above and all others to whom this section may apply, whether or not the operating property, nonoperating tangible property, or nonoperating intangible property has previously been assessed by the department;

2. Allocate the assessment as provided by KRS 136.170; and

3. Certify operating property subject to local taxation and nonoperating tangible property to the counties, cities, and taxing districts as provided in KRS 136.180.

(b) All of the property assessed by the department pursuant to this section shall be assessed as of December 31 each year for the following year's taxes, and the lien on the property shall attach as of the assessment date.

(c) In the case of a taxpayer whose business is predominantly nonpublic service and the public service business in which he is engaged is merely incidental to his principal business, the department shall in the exercise of its judgment and discretion determine, from evidence which it may have or obtain, what portion of the operating property is devoted to the public service business subject to assessment by the department under this section and shall require the remainder of the property not so engaged to be assessed by the local taxing authorities.

Signed by Governor April 9, 2016.

CHAPTER 94

(HB 40)

AN ACT relating to criminal records.

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:

(1) ***Any person who has been convicted of a Class D felony violation of KRS 17.175, 186.990, 194A.505, 194B.505, 217.181, 217.207, 217.208, 218A.140, 218A.1415, 218A.1416, 218A.1417, 218A.1418, 218A.1423, 218A.1439, 218A.282, 218A.284, 218A.286, 218A.320, 218A.322, 218A.324, 244.165, 286.11-057, 304.47-025, 324.990, 365.241, 434.155, 434.675, 434.850, 434.872, 511.040, 512.020, 514.030, 514.040, 514.050, 514.060, 514.065, 514.070, 514.080, 514.090, 514.100, 514.110, 514.120, 514.140, 514.150, 514.160, 516.030, 516.060, 516.090, 516.108, 517.120, 518.040, 522.040, 524.100, 525.113, 526.020, 526.030, 528.020, 528.040, 528.050, 530.010, or 530.050, or a series of Class D felony violations of one (1) or more statutes enumerated in this section arising from a single incident, or who has been granted a full pardon, may file with the court in which he or she was convicted an application to have the judgment vacated. The application shall be filed as a motion in the original criminal case. The person shall be informed of the right at the time of adjudication.***

(2) ***A verified application to have the judgment vacated under this section shall be filed no sooner than five (5) years after the completion of the person's sentence, or five (5) years after the successful completion of the person's probation or parole, whichever occurs later. Upon the payment of the filing fee and the filing of the application, the Circuit Court clerk shall serve a notice of filing upon the office of the Commonwealth's attorney or county attorney that prosecuted the case and the county attorney of the county where the judgment was entered. The office of the Commonwealth's attorney or county attorney that prosecuted the case shall file a response within sixty (60) days after being served with the notice of filing. That time period may be extended for good cause, but the hearing on the application to vacate the judgment shall occur no later than one hundred twenty (120) days following the filing of the application. The inability to determine the location of the crime victim shall constitute good cause for an extension of time. No hearing upon the merits of the application shall be scheduled until the Commonwealth's response has been filed, or if no response is received, no later than one hundred twenty (120) days after the filing of the application.***

(3) ***Upon the filing of the Commonwealth's response to an application, or if no response is received, no later than one hundred twenty (120) days after the filing of the application, the court shall set a date for a hearing and the Circuit Court clerk shall notify the office of the Commonwealth's attorney or county attorney that prosecuted the case. The office of the Commonwealth's attorney or county attorney that prosecuted the case shall notify the victim of the crime, if there was an identified victim. The Commonwealth's attorney or county attorney shall be authorized to obtain without payment of any fee information from the Transportation Cabinet regarding the crime victim's address on file regarding any vehicle operator's license issued to that person.***

(4) ***The court may order the judgment vacated, and if the judgment is vacated the court shall dismiss with prejudice any charges which are eligible for expungement under subsection (1) of this section, Section 2 of this Act, or Section 3 of this Act, and order expunged all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records, if the court finds that:***

- ***(a)*** ***The person had not previously had a felony conviction vacated and the record expunged pursuant to this section;***
- ***(b)*** ***The person had not in the five (5) years prior to the filing of the application to have the judgment vacated been convicted of a felony or a misdemeanor; and***
- ***(c)*** ***No proceeding concerning a felony or misdemeanor is pending or being instituted against the person.***

(5) ***If the court has received a response from the office of the Commonwealth's attorney or county attorney that prosecuted the case stating no objection to the application to have the judgment vacated, or if one hundred twenty (120) days have elapsed since the filing of the application and no response has been received, the court may, without a hearing, vacate the judgment in the manner established in subsection (4) of this section.***

(6) ***Upon entry of an order vacating and expunging a conviction, the original conviction shall be vacated and the record shall be expunged. The court and other agencies shall cause records to be deleted or removed from their computer systems so that the matter shall not appear on official state-performed background checks. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application. If the person is not prohibited from voting for any other reason, the person's ability to vote shall be restored and the person may register to vote.***

(7) ***An order vacating a conviction under this section shall not extend or revive an expired statute of limitations, shall not constitute a finding of legal error regarding the proceedings leading to or resulting in the conviction, shall not nullify any findings of fact or conclusions of law made by the trial court or any appellate court regarding the conviction, and shall not constitute a finding of innocence regarding the conviction.***

(8) The Administrative Office of the Courts shall establish a form application to be used in filing an application to have judgment vacated and records expunged.

(9) The filing fee for an application to have judgment vacated and records expunged shall be five hundred dollars ($500). The first fifty dollars ($50) of each fee collected pursuant to this subsection shall be deposited into a trust and agency account for deputy clerks and shall not be refundable.

(10) This section shall be retroactive.

➔Section 2. KRS 431.076 is amended to read as follows:

(1) A person who has been charged with a criminal offense and who has been found not guilty of the offense, or against whom charges have been dismissed with prejudice~~[,]~~ and not in exchange for a guilty plea to another offense, ***or against whom felony charges originally filed in the District Court have not resulted in an indictment by the grand jury,*** may ***petition***~~[make a motion, in]~~ the District or Circuit Court in which the charges were filed~~[,]~~ to expunge all records.

(2) The expungement ***petition***~~[motion]~~ shall be filed no sooner than sixty (60) days following the order of acquittal or dismissal by the court ***or twelve (12) months following the date of the District Court decision to hold the matter to the grand jury. The petition shall be served upon the office of the Commonwealth's attorney or county attorney that prosecuted the case***.

(3) Following the filing of the ***petition***~~[motion]~~, the court may set a date for a hearing. If the court does so, it shall notify the county or Commonwealth's attorney, as appropriate, of an opportunity for a response to the expungement ***petition***~~[motion]~~. In addition, if the criminal charge relates to the abuse or neglect of a child, the court shall also notify the Office of General Counsel of the Cabinet for Health and Family Services of an opportunity for a response to the expungement ***petition***~~[motion]~~. The counsel for the Cabinet for Health and Family Services shall respond to the expungement ***petition***~~[motion]~~, within twenty (20) days of receipt of the notice, which period of time shall not be extended by the court, if the Cabinet for Health and Family Services has custody of records reflecting that the person charged with the criminal offense has been determined by the cabinet or by a court under KRS Chapter 620 to be a substantiated perpetrator of child abuse or neglect. If the cabinet fails to respond to the expungement ***petition***~~[motion]~~ or if the cabinet fails to prevail, the order of expungement shall extend to the cabinet's records. If the cabinet prevails, the order of expungement shall not extend to the cabinet's records.

(4) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the ***petition***~~[motion]~~ and order the expunging of all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records. ***If the expungement petition pertains to felony charges originally filed in the District Court which have not resulted in an indictment by the grand jury, and the Circuit Court or District Court grants the motion, it shall dismiss the charges and order the expunging of the records.*** The court shall order the expunging on a form provided by the Administrative Office of the Courts. Every agency, with records relating to the arrest, charge, or other matters arising out of the arrest or charge, that is ordered to expunge records, shall certify to the court within sixty (60) days of the entry of the expungement order, that the required expunging action has been completed. All orders enforcing the expungement procedure shall also be expunged.

(5) ***If an expungement is ordered under this section, an appellate court which issued an opinion in the case may, upon motion of the petitioner in the case, order the appellate case file to be sealed and also direct that the version of the appellate opinion published on the court's Web site be modified to avoid use of the petitioner's name in the case title and body of the opinion.***

(6) After the expungement, the proceedings in the matter shall be deemed never to have occurred. The court and other agencies shall delete or remove the records from their computer systems so that any official state-performed background check will indicate that the records do not exist. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application.

(7)~~[(6)]~~ This section shall be retroactive.

➔Section 3. KRS 431.078 is amended to read as follows:

(1) Any person who has been convicted of***:***

(a) A misdemeanor, a violation, or a traffic infraction not otherwise classified as a misdemeanor or violation, or a series of misdemeanors, violations, or traffic infractions arising from a single incident***; or***~~[,]~~

(b) A series of misdemeanors, violations, or traffic infractions not arising from a single incident;

may petition the court in which he was convicted for expungement of his misdemeanor or violation record ***within that judicial district***, including a record of any charges for misdemeanors***,***~~[or]~~ violations***, or traffic infractions*** that were dismissed or amended in the criminal action. The person shall be informed of the right at the time of adjudication.

(2) Except as provided in KRS 218A.275(8) and 218A.276(8), the petition shall be filed no sooner than five (5) years after the completion of the person's sentence or five (5) years after the successful completion of the person's probation, whichever occurs later.

(3) Upon the filing of a petition, the court shall set a date for a hearing***, no sooner than thirty (30) days after the filing of the petition,*** and shall notify the county attorney; the victim of the crime, if there was an identified victim; and any other person whom the person filing the petition has reason to believe may have relevant information related to the expungement of the record. Inability to locate the victim shall not delay the proceedings in the case or preclude the holding of a hearing or the issuance of an order of expungement.

(4) ***For a petition brought under subsection (1)(a) of this section,*** the court shall order expunged all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records, if at the hearing the court finds that:

(a) The offense was not a sex offense or an offense committed against a child;

(b) ~~[The person had no previous felony conviction;~~

~~(c) The person had not been convicted of any other misdemeanor or violation offense in the five (5) years prior to the conviction sought to be expunged;~~

~~(d)]~~The person had not ***in the five (5) years prior to the filing of the petition for expungement***~~[since the time of the conviction sought to be expunged]~~ been convicted of a felony ***or***~~[,]~~ a misdemeanor~~[, or a violation]~~;

(c)~~[(e)]~~ No proceeding concerning a felony ***or***~~[,]~~ misdemeanor~~[, or violation]~~ is pending or being instituted against ***the person***~~[him]~~; and

(d)~~[(f)]~~ ***The offense is not one subject to enhancement for a second or subsequent offense or the time for such an enhancement has expired***~~[The offense was an offense against the Commonwealth of Kentucky]~~.

(5) ***For a petition brought under subsection (1)(b) of this section, the court may order expunged all records in the custody of the court and any records in the custody of any other agency or official, including law enforcement records, if at the hearing the court finds that:***

(a) The offense was not a sex offense or an offense committed against a child;

(b) The person had not in the five (5) years prior to the filing of the petition for expungement been convicted of a felony or a misdemeanor;

(c) No proceeding concerning a felony or misdemeanor is pending or being instituted against the person; and

(d) The offense is not one subject to enhancement for a second or subsequent offense or the time for such an enhancement has expired.

(6) Upon the entry of an order to expunge the records,~~[and payment to the circuit clerk of one hundred dollars ($100),]~~ the proceedings in the case shall be deemed never to have occurred; the court and other agencies shall cause records to be deleted or removed from their computer systems so that the matter shall not appear on official state-performed background checks; the persons and the court may properly reply that no record exists with respect to the persons upon any inquiry in the matter; and the person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application.

(7) The filing fee for a petition under this section shall be one hundred dollars ($100). The first fifty dollars ($50) of each fee collected pursuant to this subsection shall be ~~[deposited into the general fund, and the remainder shall be]~~deposited into a trust and agency account for deputy clerks ***and shall not be refundable***.

(8)~~[(6)]~~ Copies of the order shall be sent to each agency or official named therein.

(9)~~[(7)]~~ Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of the records and only to those persons named in the petition.

(10)~~[(8)]~~ This section shall be deemed to be retroactive, and any person who has been convicted of a misdemeanor prior to July 14, 1992, may petition the court in which he was convicted, or if he was convicted prior to the inception of the District Court to the District Court in the county where he now resides, for expungement of the record of one (1) misdemeanor offense or violation or a series of misdemeanor offenses or violations arising from a single incident, provided that the offense was not one specified in subsection (4) and that the offense was not the precursor offense of a felony offense for which he was subsequently convicted. This section shall apply only to offenses against the Commonwealth of Kentucky.

(11)~~[(9)]~~ As used in this section, "violation" has the same meaning as in KRS 500.080.

(12)~~[(10)]~~ Any person denied an expungement prior to June 25, 2013, due to the presence of a traffic infraction on his or her record may file a new petition for expungement of the previously petitioned offenses, which the court shall hear and decide under the terms of this section. No court costs or other fees, from the court or any other agency, shall be required of a person filing a new petition under this subsection.

➔Section 4. KRS 431.079 is amended to read as follows:

(1) Beginning January 1, 2014, every petition ***or application*** filed seeking expungement shall include a certification of eligibility for expungement. The Department of Kentucky State Police and the Administrative Office of the Courts shall certify that the agencies have conducted a criminal background check on the petitioner and whether or not the petitioner is eligible to have the requested record expunged. The Department of Kentucky State Police shall promulgate administrative regulations to implement this section, in consultation with the Administrative Office of the Courts.

(2) For the purposes of this section***,***~~[and]~~ KRS 431.076***, Section 1 of this Act,*** and 431.078, "expungement" means the removal or deletion of records by the court and other agencies which prevents the matter from appearing on official state-performed background checks.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO READ AS FOLLOWS:

The Administrative Office of the Courts shall retain an index of expungement orders entered under Section 1 of this Act. The index shall only be accessible to persons preparing a certification of eligibility for expungement pursuant to Section 4 of this Act. If the index indicates that the person applying for expungement has had a prior felony expunged under Section 1 of this Act, the person preparing the report may, notwithstanding the provisions of Section 1 of this Act, access the expunged record and include information from the expunged record in the certification.

Signed by Governor April 12, 2016.

CHAPTER 95

(HB 124)

AN ACT relating to law enforcement.

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***; and***

(d) Body-worn cameras.

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 ***body-worn cameras,*** 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. ***Any department applying for grant funds for body-worn cameras shall develop a policy for their use and shall submit that policy with its application for the grant funds to the Office of Homeland Security as part of the application process.***

(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 13, 2016.

CHAPTER 96

(HJR 5)

A JOINT RESOLUTION designating honorary names for various roads and bridges and directing the placement of honorary roadside signs.

WHEREAS, Daniel Ellis was born April 22, 1982, to Kelly and Nancy West Ellis of Campbellsville; and

WHEREAS, Daniel Ellis, a quiet, hardworking young man who dreamed of a career in law enforcement, graduated from Taylor County High School in 2000; and

WHEREAS, Daniel Ellis then attended and graduated from Eastern Kentucky University in 2005 with a Bachelor's Degree in Criminal Justice, where he met his loving wife, the former Katie Gruenwald; and

WHEREAS, Officer Daniel Ellis began working for the Richmond Police Department on August 11, 2008; and

WHEREAS, to the citizens of Richmond, Officer Daniel Ellis was the kind of police officer you want in your community: hardworking, courteous, and respectful in a job where you often interact with people on some of the worst days of their lives; and

WHEREAS, on November 4, 2015, Officer Daniel Ellis, while entering a house he was told was unoccupied in order to investigate a robbery, was cowardly ambushed and shot in the head by an occupant of the building; and

WHEREAS, Officer Daniel Ellis succumbed to his wounds two days later, passing away on November 6, 2015, at the age of 33; and

WHEREAS, the tragic death of Officer Daniel Ellis has not only galvanized the Richmond community, but has struck a chord across the state and region, with over 7,000 attending his memorial service at Eastern Kentucky University, and law enforcement officers from as far away as Alabama and New York joining in the 12-mile-long procession that carried Officer Ellis the nearly 100 miles to his final resting place; and

WHEREAS, at his memorial, Officer Daniel Ellis, who had recently been promoted and was set to begin duty as a detective, was remembered by Richmond Police Chief Larry Brock, who said, "He turned out to be a great police officer. He was one of those guys that just got it and got it early...When Daniel sank his teeth into something he just wouldn't let it go. That's what he was doing last week...Our lives will never be the same again, the lives of his fellow officers and of his family will never be the same"; and

WHEREAS, in eulogizing Officer Daniel Ellis, Phillip Shumake, minister of East End Church of Christ in Lexington, relayed a story that Ellis's wife, Katie, had told him. While on duty one day, Ellis had seen a man in business clothes walking down the road carrying a tent. When asked, the man told Ellis that he had a job interview in the morning and didn't know a way to get there other than spending the night in a tent nearby. Ellis paid to get him a room, to which Shumake added, "Underneath his badge was a heart full of kindness"; and

WHEREAS, Officer Daniel Ellis was a member of the Madison County F.O.P. Lodge #47, the Kentucky Narcotics Association, the Sigma Alpha Epsilon Fraternity, and the East End Church of Christ in Lexington; and

WHEREAS, other than his wife Katie and his parents, Officer Daniel Ellis is survived by his son, Luke Michael Ellis; two brothers, Jeremy (Amanda) West and Eric (Heather) Ellis; one sister, Kelli Marie (Jason) Ellis Bush; his paternal grandmother Clara Ellis Schoenberger; his mother- and father-in-law, Nancy and Greg Gruenwald; his sister-in-law Amy (Dylan) Gruenwald Holt; and several nieces and nephews; and

WHEREAS, the senseless and tragic end of Officer Daniel Ellis's life has left a void that cannot be filled, and he is mourned across the length and breadth of this Commonwealth; and

WHEREAS, in that spirit, it is indeed fitting and appropriate that this Commonwealth offer a lasting, tangible tribute to the memory of our fallen hero, no matter how inadequate it might be; 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 United States Route 25 in Madison County, between its two intersections with the United States Route 25 Bypass, as the "Officer Daniel 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 Interstate 24 in Lyon County, from the Caldwell County line to its intersection with Kentucky Route 293, as the "Trooper Joseph Cameron Ponder Memorial Highway," 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 Kentucky Route 324 in Mason County, from its intersection with United States Highway 68 to its intersection with Kentucky Route 11, as the "Colonel Charles Young Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 4. The Transportation Cabinet shall designate United States Route 60 in Breckinridge County as the "Breckinridge County Veterans Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 5. The Transportation Cabinet shall honor the accomplishments of Chris Stapleton by including him on the Country Music Highway on United States Route 23 in Johnson County, and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 6. The Transportation Cabinet shall designate the bridge on Kentucky Route 55, south of Taylorsville over Salt River, the "C.L. Glasscock Jr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 7. The Transportation Cabinet shall designate Kentucky Route 222 from Kentucky Route 1136 to Robey Road in Hardin County as the "Firefighter Jonathan French Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 8. The Transportation Cabinet shall designate Kentucky Route 632 in Pike County as the "Sturgeon/Rice/Hayes Vietnam Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 9. The Transportation Cabinet shall designate the new bridge on United States Highway 119 in Letcher County at the Harlan County line as the "Gayle Lawson Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 10. The Transportation Cabinet shall designate the portion of United States Route 127 from mile-point 2.535 to mile-point 5.295 the "Logann Driskell Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 11. The Transportation Cabinet shall designate United States Route 60 in Daviess County, from mile-point 10 to mile-point 20, as the "Navy Airman James Van Bussum Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 12. The Transportation Cabinet shall designate Kentucky Route 2155 in Daviess County, from 3rd Street to 27th Street, as the "SP4 Charles Rates Lewis Jr. Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 13. The Transportation Cabinet shall designate the bridge on United States Route 31W over Bacon Creek within the city limits of Bonnieville (Bridge Number 050B00035N) as the "Camp Jefferson Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 14. The Transportation Cabinet shall designate the new bridge on Kentucky Route 30, near the intersection of Kentucky Route 3237 in Breathitt County, as the "Sergeant Willie Sandlin Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 15. The Transportation Cabinet is hereby directed to honor Brian Kilgore 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 Brian Kilgore 'Original Bad Boy' MMA 2011 Hall of Fame." The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 16. The Transportation Cabinet is hereby directed to honor Hannah and Reese Farris 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 2015 National Junior Olympic Gold Medalists in Gymnastics Hannah and Reese Farris." The signs erected under this section shall remain in place for at least one year from the date of their placement.

➔Section 17. The Transportation Cabinet shall designate the new bridge on Kentucky Route 52 in Lee County, near its intersection with Kentucky Route 2016, as the "Roy Angel Memorial Bridge," and within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 18. The Transportation Cabinet shall designate the first bridge in Leslie County, on Kentucky Route 1780, off of United States Highway 421, as the "Graydon and Nell Hoskins Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 19. The Transportation Cabinet is hereby directed to honor Greg Queen by erecting signs on Kentucky 192 Bypass in Laurel County that read, "Home of the 2005 to 2015 Bluegrass 10,000 Crank Wheelchair Champion Greg Queen." The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 20. The Transportation Cabinet shall designate Kentucky Route 3424 in Leslie County as the "Henry Roberts Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 21. The Transportation Cabinet is hereby directed to honor the Shopville Elementary archery team by erecting signs on Kentucky Route 80 approaching the school in each direction that read "Shopville Elementary Archery, 2014 NASP State Champions, 2015 NASP State and National Champions." The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 22. The Transportation Cabinet shall designate United States Route 68/Kentucky Route 80 in Trigg County, from mile-point 0 to mile-point 8.3, as the "Trigg County Veterans Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signs denoting this designation.

➔Section 23. The Transportation Cabinet shall honor the accomplishments of Patrick by designating Kentucky Route 2237 in Bullitt County as "Patrick Lane" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 24. The Transportation Cabinet shall designate Kentucky Route 70 in Barren County, from Cave City to Hiseville, as the "Pfc. Edgar Everett Purple Heart Trail," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 25. The Transportation Cabinet shall designate United States Highway 27 in Jessamine County, from mile point 1.230 to the Fayette County line, as the "Jessamine County Fallen Heroes Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 26. The Transportation Cabinet shall designate the bridge on Kentucky Route 61, over the Salt River in Bullitt County, as the "Women's Army Corps Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 27. The Transportation Cabinet shall designate Kentucky Route 1448 in Mason County, from United States Highway 62 to Kentucky Route 9, as the "First Responders Highway Buffalo Trace Region," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this legislation.

➔Section 28. The Transportation Cabinet shall designate the bridge on Kentucky Route 2557 in Floyd County as the "Gene D. Davis Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 29. The Transportation Cabinet shall designate Kentucky Route 32 in Rowan County, from the Fleming/Rowan County line (mile point 0) to the interchange of Interstate-64 (mile point 5.59) as "Veteran's Avenue," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 30. The Transportation Cabinet shall designate Kentucky Route 3531 in Rowan County, from Kentucky Route 32 to the end of the state-maintained portion of the highway, as the "American Legion Way," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 31. The Transportation Cabinet shall designate the bridge on Kentucky Route 699 in Perry County, at its intersection with Kentucky Route 7, as the "Denver and Irene Miniard Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 32. The Transportation Cabinet shall designate Kentucky Route 267 in Perry County, from Kentucky Highway 15 to the town of Typo, as the "Sgt. Dennie Neace 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 shall designate the bridge on Kentucky Route 160 in Harlan County, at mile-point 5.404 that spans over Looney Creek, as the "Chester Andrew Molley Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 34. The Transportation Cabinet shall designate the bridge on Kentucky Route 215 in Harlan County, at mile-point 2.626 that spans Yocum Creek, as the "David 'HotShot' Rigney Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 35. The Transportation Cabinet shall designate the new replacement bridge on Kentucky Route 20 in Boone County (008B00018N), as the "Albert Wind Jr. WWII Veteran Memorial Bridge," and shall, within 30 days of completion of the bridge, erect appropriate signage denoting this designation.

➔Section 36. The Transportation Cabinet is hereby directed to honor the Corbin High School Cheerleading Team by erecting signs on United States Highway 25E at the Laurel/Knox County line and on United States Highway 25W in the city of Corbin, near its intersection with Snyder Street that read, "Home of the Corbin High School Cheerleading Team 2016 UCA National Champions/Medium Division II." The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 37. The Transportation Cabinet shall designate the bridge on Kentucky Route 80 in Floyd County that spans over United States Highway 23, as the "Lucy Kinzer Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 38. The Transportation Cabinet shall designate United States Highway 60 in Daviess County, from its intersection with the Owensboro Bypass, going west to Audubon Elementary School as the "SPC Brandon Scott Mullins Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 39. The Transportation Cabinet shall designate Kentucky Route 2118 in Daviess County as the "Tuskegee Airman Milton T. Hall Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 40. The Transportation Cabinet shall designate Kentucky Route 505 in Ohio County as the "Jewell Creston Embry Memorial Highway WWII POW" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 41. The Transportation Cabinet shall designate Kentucky Route 3345 in Morgan County as the "PFC David Michael Sowards Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 42. The Transportation Cabinet shall designate Kentucky Route 191 in Morgan County, from the Cannel City School to the Wolfe County line, as the "LCpl Joe Roger Melczek 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 Kentucky Route 191 in Morgan County, from its intersection with United States Highway 460, to the old Cannel City school as the "PFC Ralph Paul Terry Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 44. The Transportation Cabinet shall honor the accomplishments of American Pharoah by designating United States Route 60, from New Circle Road in Fayette County to Franklin County, as "American Pharoah Way" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 45. The Transportation Cabinet shall designate Kentucky Route 632 in Pike County as the "Sturgeon/Rice/Hayes Vietnam Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 46. The Transportation Cabinet shall designate Kentucky Route 3380 in Floyd County as the "Homer Hamilton Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 47. The Transportation Cabinet shall designate Kentucky Route 1848 from United States Route 60 to Kentucky Route 362 as the "George Frank Smith Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 48. The Transportation Cabinet shall designate Kentucky Route 3419 in Pike County as the "Deputy Earl Smith Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 49. The Transportation Cabinet shall designate Kentucky Route 2059 in Pike County as the "Deputy Jessie Ferrell Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 50. The Transportation Cabinet shall designate the bridge on Kentucky Route 90 over Lake Cumberland in Pulaski County as "The Houseboat Capital of the World Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 51. The Transportation Cabinet shall designate Kentucky Route 1642 in Pulaski County as the "Bruce Weddle Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 52. The Transportation Cabinet shall designate Kentucky Route 1247 in Pulaski County between mile-point 0 and mile-point 3.95 as the "Cliff Childers Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 53. The Transportation Cabinet shall designate all of Kentucky Route 2 that lies within the city limits of Olive Hill, Carter County, as the "Lieutenant Firefighter David Wayne Conley Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 54. The Transportation Cabinet shall designate the Little Sandy River Bridge in Greenup County, which connects Kentucky Route 2541 (Main Street) and United States Route 23, as the "Jimmy Doran Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 55. The Transportation Cabinet shall designate Kentucky Route 122 in Pike County, from the Floyd County Line to the intersection with Anderson Fork, as the "Lula Bates Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 56. The Transportation Cabinet shall designate Kentucky Route 192, from mile-point 12 in Pulaski County to its intersection with Kentucky Route 1193 in Laurel County, as "The Rattlesnake," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 57. The Transportation Cabinet shall designate the bridge on Kentucky Route 628 in Whitley County that spans over Interstate 75, as the "William Glenos Cox, Sr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect signage on the Interstate 75 underpass denoting this designation.

➔Section 58. The Transportation Cabinet shall designate the bridge on Kentucky Route 30 in Owsley County, near its intersection with Kentucky Route 847, as the "Ronnie Callahan Jr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 59. The Transportation Cabinet shall honor the Clay County 13-14 year old softball team by placing signs at mile-points 17 and 18.9 on United States Highway 421 in Clay County that read "Home of 2015 Clay County Girls 13-14 Year Old Little League Softball Team/State and Central Region Champions/7th Place World Series." 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 60. The Transportation Cabinet shall designate the bridge on Kentucky Route 55 near mile-point 14.9 in Adair County that spans Russell Creek, as the "Firefighter Charles ‘Sparky’ Sparks Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 61. The Transportation Cabinet shall designate the westbound span of the bridge on the new United States Highway 460 in Pike County that crosses Upper Pond Creek/Draffin as the "Staff Sgt. Donta Price Memorial Bridge, US Army, Gulf War," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 62. The Transportation Cabinet shall designate the bridge at the intersection of Kentucky Route 2179 North and United States Route 119 in Harlan County as the "Vietnam Veteran Ron Johnson Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 63. The Transportation Cabinet shall designate Kentucky Route 510 from the Kentucky Route 221 junction at Pine Mountain Settlement School to the Letcher County Line as the "Omer Lewis Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 64. The Transportation Cabinet Shall designate the bridge at mile-point 25.478 on United States Highway 119, in Harlan County, as the "Raymond Doss Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 65. The Transportation Cabinet shall designate Kentucky Route 122 in Floyd County, from mile-point 18 to mile-point 19, as the "Lance Corporal Jonathan B. Thornsberry Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 66. The Transportation Cabinet shall designate Kentucky Route 169 in Jessamine County, from the Nicholasville city limits to its intersection with Vince Road, as the "Howard Fain Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 67. The Transportation Cabinet shall designate Kentucky Route 161 in Mason County, from the Mason County/Fleming County line to its intersection with Kentucky Route 324 (mile-point 0 to mile-point 3.456), as the "Trooper Anson Blake Tribby Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 68. The Transportation Cabinet shall designate the bridge on Kentucky Route 7 in Carter County that spans over Interstate-64, as the "Pauline Burton Davis Hale Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

Signed by Governor April 13, 2016.

CHAPTER 97

(HB 276)

AN ACT relating to in-state tuition at public universities for members of any United States military Reserve component.

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

➔Section 1. KRS 164.2844 is amended to read as follows:

Notwithstanding KRS 164.020(8), the governing board of a Kentucky public university may adopt a tuition policy whereby any veteran of the Armed Forces of the United States or National Guard who is eligible for Post-9/11 GI Bill benefits ***or any member of a Reserve component*** who enrolls as a student in the university as a non-Kentucky resident is charged no more than the maximum tuition reimbursement provided under the Post-9/11 GI Bill to public universities for eligible Kentucky residents.

Signed by Governor April 13, 2016.

CHAPTER 98

(HB 250)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 431.015 is amended to read as follows:

(1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a citation instead of making an arrest for a misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited

will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

(b) A peace officer may make an arrest instead of issuing a citation for a misdemeanor committed in his or her presence if the misdemeanor is:

1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010***, 511.050, 511.085, 514.110, or Section 2 of this Act***;

2. An offense in which the defendant poses a risk of danger to himself, herself, or another person; or

3. An offense in which the defendant refuses to follow the peace officer's reasonable instructions.

(c) A peace officer shall make an arrest for violations of protective orders issued pursuant to KRS 403.715 to 403.785 or an order of protection as defined in KRS 456.010.

(d) A peace officer may make an arrest or may issue a citation for a violation of KRS 508.030 which occurs in the emergency room of a hospital pursuant to KRS 431.005(1)(f).

(2) A peace officer may issue a citation instead of making an arrest for a violation committed in his or her presence but may not make a physical arrest unless there are reasonable grounds to believe that the defendant, if a citation is issued, will not appear at the designated time or unless the offense charged is a violation of KRS 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or 525.070 committed in his or her presence or a violation of KRS 189A.010, not committed in his or her presence, for which an arrest without a warrant is permitted under KRS 431.005(1)(e).

(3) If the defendant fails to appear in response to the citation, or if there are reasonable grounds to believe that he or she will not appear, a complaint may be made before a judge and a warrant shall issue.

(4) When a physical arrest is made and a citation is issued in relation to the same offense the officer shall mark on the citation, in the place specified for court appearance date, the word "ARRESTED" in lieu of the date of court appearance.

➔Section 2. KRS 523.110 is amended to read as follows:

(1) A person is guilty of giving a peace officer ***false identifying information*** ~~[a false name or address]~~ when he ***or she*** gives a false name***,*** ~~[or]~~ address***, or date of birth*** to a peace officer who has asked for the same in the lawful discharge of his ***or her*** official duties with the intent to mislead the officer as to his ***or her*** identity. The provisions of this section shall not apply unless the peace officer has first warned the person whose identification he ***or she*** is seeking that giving ***a peace officer false identifying information*** ~~[a false name or address]~~ is a criminal offense.

(2) Giving a peace officer ***false identifying information*** ~~[a false name or address]~~ is a Class B misdemeanor.

Signed by Governor April 13, 2016.

CHAPTER 99

(HB 162)

AN ACT relating to harassing communications.

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

➔Section 1. KRS 525.080 is amended to read as follows:

(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of ***electronic or*** written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;

(b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or

(c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

(2) Harassing communications is a Class B misdemeanor.

Signed by Governor April 13, 2016.

CHAPTER 100

(HB 183)

AN ACT relating to disabled veteran-owned businesses.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) For purposes of this section:

(a) "Disabled veteran" means an individual, domiciled in Kentucky, who has served on active duty in the Armed Forces, has been separated therefrom under honorable or general conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirements benefits, or pension because of a public statute administered by the United States Department of Veterans Affairs or Department of Defense, or was terminated from active duty by the Department of Defense because of a disability; and

(b) "Disabled veteran-owned business" means a business:

1. Where a disabled veteran has at least fifty-one percent (51%) ownership;

2. That is independently owned and operated;

3. That does not exceed the applicable size standards for its industry, as determined by the United States Small Business Administration;

4. That has been owned and operated by the disabled veteran for at least a full calendar or fiscal year; and

5. For which the disabled veteran has filed a business tax return consisting of a full calendar or fiscal year.

(2) The Office of Equal Employment Opportunity and Contract Compliance shall oversee a program that provides certification of a disabled veteran-owned business in order to encourage growth among businesses owned by disabled veterans within the state and assist those businesses in competing for work in other states that require certification by a statewide body. This certification does not provide a preference in state procurement, nor does it create a point system or set aside for disabled veteran-owned businesses.

(3) In order to apply for certification, a disabled veteran shall provide proof of his or her disability. Proof shall be in the form of Department of Defense Form DD 214, United States Department of Veterans Affairs disability letter, or other United States Department of Veterans Affairs documentation establishing a service-connected disability.

(4) The Finance and Administration Cabinet shall promulgate any administrative regulations necessary to create and manage the disabled veteran-owned business certification program, which may include but is not limited to additional certification requirements, the application process, onsite visitation by the Office of Equal Employment Opportunity and Contract Compliance, and recertification.

Signed by Governor April 13, 2016.

CHAPTER 101

(HB 132)

AN ACT relating to jail operations.

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

➔SECTION 1. A NEW SECTION OF KRS 61.870 TO 61.884 IS CREATED TO READ AS FOLLOWS:

(1) A person shall not utilize a booking photograph or a photograph of an inmate taken pursuant to KRS 196.099 originally obtained from a public agency for a commercial purpose if:

(a) The photograph will be placed in a publication or posted on a Web site; and

(b) Removal of the photograph from the publication or Web site requires the payment of a fee or other consideration.

(2) Any person who has requested the removal of a booking photograph or photo taken pursuant to KRS 196.099 of himself or herself:

(a) Which was subsequently placed in a publication or posted on a Web site; and

(b) Whose removal requires the payment of a fee or other consideration;

shall have a right of action in Circuit Court by injunction or other appropriate order and may also recover costs and reasonable attorney's fees.

(3) At the court's discretion, any person found to have violated this section in an action brought under subsection (2) of this section, may be liable for damages for each separate violation, in an amount not less than:

(a) One hundred ($100) dollars a day for the first thirty (30) days;

(b) Two hundred and fifty ($250) dollars a day for the subsequent thirty (30) days; and

(c) Five hundred ($500) dollars a day for each day thereafter.

If a violation is continued for more than one (1) day, each day upon which the violation occurs or is continued shall be considered and constitute a separate violation.

➔Section 2. KRS 61.870 is amended to read as follows:

As used in KRS ***61.870***~~[61.872]~~ to 61.884, unless the context requires otherwise:

(1) "Public agency" means:

(a) Every state or local government officer;

(b) Every state or local government department, division, bureau, board, commission, and authority;

(c) Every state or local legislative board, commission, committee, and officer;

(d) Every county and city governing body, council, school district board, special district board, and municipal corporation;

(e) Every state or local court or judicial agency;

(f) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;

(g) Any body created by state or local authority in any branch of government;

(h) Any body which, within any fiscal year, derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a public agency under this subsection;

(i) Any entity where the majority of its governing body is appointed by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (j), or (k) of this subsection; by a member or employee of such a public agency; or by any combination thereof;

(j) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (k) of this subsection; and

(k) Any interagency body of two (2) or more public agencies where each public agency is defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of this subsection;

(2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of this section that are not related to functions, activities, programs, or operations funded by state or local authority;

(3) (a) "Software" means the program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system.

(b) "Software" consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency;

(4) (a) "Commercial purpose" means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

(b) "Commercial purpose" shall not include:

1. Publication or related use of a public record by a newspaper or periodical;

2. Use of a public record by a radio or television station in its news or other informational programs; or

3. Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties;

(5) "Official custodian" means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control;

(6) "Custodian" means the official custodian or any authorized person having personal custody and control of public records;

(7) "Media" means the physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards;~~[and]~~

(8) "Mechanical processing" means any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device***; and***

(9) "Booking photograph and photographic record of inmate" means a photograph or image of an individual generated by law enforcement for identification purposes when the individual is booked into a detention facility as defined in KRS 520.010 or photograph and image of an inmate taken pursuant to KRS 196.099.

➔Section 3. KRS 441.127 is amended to read as follows:

(1) ~~[Unless precluded by written order of the sentencing court with regard to a specific inmate or inmates,]~~The jailer or correctional services department ***shall***~~[may]~~ grant sentence credits to inmates confined in the county jail on conviction of misdemeanor charges~~[for labor performed without the jail in a community service program or within the jail for the maintenance of the jail or for the operation of jail services such as food service]~~.

(2) Credit, if granted, shall be uniform and shall be based on the following:

(a) ***For labor performed without the jail in a community service program or within the jail for the maintenance of the jail or for the operation of jail services such as food service:***

1. For every eight (8) full hours of work, one (1) sentence credit shall be earned; ***and***

2.~~[(b)]~~ For every five (5) of sentence credits earned, one (1) day of the sentence to be served by the inmate shall be deducted;~~[and]~~

(b) For successfully receiving a general equivalency diploma or a high school diploma, a service credit of thirty (30) days shall be earned; and

(c) ***For good behavior, an amount not to exceed five (5) days shall be earned for each month served, to be determined by the jailer or chief executive of the jail for the conduct of the inmate.***

Sentence credits shall be deducted from the maximum expiration date of the

sentence.

(3) If an inmate violates the rules of the jail or engages in other misconduct the jailer or correctional services department may withdraw sentence credits earned by the inmate. The jailer or correctional services department shall maintain a list of offenses and penalties for the ten (10) most common offenses and rule violations.

Signed by Governor April 13, 2016.

CHAPTER 102

(HB 100)

AN ACT relating to insurance coverage of autism spectrum disorders.

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) An insurer offering a health benefit plan that provides benefits for the treatment of autism spectrum disorders shall make available to members a liaison to facilitate communication between the member and the insurer.

(2) The responsibilities of the liaison shall include but not be limited to:

(a) Explaining to the member the benefits for the treatment of autism under the member's health benefit plan and the specific process to access those benefits;

(b) Explaining to the member the process for prior authorization of treatment, including communicating specific documentation needed from the member or provider for the insurer to consider the request;

(c) Monitoring the adjudication of the member's claims for the treatment of autism services;

(d) Explaining to the member the proper coding to use when submitting claims for applied behavioral analysis therapy and any supporting documentation required to be attached to the claim;

(e) Explaining to the member, upon request, how claims for the treatment of autism services were adjudicated, including the application of any deductibles, copayments, coinsurance, and benefit limitations; and

(f) Explaining to the member, upon request, any appeal rights the member may have regarding coverage for the treatment of autism that has been denied or limited.

Signed by Governor April 13, 2016.

CHAPTER 103

(HB 562)

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

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

➔Section 1. KRS 315.510 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

Sections 1 to 12 of this Act ~~[KRS 315.510 to 315.524]~~ shall be known and may be cited as the Home Medical Equipment and Services Provider Licensure Act.

➔Section 2. KRS 315.512 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

As used in ***Sections 1 to 12 of this Act*** ~~[KRS 315.510 to 315.524]~~, unless the context requires otherwise:

(1) "Applicant" means a person who applies ***to the board*** for licensure ~~[by the board]~~ as a home medical equipment and services provider;

(2) "Board" means the ***Kentucky Board of Durable Medical Equipment Suppliers*** ~~[Kentucky Board of Pharmacy]~~ established in ***Section 11 of this Act*** ~~[KRS 315.150]~~;

(3) "Home medical equipment" means durable medical equipment which:

(a) Withstands repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Is generally not useful to a person in the absence of illness or injury; and

(d) Is appropriate for use in the home;

(4) "Providing home medical equipment and services" means the sale, lease, rental, delivery, installation, maintenance, replacement, or instruction in the use of home medical equipment, related equipment and supplies, and mobility enhancing equipment used by a sick or disabled person to allow the person to be maintained in his or her residence and which is funded through a third-party payor;

(5) "Home medical equipment and services provider" or "provider" means a person engaged in the business of providing home medical equipment and services, either directly or through a contractual arrangement, to an unrelated sick or disabled person in the residence of that person; and

(6) "Person" has the same meaning as in KRS 446.010.

➔Section 3. KRS 315.514 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

(1) No person shall provide home medical equipment and services, or use the title "home medical equipment and services provider" in connection with his or her profession or business, without a license issued by the board.

(2) Unless home medical equipment and services are provided through a separate legal entity, nothing in ***Sections 1 to 12 of this Act*** ~~[KRS 315.510 to 315.524]~~ or any administrative regulations promulgated thereunder shall be construed as preventing or restricting the practices, services, or activities of the following:

(a) A person licensed or registered in this state under any other law who is engaging in the profession or occupation for which he or she is licensed or registered;

(b) Health care practitioners who lawfully prescribe or order home medical equipment and services, or who use home medical equipment and services to treat their patients;

(c) Home health agencies that do not engage in the provision of home medical equipment and services;

(d) Hospitals that provide home medical equipment and services only as an integral part of patient care;

(e) Manufacturers and wholesale distributors of home medical equipment who do not sell, lease, or rent home medical equipment directly to a patient;

(f) Pharmacies that are engaged in the sale, lease, or rental of home medical equipment and services;

(g) An employee of a person licensed under ***Sections 1 to 12 of this Act*** ~~[KRS 315.510 to 315.524]~~;

(h) Hospice programs that do not involve the sale, lease, or rental of home medical equipment and services;

(i) Skilled nursing facilities that do not involve the sale, lease, or rental of home medical equipment and services;

(j) Government agencies, including fire districts which provide emergency medical services; and

(k) Notwithstanding subsection (1) of this section, an out-of-state provider whose primary business is the manufacture, distribution, or both, of highly specialized equipment who ships that equipment into this state if that equipment is not provided by a licensed Kentucky home medical equipment and services provider.

➔Section 4. KRS 315.516 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

A person licensed under ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ shall provide home medical equipment and services that carry a legend or require an order from a licensed health care practitioner.

➔Section 5. KRS 315.518 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

(1) A home medical equipment and services provider shall be licensed by the board~~[under KRS 315.510 to 315.524]~~ prior to engaging in providing home medical equipment and services in the Commonwealth. Each license application shall be accompanied by a reasonable fee prescribed by administrative regulation not to exceed ***three hundred fifty dollars ($350)***~~[two hundred dollars ($200)]~~ initially ***every two (2) years***~~[per year]~~ or increase more than twenty-five dollars ($25) per ***biennium***~~[year]~~ up to a maximum of four hundred dollars ($400). Upon receipt of an application for a license to operate as a home medical equipment and services provider, the board shall issue a license if the provider meets the standards and requirements of this ***section or Section 7 of this Act***~~[chapter]~~ and the administrative regulations of the board.

(2) Home medical equipment and services providers shall be required to maintain adequate records of all home medical equipment and services provided as established by administrative regulation by the board. Records shall be made available to agents of the board for inspection at reasonable times. The board may require by administrative regulation that home medical equipment and services providers periodically report to the board all home medical equipment and services provided.

(3) Failure to report to the board or willful submission of inaccurate information shall be grounds for disciplinary action under ***Section 8 of this Act***~~[KRS 315.121]~~.

(4) The board shall promulgate an administrative regulation pursuant to KRS Chapter 13A to specify the criteria for licensure.

(5) Pursuant to KRS 61.878, information provided by an applicant under this section and any related administrative regulation shall not be disclosed to any person or entity other than the board.

➔Section 6. KRS 315.520 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

(1) The board shall refuse to renew any license to operate unless the home medical equipment and services provider meets the standards and requirements of ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ and the administrative regulations of the board. The board shall act upon an application for a license within thirty (30) days after the receipt thereof.

(2) A separate license shall be required for each location of a home medical equipment and services provider.

(3) A home medical equipment and services provider shall display its license at its place of business.

(4) Each license as a home medical equipment and services provider, unless sooner suspended or revoked, shall expire on September 30 ***two (2) years*** following its date of issuance and be renewable ***every two (2) years***~~[annually]~~ thereafter upon proper application accompanied by ***a***~~[such]~~ reasonable renewal fee as may be set by administrative regulation of the board, not to exceed ***three hundred fifty dollars ($350)***~~[two hundred dollars ($200)]~~ initially per ***biennium or***~~[year nor to]~~ increase more than twenty-five dollars ($25) per ***biennium***~~[year]~~ up to a maximum of four hundred dollars ($400). An additional fee not to exceed the ***biennial***~~[annual]~~ renewal fee may be assessed and set by administrative regulation as a delinquent renewal penalty for failure to renew by September 30 of each ***biennium***~~[year]~~.

(5) Licenses to operate shall be issued only for the premises and persons named in the application and shall not be transferable.

➔Section 7. KRS 315.522 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

(1) (a) The board may grant a license on the basis of reciprocity to a home medical equipment and services provider located in one (1) of Kentucky's seven (7) contiguous bordering states that licenses home medical equipment and services providers if:

1. The out-of-state provider physically located in one (1) of Kentucky's seven (7) contiguous bordering states possesses a valid license from a jurisdiction that grants the same privileges to persons licensed by the Commonwealth as the Commonwealth grants to persons licensed by the other jurisdiction;

2. The requirements for licensure in the contiguous bordering state, including but not limited to a requirement for a physical location in the state as a condition of issuing or renewing a license, are substantially similar to the requirements under ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~; and

3. The out-of-state provider seeking licensure states that he or she has studied, is familiar with, and shall abide by ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ and the administrative regulations promulgated thereunder.

(b) 1. Notwithstanding subsection (2) of this section, the board may grant a license on the basis of reciprocity to a home medical equipment and services provider physically located in one (1) of Kentucky's seven (7) contiguous bordering states that does not license home medical equipment and services providers if the out-of-state provider seeking to operate in Kentucky states by affidavit that he or she has studied, is familiar with, and shall abide by ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ and the administrative regulations promulgated thereunder; and

2. The contiguous bordering state grants the same privileges to persons licensed in the Commonwealth as the Commonwealth grants to providers from the state described in subparagraph 1. of this paragraph.

(2) If the requirements for licensure under ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ and the administrative regulations promulgated thereunder are more restrictive than the standards of a contiguous jurisdiction, then the out-of-state provider shall comply with the additional requirements of ***Sections 1 to 12 of this Act***~~[KRS 315.510 to 315.524]~~ to obtain a reciprocal license.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

(1) The board shall refuse to license, or shall suspend a license, if the person seeking or holding a license has ever been convicted of or entered an Alford plea or plea of nolo contendre to a sex crime as defined in KRS 17.500, a criminal offense against a victim who is a minor as defined in KRS 17.500, a felony offense under KRS Chapter 209, or an offense which would classify the person as a violent offender under KRS 439.3401.

(2) The board may refuse to issue or renew a license, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, for the following reasons:

(a) Unprofessional or unethical conduct;

(b) Mental or physical incapacity that prevents the licensee from engaging or assisting in the provision of home medical equipment and services with reasonable skill, competence, and safety to the public;

(c) Being convicted of or entering an Alford plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of such plea, one (1) or more or the following:

1. A felony;

2. An act involving gross immorality; or

3. A violation of the home medical equipment laws, rules, or administrative regulations of this state, any other state, or the federal government;

(d) Knowing or having reason to know that a home medical equipment and services provider is incapable of engaging or assisting in the practice of providing home medical equipment and services with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board;

(e) Knowingly making or causing to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license;

(f) Engaging in fraud in connection with the practice of the provision of home medical equipment and services;

(g) Engaging in or aiding and abetting an individual to engage or assist in the provision of home medical equipment and services without a license or falsely using the title "home medical equipment and services provider," "provider," or other term which might imply that the individual is a home medical equipment and services provider; or

(h) Violation of any order issued by the board to comply with any applicable law or administrative regulation.

(3) As used in this section, "unprofessional or unethical conduct" includes but is not limited to the following acts of a home medical equipment and services provider:

(a) Engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a sick or disabled person, or engaging in conduct which substantially departs from accepted standards of providing home medical equipment and services ordinarily exercised by a home medical equipment and services provider, with or without established proof of actual injury;

(b) Engaging in grossly negligent professional conduct, with or without established proof of actual injury;

(c) Obtaining any remuneration by fraud, misrepresentation, or deception;

(d) Providing home medical equipment and services that carry a legend or require a prescription without a medical order from a licensed health care practitioner; or

(e) Willfully or knowingly failing to maintain complete and accurate records of home medical equipment and services provided in compliance with federal and state laws, rules, or administrative regulations.

(4) Any licensee who is found guilty of or enters an Alford plea or plea of nolo contendre to a violation prescribed in subsection (1) or (2)(c) of this section shall, within thirty (30) days, notify the board of that conviction or plea. Failure to do so shall be grounds for suspension or revocation of the license.

(5) Any person whose license has been revoked in accordance with this section, other than a person whose license was revoked for being convicted of or entering an Alford plea or plea of nolo contendre to a sex crime as defined in KRS 17.500, a criminal offense against a victim who is a minor as defined in KRS 17.500, a felony offense under KRS Chapter 209, or an offense which would classify the person as a violent offender under KRS 439.3401, may petition the board for reinstatement. The petition shall be made in writing and in a form prescribed by the board. The board shall investigate all reinstatement petitions, and may reinstate a license upon a showing that the former holder has been rehabilitated and is again able to engage in the practice of providing home medical equipment and services with reasonable skill, competency, and safety to the public. Reinstatement may be on the terms and conditions that the board, based on competent evidence, reasonably believes necessary to protect the health and welfare of the citizens of the Commonwealth.

(6) Upon exercising the power of revocation provided for in subsection (2) of this section, the board may reasonably prohibit any petition for reinstatement for a period up to and including five (5) years.

(7) (a) A licensee who is disciplined under this section for a minor violation may request in writing that the board expunge the minor violation from the licensee's permanent record.

(b) The request for expungement may be filed no sooner than three (3) years after the date on which the licensee has completed disciplinary sanctions imposed and if the licensee has not been disciplined for any subsequent violation of the same nature within this period of time.

(c) A person shall not have his or her record expunged under this section more than once.

(d) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish what are considered minor violations under this subsection. A violation shall be deemed a minor violation if it does not:

1. Demonstrate a serious inability to practice the profession;

2. Involve the provisions of home medical equipment and services;

3. Adversely affect the public health, safety, or welfare;

4. Result in economic or physical harm to a person; or

5. Create a significant threat of such harm.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

(1) The board may:

(a) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary to regulate and control all matters set forth in Sections 1 to 12 of this Act relating to manufacturers and wholesale distributors of home medical equipment and home medical equipment and services providers in this state, to the extent that regulation and control has not been delegated to some other agency of the Commonwealth, provided that:

1. Administrative regulations relating to home medical equipment and services providers shall be limited to the regulation and control of home medical equipment sold pursuant to a medical order; and

2. Nothing contained in Sections 1 to 12 of this Act shall be construed as authorizing the board to promulgate any administrative regulations relating to prices or fees or to advertising or the promotion of the sales or use of commodities or services;

(b) Issue subpoenas, schedule and conduct hearings, or appoint hearing officers to schedule and conduct hearings on behalf of the board on any matter under the jurisdiction of the board;

(c) Issue and renew all licenses for home medical equipment and services providers;

(d) Investigate all complaints or violations of the home medical equipment laws and the administrative regulations promulgated by the board;

(e) Perform all other functions necessary to carry out applicable provisions of law and the administrative regulations promulgated by the board, relating to manufacturers and wholesale distributors of home medical equipment and home medical equipment and services providers;

(f) Assess reasonable fees, in addition to the fees specifically provided for in Sections 1 to 12 of this Act consistent with KRS 61.870 to 61.884, for services rendered to perform its duties and responsibilities, including but not limited to the following:

1. Issuance of duplicate licenses;

2. Mailing lists or reports of data maintained by the board;

3. Making copies of documents; or

4. Providing notices of meetings;

(g) Seize any item of home medical equipment found by the board to constitute an imminent danger to the public health and welfare; and

(h) Oversee and administer the licensure of home medical equipment and services providers pursuant to Sections 1 to 12 of this Act.

(2) In addition to the sanctions provided in Section 8 of this Act, the board or its hearing officer shall direct any licensee found guilty of a charge involving a violation of home medical equipment laws, rules, or administrative regulations of the state, any other state, or federal government, to pay to the board a sum not to exceed the reasonable costs of investigation and prosecution of the case, not to exceed twenty-five thousand dollars ($25,000).

(3) In an action for recovery of costs, proof of the board's order shall be conclusive proof of the validity of the order of payment and any terms for payment.

➔Section 10. KRS 315.524 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

(1) A person who engages in the business of providing home medical equipment and services and who is required to be licensed under ***Section 5 or 7 of this Act***~~[KRS 315.510 to 315.524]~~ and who knowingly provides home medical equipment and services without a license issued ***by the board***~~[under this chapter]~~ commits a Class A misdemeanor.

(2) Each day a violation of this section continues constitutes a separate offense.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created the Kentucky Board of Durable Medical Equipment Suppliers that shall be attached for administrative purposes to the Office of Occupations and Professions in the Public Protection Cabinet. The board shall consist of five (5) members, each appointed by the Governor. Four (4) members shall be appointed from a list of three (3) names for each position submitted by the Kentucky Medical Equipment Suppliers Association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. Any vacancy shall be filled for the unexpired term by the Governor, as provided in the original appointment.

(2) To be eligible for appointment as a member of the board, a person shall be at least twenty-one (21) years of age, of good moral character, a resident of this state, and a licensed durable medical equipment services provider in this state for at least three (3) consecutive years next preceding the date of his or her appointment.

(3) The terms of office of each member shall be four (4) years, or until a successor is appointed and qualified.

(4) The board shall elect one (1) of its members as president and another of its members as secretary. The secretary may, subject to approval by the board, employ and fix the compensation of all personnel required for the administration of Sections 1 to 12 of this Act. The board may make all rules and regulations, not inconsistent with Sections 1 to 12 of this Act, as may be necessary to implement and carry out the provisions and purposes of Sections 1 to 12 of this Act.

(5) The board shall hold meetings at least twice a year and as frequently as it deems necessary at a time and place within the Commonwealth as the board may designate. A majority of the members shall constitute a quorum.

(6) The board may sue and be sued in its own name.

(7) Members of the board shall be immune from suit in any civil or criminal action which is based upon any official act or acts performed by them in good faith as members of the board.

(8) Members of the board shall receive no compensation for their services, but shall be paid for actual travel and other expenses incurred in connection with the performance of their duties and the business of the board.

(9) The board may utilize any materials, services, or facilities as may be made available to it by other state agencies or may contract therefor, to the extent as the board in its discretion may determine.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

(1) All fees and other moneys received by the board pursuant to Sections 1 to 12 of this Act shall be deposited in the State Treasury to the credit of a revolving fund which is hereby established. Amounts in the fund shall be used for the purposes set forth in Sections 1 to 12 of this Act.

(2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year to be used by the board for the purposes set forth in Sections 1 to 12 of this Act.

(3) Any interest earnings of the fund shall become part of the fund and shall not lapse.

(4) The expenses of the board shall be paid from this revolving fund.

(5) Moneys deposited in the fund shall be used and are hereby appropriated for the purposes specified in Sections 1 to 12 of this Act.

➔Section 13. KRS 315.121 is amended to read as follows:

(1) The board may refuse to issue or renew a license, permit, or certificate to, or may suspend, temporarily suspend, revoke, fine, place on probation, reprimand, reasonably restrict, or take any combination of these actions against any licensee, permit holder, or certificate holder for the following reasons:

(a) Unprofessional or unethical conduct;

(b) Mental or physical incapacity that prevents the licensee, permit holder, or certificate holder from engaging or assisting in the practice of pharmacy ***or***~~[,]~~ the wholesale distribution or manufacturing of drugs~~[, or the provision of home medical equipment and services]~~ with reasonable skill, competence, and safety to the public;

(c) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of such plea, one (1) or more or the following:

1. A felony;

2. An act involving moral turpitude or gross immorality; or

3. A violation of the pharmacy, drug~~[, or home medical equipment]~~ laws, rules, or administrative regulations of this state, any other state, or the federal government;

(d) Knowing or having reason to know that a pharmacist, pharmacist intern, ***or*** pharmacy technician~~[, or home medical equipment and services provider]~~ is incapable of engaging or assisting in the practice of pharmacy~~[or providing home medical equipment and services]~~ with reasonable skill, competence, and safety to the public and failing to report any relevant information to the board;

(e) Knowingly making or causing to be made any false, fraudulent, or forged statement or misrepresentation of a material fact in securing issuance or renewal of a license, permit, or certificate;

(f) Engaging in fraud in connection with the practice of pharmacy ***or***~~[,]~~ the wholesale distribution or manufacturing of drugs~~[, or the provision of home medical equipment and services]~~;

(g) Engaging in or aiding and abetting an individual to engage or assist in the practice of pharmacy~~[or the provision of home medical equipment and services]~~ without a license or falsely using the title of "pharmacist," "pharmacist intern," "pharmacy technician,"~~["home medical equipment and services provider," "provider,"]~~ or other term which might imply that the individual is a pharmacist, pharmacist intern, ***or*** pharmacy technician~~[, or home medical equipment and services provider]~~;

(h) Being found by the board to be in violation of any provision of this chapter, KRS Chapter 217, KRS Chapter 218A, or the administrative regulations promulgated pursuant to these chapters;

(i) Violation of any order issued by the board to comply with any applicable law or administrative regulation;

(j) Knowing or having reason to know that a pharmacist, pharmacist intern, or pharmacy technician has engaged in or aided and abetted the unlawful distribution of legend medications, and failing to report any relevant information to the board; or

(k) Failure to notify the board within fourteen (14) days of a change in one's home address.

(2) Unprofessional or unethical conduct includes but is not limited to the following acts of a pharmacist, pharmacist intern, or pharmacy technician:

(a) Publication or circulation of false, misleading, or deceptive statements concerning the practice of pharmacy;

(b) Divulging or revealing to unauthorized persons patient information or the nature of professional services rendered without the patient's express consent or without order or direction of a court. In addition to members, inspectors, or agents of the board, the following are considered authorized persons:

1. The patient, patient's agent, or another pharmacist acting on behalf of the patient;

2. Certified or licensed health-care personnel who are responsible for care of the patient;

3. Designated agents of the Cabinet for Health and Family Services for the purposes of enforcing the provisions of KRS Chapter 218A;

4. Any federal, state, or municipal officer whose duty is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person; or

5. An agency of government charged with the responsibility of providing medical care for the patient, upon written request by an authorized representative of the agency requesting such information;

(c) Selling, transferring, or otherwise disposing of accessories, chemicals, drugs, or devices found in illegal traffic when the pharmacist, pharmacy intern, or pharmacy technician knows or should have known of their intended use in illegal activities;

(d) Engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs

from accepted standards of pharmacy practice ordinarily exercised by a pharmacist or pharmacy intern, with or without established proof of actual injury;

(e) Engaging in grossly negligent professional conduct, with or without established proof of actual injury;

(f) Except as provided in KRS 315.500, selling, transferring, dispensing, ingesting, or administering a drug for which a prescription drug order is required, without having first received a prescription drug order for the drug;

(g) Willfully or knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with federal and state laws, rules, or administrative regulations;

(h) Obtaining any remuneration by fraud, misrepresentation, or deception;

(i) Accessing or attempting to access confidential patient information for persons other than those with whom a pharmacist has a current pharmacist-patient relationship and where such information is necessary to the pharmacist to provide pharmacy care; or

(j) Failing to exercise appropriate professional judgment in determining whether a prescription drug order is lawful.

(3) ~~[Unprofessional or unethical conduct includes but is not limited to the following acts of a home medical equipment and services provider:~~

~~(a) Engaging in conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a sick or disabled person, or engaging in conduct which substantially departs from accepted standards of providing home medical equipment and services ordinarily exercised by a home medical equipment and services provider, with or without established proof of actual injury;~~

~~(b) Engaging in grossly negligent professional conduct, with or without established proof of actual injury;~~

~~(c) Obtaining any remuneration by fraud, misrepresentation, or deception;~~

~~(d) Providing home medical equipment and services that carry a legend or require a prescription without a medical order from a licensed health care practitioner; or~~

~~(e) Willfully or knowingly failing to maintain complete and accurate records of home medical equipment and services provided in compliance with federal and state laws, rules, or administrative regulations.~~

~~(4)]~~Any licensee, permit holder, or certificate holder entering an "Alford" plea, pleading nolo contendere, or who is found guilty of a violation prescribed in subsection (1)(c) of this section shall within thirty (30) days notify the board of that plea or conviction. Failure to do so shall be grounds for suspension or revocation of the license, certificate, or permit.

(4) ~~[(5)]~~ Any person whose license, permit, or certificate has been revoked in accordance with the provisions of this section, may petition the board for reinstatement. The petition shall be made in writing and in a form prescribed by the board. The board shall investigate all reinstatement petitions, and the board may reinstate a license, permit, or certificate upon showing that the former holder has been rehabilitated and is again able to engage in the practice of pharmacy~~[or to provide home medical equipment and services]~~ with reasonable skill, competency, and safety to the public. Reinstatement may be on the terms and conditions that the board, based on competent evidence, reasonably believes necessary to protect the health and welfare of the citizens of the Commonwealth.

(5) ~~[(6)]~~ Upon exercising the power of revocation provided for in subsection (1) of this section, the board may reasonably prohibit any petition for reinstatement for a period up to and including five (5) years.

(6) ~~[(7)]~~ Any licensee, permit holder, or certificate holder who is disciplined under this section for a minor violation may request in writing that the board expunge the minor violation from the licensee's, permit holder's, or certificate holder's permanent record.

(a) The request for expungement may be filed no sooner than three (3) years after the date on which the licensee, permit holder, or certificate holder has completed disciplinary sanctions imposed and if the licensee, permit holder, or certificate holder has not been disciplined for any subsequent violation of the same nature within this period of time.

(b) No person may have his or her record expunged under this section more than once.

The board shall promulgate administrative regulations under KRS Chapter 13A to establish violations which are minor violations under this subsection. A violation shall be deemed a minor violation if it does not demonstrate a serious inability to practice the profession; assist in the practice of pharmacy; provide home medical equipment and services; adversely affect the public health, safety, or welfare; or result in economic or physical harm to a person; or create a significant threat of such harm.

➔Section 14. KRS 315.191 is amended to read as follows:

(1) The board is authorized to:

(a) Promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters set forth in this chapter relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, ***and*** manufacturers~~[, and home medical equipment and services providers]~~, to the extent that regulation and control of same have not been delegated to some other agency of the Commonwealth, but administrative regulations relating to drugs~~[and home medical equipment and services]~~ shall be limited to the regulation and control of drugs sold pursuant to a prescription drug order~~[or home medical equipment sold pursuant to a medical order]~~. However, nothing contained in this chapter shall be construed as authorizing the board to promulgate any administrative regulations relating to prices or fees or to advertising or the promotion of the sales or use of commodities or services;

(b) Issue subpoenas, schedule and conduct hearings, or appoint hearing officers to schedule and conduct hearings on behalf of the board on any matter under the jurisdiction of the board;

(c) Prescribe the time, place, method, manner, scope, and subjects of examinations, with at least two (2) examinations to be held annually;

(d) Issue and renew all ***licenses***~~[:~~

~~1. Licenses for home medical equipment and services providers engaged in providing home medical equipment and services; and~~

~~2. Licenses]~~, certificates, and permits for all pharmacists, pharmacist interns, pharmacies, pharmacy technicians, wholesale distributors, and manufacturers engaged in the manufacture, distribution, or dispensation of drugs;

(e) Investigate all complaints or violations of the state pharmacy~~[and home medical equipment]~~ laws and the administrative regulations promulgated by the board, and bring all these cases to the notice of the proper law enforcement authorities;

(f) Promulgate administrative regulations, pursuant to KRS Chapter 13A, that are necessary and to control the storage, retrieval, dispensing, refilling, and transfer of prescription drug orders within and between pharmacists and pharmacies licensed or issued a permit by it;

(g) Perform all other functions necessary to carry out the provisions of law and the administrative regulations promulgated by the board relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, ***and*** manufacturers~~[, and home medical equipment and services providers]~~;

(h) Establish or approve programs for training, qualifications, and registration of pharmacist interns;

(i) Assess reasonable fees, in addition to the fees specifically provided for in this chapter and consistent with KRS 61.870 to 61.884, for services rendered to perform its duties and responsibilities, including, but not limited to, the following:

1. Issuance of duplicate certificates;

2. Mailing lists or reports of data maintained by the board;

3. Copies of documents; or

4. Notices of meetings;

(j) Seize any drug or device found by the board to constitute an imminent danger to public health and welfare;

(k) Establish an advisory council to advise the board on administrative regulations and other matters, within the discretion of the board, pertinent to the regulation of pharmacists, pharmacist interns, pharmacy technicians, pharmacies, drug distribution, ***and*** drug manufacturing~~[, and home medical equipment and services]~~. The council shall consist of nine (9) members selected by the board for terms of up to four (4) years. No member shall serve on the council for more than eight (8) years. Membership of the council

shall include ***nine (9)***~~[seven (7)]~~ individuals broadly representative of the profession of pharmacy and the general public~~[, and two (2) individuals representative of the home medical equipment and services profession licensed in accordance with KRS 315.518]~~. Members shall be selected by the board from a list of qualified candidates submitted by the association, society, or other interested parties; ***and***

(l) Promulgate administrative regulations establishing the qualifications that pharmacy technicians are required to attain prior to engaging in pharmacy practice activities outside the immediate supervision of a pharmacist~~[; and~~

~~(m) Oversee and administer the licensure of home medical equipment and services providers pursuant to KRS 315.510 to 315.524]~~.

(2) The board shall have other authority as may be necessary to enforce pharmacy~~[and home medical equipment]~~ laws and administrative regulations of the board including, but not limited to:

(a) Joining or participating in professional organizations and associations organized exclusively to promote improvement of the standards of practice of pharmacy~~[and of providing home medical equipment and services]~~ for the protection of public health and welfare or facilitate the activities of the board; and

(b) Receiving and expending funds, in addition to its biennial appropriation, received from parties other than the state, if:

1. The funds are awarded for the pursuit of a specific objective which the board is authorized to enforce through this chapter, or which the board is qualified to pursue by reason of its jurisdiction or professional expertise;

2. The funds are expended for the objective for which they were awarded;

3. The activities connected with or occasioned by the expenditure of the funds do not interfere with the performance of the board's responsibilities and do not conflict with the exercise of its statutory powers;

4. The funds are kept in a separate account and not commingled with funds received from the state; and

5. Periodic accountings of the funds are maintained at the board office for inspection or review.

(3) In addition to the sanctions provided in KRS 315.121, the board or its hearing officer may direct any licensee, permit holder, or certificate holder found guilty of a charge involving~~[home medical equipment,]~~ pharmacy, or drug laws, rules, or administrative regulations of the state, any other state, or federal government, to pay to the board a sum not to exceed the reasonable costs of investigation and prosecution of the case, not to exceed twenty-five thousand dollars ($25,000).

(4) In an action for recovery of costs, proof of the board's order shall be conclusive proof of the validity of the order of payment and any terms for payment.

➔Section 15. KRS 315.125 is amended to read as follows:

(1) When the board has probable cause to believe a pharmacist, pharmacy technician, licensee, certificate holder, or permit holder is suffering from a mental or physical condition that might impede that person's ability to practice competently, the board may order the individual to undergo a mental or physical examination by an appropriately-trained professional designated by the board.

(2) Failure of a pharmacist, pharmacy technician, licensee, or permit holder to submit to such an examination when directed, unless the failure was due to circumstances beyond his or her control, shall constitute an admission that he or she has developed such a mental or physical disability, or other condition, that continued practice is dangerous to patients or to the public. Failure to attend the examination shall constitute a default, and a final order suspending, limiting, restricting, or revoking the license or permit may be entered without the taking of testimony or presentation of evidence.

(3) A pharmacist, pharmacy technician, licensee, or permit holder whose license has been suspended, limited, restricted, or revoked pursuant to this section shall at reasonable intervals be afforded an opportunity, pursuant to KRS 315.121***(4)***~~[(5)]~~, to demonstrate that he can resume the competent practice of pharmacy~~[or the provision of home medical equipment or services]~~ with reasonable skill and safety to patients.

➔Section 16. KRS 315.005 is amended to read as follows:

The purpose of this chapter is to promote, preserve, and protect public health, safety, and welfare by and through effective control and regulation of the practice of pharmacy; the licensure of pharmacists; the licensure, control, and regulation of all sites or persons who are required to obtain a license, certificate, or permit from the Board of Pharmacy, whether located in or outside the Commonwealth, that distribute, manufacture, or sell drugs~~[or provide home medical equipment and services]~~ within the Commonwealth.

➔Section 17. KRS 304.17A-005 is amended to read as follows:

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

(1) "Association" means an entity, other than an employer-organized association, that has been organized and is maintained in good faith for purposes other than that of obtaining insurance for its members and that has a constitution and bylaws;

(2) "At the time of enrollment" means:

(a) At the time of application for an individual, an association that actively markets to individual members, and an employer-organized association that actively markets to individual members; and

(b) During the time of open enrollment or during an insured's initial or special enrollment periods for group health insurance;

(3) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business by the insurer to the individual or small group, or employer as defined in KRS 304.17A-0954, with similar case characteristics for health benefit plans with the same or similar coverage;

(4) "Basic health benefit plan" means any plan offered to an individual, a small group, or employer-organized association that limits coverage to physician, pharmacy, home health, preventive, emergency, and inpatient and outpatient hospital services in accordance with the requirements of this subtitle. If vision or eye services are offered, these services may be provided by an ophthalmologist or optometrist. Chiropractic benefits may be offered by providers licensed pursuant to KRS Chapter 312;

(5) "Bona fide association" means an entity as defined in 42 U.S.C. sec. 300gg-91(d)(3);

(6) "Church plan" means a church plan as defined in 29 U.S.C. sec. 1002(33);

(7) "COBRA" means any of the following:

(a) 26 U.S.C. sec. 4980B other than subsection (f)(1) as it relates to pediatric vaccines;

(b) The Employee Retirement Income Security Act of 1974 (29 U.S.C. sec. 1161 et seq. other than sec. 1169); or

(c) 42 U.S.C. sec. 300bb;

(8) (a) "Creditable coverage" means, with respect to an individual, coverage of the individual under any of the following:

1. A group health plan;

2. Health insurance coverage;

3. Part A or Part B of Title XVIII of the Social Security Act;

4. Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928;

5. Chapter 55 of Title 10, United States Code, including medical and dental care for members and certain former members of the uniformed services, and for their dependents; for purposes of Chapter 55 of Title 10, United States Code, "uniformed services" means the Armed Forces and the Commissioned Corps of the National Oceanic and Atmospheric Administration and of the Public Health Service;

6. A medical care program of the Indian Health Service or of a tribal organization;

7. A state health benefits risk pool;

8. A health plan offered under Chapter 89 of Title 5, United States Code, such as the Federal Employees Health Benefit Program;

9. A public health plan as established or maintained by a state, the United States government, a foreign country, or any political subdivision of a state, the United States government, or a foreign country that provides health coverage to individuals who are enrolled in the plan;

10. A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. sec. 2504(e)); or

11. Title XXI of the Social Security Act, such as the State Children's Health Insurance Program.

(b) This term does not include coverage consisting solely of coverage of excepted benefits as defined in subsection (14) of this section;

(9) "Dependent" means any individual who is or may become eligible for coverage under the terms of an individual or group health benefit plan because of a relationship to a participant;

(10) "Employee benefit plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan as defined by ERISA;

(11) "Eligible individual" means an individual:

(a) For whom, as of the date on which the individual seeks coverage, the aggregate of the periods of creditable coverage is eighteen (18) or more months and whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan. A period of creditable coverage under this paragraph shall not be counted if, after that period, there was a sixty-three (63) day period of time, excluding any waiting or affiliation period, during all of which the individual was not covered under any creditable coverage;

(b) Who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act (42 U.S.C. secs. 1395j et seq.), or a state plan under Title XIX of the Social Security Act (42 U.S.C. secs. 1396 et seq.) and does not have other health insurance coverage;

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) of this subsection was not terminated based on a factor described in KRS 304.17A-240(2)(a), (b), and (c);

(d) If the individual had been offered the option of continuation coverage under a COBRA continuation provision or under KRS 304.18-110, who elected the coverage; and

(e) Who, if the individual elected the continuation coverage, has exhausted the continuation coverage under the provision or program;

(12) "Employer-organized association" means any of the following:

(a) Any entity that was qualified by the commissioner as an eligible association prior to April 10, 1998, and that has actively marketed a health insurance program to its members since September 8, 1996, and which is not insurer-controlled;

(b) Any entity organized under KRS 247.240 to 247.370 that has actively marketed health insurance to its members and that is not insurer-controlled; or

(c) Any entity that is a bona fide association as defined in 42 U.S.C. sec. 300gg-91(d)(3), whose members consist principally of employers, and for which the entity's health insurance decisions are made by a board or committee, the majority of which are representatives of employer members of the entity who obtain group health insurance coverage through the entity or through a trust or other mechanism established by the entity, and whose health insurance decisions are reflected in written minutes or other written documentation.

Except as provided in KRS 304.17A-200, 304.17A.210, and 304.17A-220, and except as otherwise provided by the definition of "large group" contained in subsection (30) of this section, an employer-organized association shall not be treated as an association, small group, or large group under this subtitle, provided that an employer-organized association that is a bona fide association as defined in subsection (5) of this section shall be treated as a large group under this subtitle;

(13) "Employer-organized association health insurance plan" means any health insurance plan, policy, or contract issued to an employer-organized association, or to a trust established by one (1) or more employer-organized associations, or providing coverage solely for the employees, retired employees, directors and their spouses and dependents of the members of one (1) or more employer-organized associations;

(14) "Excepted benefits" means benefits under one (1) or more, or any combination thereof, of the following:

(a) Coverage only for accident, including accidental death and dismemberment, or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Automobile medical payment insurance;

(f) Credit-only insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage, specified in administrative regulations, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Limited scope dental or vision benefits;

(j) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof;

(k) Such other similar, limited benefits as are specified in administrative regulations;

(l) Coverage only for a specified disease or illness;

(m) Hospital indemnity or other fixed indemnity insurance;

(n) Benefits offered as Medicare supplemental health insurance, as defined under section 1882(g)(1) of the Social Security Act;

(o) Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code;

(p) Coverage similar to that in paragraphs (n) and (o) of this subsection that is supplemental to coverage under a group health plan; and

(q) Health flexible spending arrangements;

(15) "Governmental plan" means a governmental plan as defined in 29 U.S.C. sec. 1002(32);

(16) "Group health plan" means a plan, including a self-insured plan, of or contributed to by an employer, including a self-employed person, or employee organization, to provide health care directly or otherwise to the employees, former employees, the employer, or others associated or formerly associated with the employer in a business relationship, or their families;

(17) "Guaranteed acceptance program participating insurer" means an insurer that is required to or has agreed to offer health benefit plans in the individual market to guaranteed acceptance program qualified individuals under KRS 304.17A-400 to 304.17A-480;

(18) "Guaranteed acceptance program plan" means a health benefit plan in the individual market issued by an insurer that provides health benefits to a guaranteed acceptance program qualified individual and is eligible for assessment and refunds under the guaranteed acceptance program under KRS 304.17A-400 to 304.17A-480;

(19) "Guaranteed acceptance program" means the Kentucky Guaranteed Acceptance Program established and operated under KRS 304.17A-400 to 304.17A-480;

(20) "Guaranteed acceptance program qualified individual" means an individual who, on or before December 31, 2000:

(a) Is not an eligible individual;

(b) Is not eligible for or covered by other health benefit plan coverage or who is a spouse or a dependent of an individual who:

1. Waived coverage under KRS 304.17A-210(2); or

2. Did not elect family coverage that was available through the association or group market;

(c) Within the previous three (3) years has been diagnosed with or treated for a high-cost condition or has had benefits paid under a health benefit plan for a high-cost condition, or is a high risk individual as

defined by the underwriting criteria applied by an insurer under the alternative underwriting mechanism established in KRS 304.17A-430(3);

(d) Has been a resident of Kentucky for at least twelve (12) months immediately preceding the effective date of the policy; and

(e) Has not had his or her most recent coverage under any health benefit plan terminated or nonrenewed because of any of the following:

1. The individual failed to pay premiums or contributions in accordance with the terms of the plan or the insurer had not received timely premium payments;

2. The individual performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage; or

3. The individual engaged in intentional and abusive noncompliance with health benefit plan provisions;

(21) "Guaranteed acceptance plan supporting insurer" means either an insurer, on or before December 31, 2000, that is not a guaranteed acceptance plan participating insurer or is a stop loss carrier, on or before December 31, 2000, provided that a guaranteed acceptance plan supporting insurer shall not include an employer-sponsored self-insured health benefit plan exempted by ERISA;

(22) "Health benefit plan" means any hospital or medical expense policy or certificate; nonprofit hospital, medical-surgical, and health service corporation contract or certificate; provider sponsored integrated health delivery network; a self-insured plan or a plan provided by a multiple employer welfare arrangement, to the extent permitted by ERISA; health maintenance organization contract; or any health benefit plan that affects the rights of a Kentucky insured and bears a reasonable relation to Kentucky, whether delivered or issued for delivery in Kentucky, and does not include policies covering only accident, credit, dental, disability income, fixed indemnity medical expense reimbursement policy, long-term care, Medicare supplement, specified disease, vision care, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance, short-term coverage, student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure, medical expense reimbursement policies specifically designed to fill gaps in primary coverage, coinsurance, or deductibles and provided under a separate policy, certificate, or contract, or coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code, or limited health service benefit plans;

(23) "Health care provider" or "provider" means any facility or service required to be licensed pursuant to KRS Chapter 216B, ***a*** pharmacist ***as defined pursuant to KRS Chapter 315,*** or home medical equipment and services provider as defined pursuant to ***Section 2 of this Act*** ~~[KRS Chapter 315]~~, and any of the following independent practicing practitioners:

(a) Physicians, osteopaths, and podiatrists licensed under KRS Chapter 311;

(b) Chiropractors licensed under KRS Chapter 312;

(c) Dentists licensed under KRS Chapter 313;

(d) Optometrists licensed under KRS Chapter 320;

(e) Physician assistants regulated under KRS Chapter 311;

(f) Advanced practice registered nurses licensed under KRS Chapter 314; and

(g) Other health care practitioners as determined by the department by administrative regulations promulgated under KRS Chapter 13A;

(24) (a) "High-cost condition," pursuant to the Kentucky Guaranteed Acceptance Program, means a covered condition in an individual policy as listed in paragraph (c) of this subsection or as added by the commissioner in accordance with KRS 304.17A-280, but only to the extent that the condition exceeds the numerical score or rating established pursuant to uniform underwriting standards prescribed by the commissioner under paragraph (b) of this subsection that account for the severity of the condition and the cost associated with treating that condition.

(b) The commissioner by administrative regulation shall establish uniform underwriting standards and a score or rating above which a condition is considered to be high-cost by using:

1. Codes in the most recent version of the "International Classification of Diseases" that correspond to the medical conditions in paragraph (c) of this subsection and the costs for administering treatment for the conditions represented by those codes; and

2. The most recent version of the questionnaire incorporated in a national underwriting guide generally accepted in the insurance industry as designated by the commissioner, the scoring scale for which shall be established by the commissioner.

(c) The diagnosed medical conditions are: acquired immune deficiency syndrome (AIDS), angina pectoris, ascites, chemical dependency cirrhosis of the liver, coronary insufficiency, coronary occlusion, cystic fibrosis, Friedreich's ataxia, hemophilia, Hodgkin's disease, Huntington chorea, juvenile diabetes, leukemia, metastatic cancer, motor or sensory aphasia, multiple sclerosis, muscular dystrophy, myasthenia gravis, myotonia, open heart surgery, Parkinson's disease, polycystic kidney, psychotic disorders, quadriplegia, stroke, syringomyelia, and Wilson's disease;

(25) "Index rate" means, for each class of business as to a rating period, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate;

(26) "Individual market" means the market for the health insurance coverage offered to individuals other than in connection with a group health plan. The individual market includes an association plan that is not employer related, issued to individuals on an individually underwritten basis, other than an employer-organized association or a bona fide association, that has been organized and is maintained in good faith for purposes other than obtaining insurance for its members and that has a constitution and bylaws;

(27) "Insurer" means any insurance company; health maintenance organization; self-insurer or multiple employer welfare arrangement not exempt from state regulation by ERISA; provider-sponsored integrated health delivery network; self-insured employer-organized association, or nonprofit hospital, medical-surgical, dental, or health service corporation authorized to transact health insurance business in Kentucky;

(28) "Insurer-controlled" means that the commissioner has found, in an administrative hearing called specifically for that purpose, that an insurer has or had a substantial involvement in the organization or day-to-day operation of the entity for the principal purpose of creating a device, arrangement, or scheme by which the insurer segments employer groups according to their actual or anticipated health status or actual or projected health insurance premiums;

(29) "Kentucky Access" has the meaning provided in KRS 304.17B-001(17);

(30) "Large group" means:

(a) An employer with fifty-one (51) or more employees;

(b) An affiliated group with fifty-one (51) or more eligible members; or

(c) An employer-organized association that is a bona fide association as defined in subsection (5) of this section;

(31) "Managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services and that integrate the financing and delivery of appropriate health care services to covered persons by arrangements with participating providers who are selected to participate on the basis of explicit standards for furnishing a comprehensive set of health care services and financial incentives for covered persons using the participating providers and procedures provided for in the plan;

(32) "Market segment" means the portion of the market covering one (1) of the following:

(a) Individual;

(b) Small group;

(c) Large group; or

(d) Association;

(33) "Participant" means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit

plan which covers employees of the employer or members of the organization, or whose beneficiaries may be eligible to receive any benefit as established in Section 3(7) of ERISA;

(34) "Preventive services" means medical services for the early detection of disease that are associated with substantial reduction in morbidity and mortality;

(35) "Provider network" means an affiliated group of varied health care providers that is established to provide a continuum of health care services to individuals;

(36) "Provider-sponsored integrated health delivery network" means any provider-sponsored integrated health delivery network created and qualified under KRS 304.17A-300 and KRS 304.17A-310;

(37) "Purchaser" means an individual, organization, employer, association, or the Commonwealth that makes health benefit purchasing decisions on behalf of a group of individuals;

(38) "Rating period" means the calendar period for which premium rates are in effect. A rating period shall not be required to be a calendar year;

(39) "Restricted provider network" means a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of the providers that have entered into a contractual arrangement with the insurer to provide health care services to covered individuals;

(40) "Self-insured plan" means a group health insurance plan in which the sponsoring organization assumes the financial risk of paying for covered services provided to its enrollees;

(41) "Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least two (2) but not more than fifty (50) employees on business days during the preceding calendar year and who employs at least two (2) employees on the first day of the plan year;

(42) "Small group" means:

(a) A small employer with two (2) to fifty (50) employees; or

(b) An affiliated group or association with two (2) to fifty (50) eligible members;

(43) "Standard benefit plan" means the plan identified in KRS 304.17A-250; and

(44) "Telehealth" has the meaning provided in KRS 311.550.

➔Section 18. KRS 205.210 is amended to read as follows:

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulation, provided, that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of law to the contrary, resources in any given case shall be deemed to include among other things:

(a) The income and any property belonging to any applicant or recipient; except the exemptions of the kind and the amount of income prescribed by regulations within the scope of the public assistance titles of the Social Security Act, its amendments and other federal acts and regulations;

(b) The income and any property of the spouse living with any needy aged, needy blind or needy permanently and totally disabled person; ***and***

(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.

The price brought on the sale of property at a public auction conducted by a licensed auctioneer shall be deemed to be the fair market value of that property.

(3) The value of any property voluntarily transferred by any applicant or recipient or the spouse living with any applicant or recipient for the purpose of establishing eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

➔Section 19. KRS 205.540 is amended to read as follows:

(1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of ***nineteen (19)*** ~~[eighteen (18)]~~ members. The secretary for health and family services shall be an ex officio member. The other ***eighteen (18)*** ~~[seventeen (17)]~~ members of the council shall be appointed by the Governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and three (3) for four (4) years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four (4) years and until his successor is appointed and qualified. Ten (10) of the appointments shall be made one (1) from each list of three (3) nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; ***the Kentucky Medical Equipment Suppliers Association,*** the Kentucky Pharmacists Association; the Kentucky Association of Health Care Facilities; the Kentucky Nurses' Association; the State Board of Podiatry; the Kentucky Home Health Association; the Kentucky Optometric Association; and the Kentucky Association of Nonprofit Homes and Services for the Aging, Inc. The other seven (7) appointive members shall be health-care advocates knowledgeable about health care and the health-care industry, and shall include three (3) medical assistance recipients, one (1) representative of a recognized consumer advocacy group representing the elderly; and three (3) representatives of recognized consumer advocacy groups whose membership includes low-income persons, children and youth, women, minorities, and disabled persons.

(2) Each appointive member of the council shall serve without compensation but each council member not otherwise compensated for his time or expenses shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.

(4) The council shall elect a chairman, vice chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.

(5) No consumer member of the council shall have a fiduciary relationship or interest in any health-care facility or service.

➔Section 20. KRS 194A.707 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall establish by the promulgation of administrative regulation under KRS Chapter 13A, an initial and annual certification review process for assisted-living communities. This administrative regulation shall establish procedures related to applying for, reviewing, and approving, denying, or revoking certification, as well as the conduct of hearings upon appeals as governed by KRS Chapter 13B.

(2) An on-site visit of an assisted-living community shall be conducted by the cabinet:

(a) As part of the initial certification review process;

(b) On a biennial basis as part of the certification review process if during or since the previous certification review an assisted-living community has not received:

1. Any statement of danger, unless withdrawn by the cabinet; or

2. A finding substantiated by the cabinet that the assisted-living community delivered a health service; and

(c) Within one (1) year of the date of the previous certification review if during or since the last certification review an assisted-living community has received:

1. Any statement of danger that was not withdrawn by the cabinet; or

2. A finding substantiated by the cabinet that the assisted-living community delivered a health service.

(3) No business shall market its service as an assisted-living community unless it has:

(a) Filed a current application for the business to be certified by the department as an assisted-living community; or

(b) Received certification by the department as an assisted-living community.

(4) No business that has been denied or had its certification revoked shall operate or market its service as an assisted-living community unless it has:

(a) Filed a current application for the business to be certified by the department as an assisted-living community; and

(b) Received certification as an assisted-living community from the department. Revocation of certification may be grounds for the department to not reissue certification for one (1) year if ownership remains substantially the same.

(5) No business shall operate as an assisted-living community unless its owner or manager has:

(a) Filed a current application for the business to be certified as an assisted-living community by the department; and

(b) Received certification as an assisted-living community from the department.

(6) ***By September 1 of each year, each assisted-living community certified pursuant to this chapter may provide residents with educational information or education opportunities on influenza disease.***

(7) The department shall determine the feasibility of recognizing accreditation by other organizations in lieu of certification from the department.

(8)~~[(7)]~~ Individuals designated by the department to conduct certification reviews shall have the skills, training, experience, and ongoing education to perform certification reviews.

(9)~~[(8)]~~ Upon receipt of an application for certification, the department shall assess an assisted-living community certification fee in the amount of twenty dollars ($20) per living unit that in the aggregate for each assisted-living community is no less than three hundred dollars ($300) and no more than one thousand six hundred dollars ($1,600). The department shall submit to the Legislative Research Commission, by June 30 of each year, a breakdown of fees assessed and costs incurred for conducting certification reviews.

(10)~~[(9)]~~ The department shall submit to the Legislative Research Commission and make available to any interested person at no charge, by June 30 of each year, in summary format, all findings from certification reviews conducted during the prior twelve (12) months.

(11)~~[(10)]~~ Notwithstanding any provision of law to the contrary, the department may request any additional information from an assisted-living community or conduct additional on-site visits to ensure compliance with the provisions of KRS 194A.700 to 194A.729.

(12)~~[(11)]~~ Failure to follow an assisted-living community's policies, practices, and procedures shall not result in a finding of noncompliance unless the assisted-living community is out of compliance with a related requirement under KRS 194A.700 to 194A.729.

Signed by Governor April 13, 2016.

CHAPTER 104

(HB 184)

AN ACT relating to schools.

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

➔Section 1. KRS 160.345 is amended to read as follows:

(1) For the purpose of this section:

(a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;

(b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;

2. Instructional programs operated in institutions or schools outside of the district; or

3. Alternative schools designed to provide services to at-risk populations with unique needs;

(c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and

(d) "Parent" means:

1. A parent, stepparent, or foster parent of a student; or

2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

(2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

(a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

(b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;

(c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;

(d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;

(e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;

(f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;

(g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;

(h) Personnel decisions at the school level shall be as follows:

1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;

2. ***a.*** ***i.*** If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process.

ii. ***Except as provided in subdivision b. of this subparagraph,*** the council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;

b. ***If a school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then an alternative principal selection process may be used as follows:***

i. ***Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;***

ii. ***The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;***

iii. ***The council shall have the option to interview the recommended candidate while in closed session; and***

iv. ***After any discussion, at the conclusion of the closed session, the council shall***

decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;

c. If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;

d. i. If the recommended candidate is not accepted by the school council under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.

ii. The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).

iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.

iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;

3. Personnel decisions made at the school level under the authority of subparagraphs 1., 2., and 4. of this paragraph shall be binding on the superintendent who completes the hiring process;

4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council;

5. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020; and

6. Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;

(i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(7);

2. Assignment of all instructional and noninstructional staff time;

3. Assignment of students to classes and programs within the school;

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;

5. Determination of use of school space during the school day;

6. Planning and resolution of issues regarding instructional practices;

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;

9. Adoption of an emergency plan as required in KRS 158.162;

10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and

11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and

(j) Each school council shall annually review data as shown on state and local student assessments and program assessments required under 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, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.

(3) The policies adopted by the local board to implement school-based decision making shall also address the following:

(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;

(b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;

(d) Professional development plans developed pursuant to KRS 156.095;

(e) Parent, citizen, and community participation including the relationship of the council with other groups;

(f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;

(g) Requirements for waiver of district policies;

(h) Requirements for record keeping by the school council; and

(i) A process for appealing a decision made by a school council.

(4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

(5) All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

(6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after

the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

(7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

(8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

(9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.

(b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

(d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

(e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the state board determines a violation of the confidentiality requirements set forth in subsection (2)(h)2. of this section by a school council member has occurred, the state board shall remove the member from the school council, and the member shall be permanently prohibited from serving on any school council in the district.

(10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.

(11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available

resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

(12) Discretionary authority exercised under this section by a school council of a county school district in a county with a consolidated local government adopted under KRS Chapter 67C shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.

➔Section 2. KRS 160.380 is amended to read as follows:

(1) As used in this section:

(a) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;

(b) "Contractor" means an adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor;

(c) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and

(d) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

(2) Except as provided in KRS 160.346:

(a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;

(b) When a vacancy occurs in a local school district, the superintendent shall notify the chief state school officer thirty (30) days before the position shall be filled. The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public. The local school district shall post position openings in the local board office for public viewing;

(c) When a vacancy needs to be filled in less than thirty (30) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days;

(d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district;

(e) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office, or prior to marrying a relative of the superintendent, and who is qualified for the position the employee holds. A superintendent's spouse who

has ***previously been employed in a school system***~~[at least eight (8) years of service in school systems]~~ may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;

(f) No superintendent shall employ a relative of a school board member of the district, unless on July 13, 1990, the board member's relative is an employee of the district, the board member is holding office, and the relative was not initially hired by the district during the tenure of the board member. A relative employed in 1989-90 and initially hired during the tenure of a board member serving on July 13, 1990, may continue to be employed during the remainder of the board member's term. However, the superintendent shall not promote any relative of a school board member who continues employment under the exception of this subsection; and

(g) 1. No principal's relative shall be employed in the principal's school, except a relative who is not the principal's spouse and who was employed in the principal's school during the 1989-90 school year.

2. No spouse of a principal shall be employed in the principal's school, except:

a. A principal's spouse who was employed in the principal's school during the 1989-90 school year for whom there is no position for which the spouse is certified to fill in another school operated in the district; or

b. A principal's spouse who was employed in the 1989-90 school year and is in a school district containing no more than one (1) elementary school, one (1) middle school, and one (1) high school.

3. A principal's spouse who is employed in the principal's school shall be evaluated by a school administrator other than the principal.

4. The provisions of KRS 161.760 shall not apply to any transfer made in order to comply with the provisions of this paragraph.

(3) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.

(4) No superintendent shall employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony. The superintendent may employ, at his discretion, persons convicted of sex crimes classified as a misdemeanor.

(5) (a) A superintendent shall require a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district. Excluded are certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check for the previous employment.

(b) The superintendent shall require that each new certified hire and student teacher, as set forth in paragraph (a) of this subsection, submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation.

(c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police and the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.

(d) The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544.

(6) (a) A superintendent shall require a state criminal background check on all classified initial hires.

(b) The superintendent shall require that each classified initial hire submit to a state criminal history background check by the Department of Kentucky State Police. If an applicant has been a resident of

Kentucky twelve (12) months or less, the superintendent may require a national criminal history background check as a condition of employment.

(c) Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested under the provisions of paragraph (b) of this subsection, shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.

(7) The superintendent may require a contractor, volunteer, or visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested, shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.

(8) (a) If a school term has begun and a certified or classified position remains unfilled or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.

(b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165.

(c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

(d) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165.

(9) (a) Each application or renewal form, provided by the employer to an applicant for a classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT."

(b) Each application or renewal form, provided by the employer to an applicant for a certified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."

(c) Each application form for a district position shall require the applicant to:

1. Identify the states in which he or she has maintained residency, including the dates of residency; and

2. Provide picture identification.

(10) The provisions of subsections (5), (6), (7), (8) and (9) of this section shall apply to a nonfaculty coach or nonfaculty assistant as defined under KRS 161.185.

(11) A school-based decision-making council parent member, as defined under KRS 160.345, shall submit to a state and national fingerprint-supported criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. The results of the state criminal history background check and the results of the national criminal history background check, if requested, shall be sent to the district superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search. A parent member may serve prior to the receipt of the criminal history background check report but shall be removed from the council on receipt by the school district of a report documenting a record of a sex crime or criminal offense against a victim who is a

minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165, and no further procedures shall be required.

(12) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.

Signed by Governor April 13, 2016.

CHAPTER 105

(HB 527)

AN ACT relating to administrative duties in pharmacies.

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

➔Section 1. KRS 315.010 is amended to read as follows:

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

(1) "Administer" means the direct application of a drug to a patient or research subject by injection, inhalation, or ingestion, whether topically or by any other means;

(2) "Administrative activities of a pharmacy" means the following functions performed by a pharmacy adhering to all local, state, and federal patient privacy laws:

(a) Investigating and researching a patient's insurance benefits and updating the patient profile regarding insurance coverage;

(b) Billing and collections activities, including:

1. Contacting patients for copayments and coinsurance payments; and

2. Communicating with insurance companies;

(c) Performing patient financial assistance activities and updating patient records accordingly;

(d) Opening faxes and accessing electronic prescriptions for the purposes of setting up patient demographic and insurance profiles, excluding height, weight, and allergy information, so long as the activity does not involve the entering of a prescription order into the dispensing or medication management system;

(e) Initiating insurance prior authorizations for submission to the licensed pharmacy, including communications with the prescribing physician to collect, record, and transmit information to insurance companies, so long as the activity does not include the authorization or receipt of new or refill prescription orders;

(f) Answering and transferring telephone calls, whether or not such calls require accessing a patient record, so long as the call does not involve the interpretation, evaluation, or implementation of a drug order; and

(g) Communicating with patients via telephone or electronically regarding refill reminders, so long as the communication does not involve the interpretation, evaluation, or implementation of a drug order and a pharmacist is readily available for patient consultation;

(3) ~~[(2)]~~ "Association" means the Kentucky Pharmacists Association;

(4) ~~[(3)]~~ "Board" means the Kentucky Board of Pharmacy;

(5) ~~[(4)]~~ "Collaborative care agreement" means a written agreement between a pharmacist or pharmacists and a practitioner or practitioners that outlines a plan of cooperative management of patients' drug-related health care needs where:

(a) Patients' drug-related health care needs fall within the practitioner's or practitioners' statutory scope of practice;

(b) Patients are referred by the practitioner or practitioners to the pharmacist or pharmacists; and

(c) The agreement:

1. Identifies the practitioner or practitioners and the pharmacist or pharmacists who are parties to the agreement;

2. Specifies the drug-related regimen to be provided, and how drug therapy is to be monitored; and

3. Stipulates the conditions for initiating, continuing, or discontinuing drug therapy and conditions which warrant modifications to dose, dosage regimen, dosage form, or route of administration;

(6) ~~[(5)]~~ "Compound" or "compounding" means the preparation or labeling of a drug pursuant to or in anticipation of a valid prescription drug order, including but not limited to packaging, intravenous admixture or manual combination of drug ingredients. "Compounding," as used in this chapter, shall not preclude simple reconstitution, mixing, or modification of drug products prior to administration by nonpharmacists;

(7) ~~[(6)]~~ "Confidential information" means information which is accessed or maintained by a pharmacist in a patient's record, or communicated to a patient as part of patient counseling, whether it is preserved on paper, microfilm, magnetic media, electronic media, or any other form;

(8) ~~[(7)]~~ "Continuing education unit" means ten (10) contact hours of board approved continuing pharmacy education. A "contact hour" means fifty (50) continuous minutes without a break period;

(9) ~~[(8)]~~ "Dispense" or "dispensing" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug;

(10) ~~[(9)]~~ "Drug" means any of the following:

(a) Articles recognized as drugs or drug products in any official compendium or supplement thereto;

(b) Articles, other than food, intended to affect the structure or function of the body of man or other animals;

(c) Articles, including radioactive substances, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or

(d) Articles intended for use as a component of any articles specified in paragraphs (a) to (c) of this subsection;

(11) ~~[(10)]~~ "Drug regimen review" means retrospective, concurrent, and prospective review by a pharmacist of a patient's drug-related history, including but not limited to the following areas:

(a) Evaluation of prescription drug orders and patient records for:

1. Known allergies;

2. Rational therapy contraindications;

3. Appropriate dose and route of administration;

4. Appropriate directions for use; or

5. Duplicative therapies.

(b) Evaluation of prescription drug orders and patient records for drug-drug, drug-food, drug-disease, and drug-clinical laboratory interactions;

(c) Evaluation of prescription drug orders and patient records for adverse drug reactions; or

(d) Evaluation of prescription drug orders and patient records for proper utilization and optimal therapeutic outcomes;

(12) ~~[(11)]~~ "Immediate supervision" means under the physical and visual supervision of a pharmacist;

(13) ~~[(12)]~~ "Manufacturer" means any person, except a pharmacist compounding in the normal course of professional practice, within the Commonwealth engaged in the commercial production, preparation, propagation, compounding, conversion, or processing of a drug, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or both, and includes any packaging or repackaging of a drug or the labeling or relabeling of its container;

(14) ~~[(13)]~~ "Medical order" 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;

(15) ~~[(14)]~~ "Nonprescription drugs" means nonnarcotic medicines or drugs which may be sold without a prescription and are prepackaged and labeled for use by the consumer in accordance with the requirements of the statutes and regulations of this state and the federal government;

(16) ~~[(15)]~~ "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy;

(17) ~~[(16)]~~ "Pharmacist intern" means a natural person who is:

(a) Currently certified by the board to engage in the practice of pharmacy under the direction of a licensed pharmacist and who satisfactorily progresses toward meeting the requirements for licensure as a pharmacist;

(b) A graduate of an approved college or school of pharmacy or a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate, who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;

(c) A qualified applicant awaiting examination for licensure as a pharmacist or the results of an examination for licensure as a pharmacist; or

(d) An individual participating in a residency or fellowship program approved by the board for internship credit;

(18) ~~[(17)]~~ "Pharmacy" means every place where:

(a) Drugs are dispensed under the direction of a pharmacist;

(b) Prescription drug orders are compounded under the direction of a pharmacist; or

(c) A registered pharmacist maintains patient records and other information for the purpose of engaging in the practice of pharmacy, whether or not prescription drug orders are being dispensed;

(19) "Pharmacy-related primary care" means the pharmacists' activities in patient education, health promotion, and assistance in the selection and use of over-the-counter drugs and appliances for the treatment of common diseases and injuries, as well as those other activities falling within their statutory scope of practice;

(20) ~~[(18)]~~ "Pharmacy technician" means a natural person who works under the immediate supervision, or general supervision if otherwise provided for by statute or administrative regulation, of a pharmacist for the purpose of assisting a pharmacist with the practice of pharmacy;

(21) ~~[(19)]~~ "Practice of pharmacy" means interpretation, evaluation, and implementation of medical orders and prescription drug orders; responsibility for dispensing prescription drug orders, including radioactive substances; participation in drug and drug-related device selection; administration of medications or biologics in the course of dispensing or maintaining a prescription drug order; the administration of adult immunizations pursuant to prescriber-approved protocols; the administration of influenza vaccines to individuals nine (9) to thirteen (13) years of age pursuant to prescriber-approved protocols with the consent of a parent or guardian; the administration of immunizations to individuals fourteen (14) to seventeen (17) years of age pursuant to prescriber-approved protocols with the consent of a parent or guardian; the administration of immunizations to a child as defined in KRS 214.032, pursuant to protocols as authorized by KRS 315.500; drug evaluation, utilization, or regimen review; maintenance of patient pharmacy records; and provision of patient counseling and those professional acts, professional decisions, or professional services necessary to maintain and manage all areas of a patient's pharmacy-related care, including pharmacy-related primary care as defined in this section;

(22) ~~[(20)]~~ "Practitioner" has the same meaning given in KRS 217.015(35);

(23) ~~[(21)]~~ "Prescription drug" means a drug which:

(a) Under federal law is required to be labeled with either of the following statements:

1. "Caution: Federal law prohibits dispensing without prescription";

2. "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian";

3. "Rx Only"; or

4. "Rx"; or

(b) Is required by any applicable federal or state law or administrative regulation to be dispensed only pursuant to a prescription drug order or is restricted to use by practitioners;

(24) ~~[(22)]~~ "Prescription drug order" means an original or new order from a practitioner for drugs, drug-related devices or treatment for a human or animal, including orders issued through collaborative care agreements ***or protocols authorized by the board***. Lawful prescriptions result from a valid practitioner-patient relationship, are intended to address a legitimate medical need, and fall within the prescribing practitioner's scope of professional practice;

~~[(23) "Pharmacy-related primary care" means the pharmacists' activities in patient education, health promotion, assistance in the selection and use of over-the-counter drugs and appliances for the treatment of common diseases and injuries as well as those other activities falling within their statutory scope of practice;]~~

(25) ~~[(24)]~~ "Society" means the Kentucky Society of Health-Systems Pharmacists;

(26) ~~[(25)]~~ "Supervision" means the presence of a pharmacist on the premises to which a pharmacy permit is issued, who is responsible, in whole or in part, for the professional activities occurring in the pharmacy; and

(27) ~~[(26)]~~ "Wholesaler" means any person who legally buys drugs for resale or distribution to persons other than patients or consumers.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

Administrative activities of a pharmacy do not constitute the practice of pharmacy and shall be performed in the United States in a pharmacy or in a location other than a pharmacy.

➔Section 3. KRS 315.205 is amended to read as follows:

Upon the request of an individual or his or her parent or guardian, a pharmacist who administers an immunization to an individual who is fourteen (14) to seventeen (17) years of age or an influenza vaccine to an individual who is nine (9) to thirteen (13) years of age, as authorized in KRS 315.010***(21)*** ~~[(19)]~~, shall provide notification of the immunization to the individual's primary care provider.

Signed by Governor April 13, 2016.

CHAPTER 106

(HB 314)

AN ACT relating to weapons carried by current and retired peace officers and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

Off-duty peace officers authorized to do so by the government employing the officer and retired peace officers certified under KRS 237.138 to 237.142 may carry concealed firearms on or about their persons at all times and at any location within the Commonwealth where an on-duty peace officer is permitted to carry firearms.

➔Section 2. Whereas public protection is of the highest priority, 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 13, 2016.

CHAPTER 107

(HB 420)

AN ACT relating to temporary delegation of parental custody and care.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

(1) A parent or legal guardian of a child, by a properly executed power of attorney, as established in this section and Section 2 of this Act, may temporarily delegate to another person, named in the instrument as the attorney-in-fact, for a period not to exceed one (1) year any of the traditional parental rights and responsibilities regarding care and custody of the child except the following authorities:

(a) Consent for the child to marry;

(b) Consent for an abortion or inducement of an abortion to be performed on or for the child; or

(c) The termination of parental rights to the child.

(2) A temporary delegation of rights and responsibilities under this section shall not:

(a) Operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order; or

(b) Deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.

(3) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by this section at any time.

(4) Upon the termination, withdrawal, expiration, or revocation of the power of attorney established by this section, the child shall be returned to the custody of the parent or legal guardian as soon as reasonably possible.

(5) The attorney-in-fact named in the instrument as established by this section shall not be compensated for serving as the attorney-in-fact pursuant to this section.

(6) Unless the power of attorney established by this section is terminated, revoked, or withdrawn, the attorney-in-fact named in the instrument shall exercise parental or legal authority on a continuous basis for the duration of the power of attorney established by this section.

(7) (a) An attorney-in-fact properly appointed pursuant to this section and in compliance with this section shall not be subject to any statutes dealing with the licensing or regulation of foster care homes or other child-care facility licensing statutes, and the appointment of an attorney-in-fact pursuant to this section and Section 2 of this Act shall not constitute an out-of-home child placement.

(b) The child or children subject to the power of attorney established in this section shall not be considered placed in foster care, and the parties involved in the power of attorney established in this section shall not be subject to any requirements, monitoring, or other regulation for foster care or community care solely because of the execution of an instrument authorized pursuant to this section or Section 2 of this Act.

(8) Except as otherwise provided pursuant to the Kentucky Revised Statutes, the execution of a power of attorney as established pursuant to this section by a parent or legal guardian shall not by itself constitute evidence of abandonment, abuse, or neglect, unless the parent or legal guardian fails to take custody of the child or execute a new power of attorney after the one (1) year time limit has elapsed. Nothing in this subsection shall be interpreted to prevent an investigation of abuse, neglect, abandonment, other mistreatment of a child, or other crime.

(9) (a) A parent or legal guardian shall not execute a power of attorney pursuant to this section or Section 2 of this Act with the intention of permanently avoiding or divesting himself or herself of parental or legal responsibility for the care of the child or for any other illegal or fraudulent purpose.

(b) An attorney-in-fact or prospective attorney-in-fact designated or potentially designated pursuant to this section or Section 2 of this Act shall not demand or request that a parent or guardian enter into an instrument established pursuant to this section or Section 2 of this Act as a result of any person's financial or other debt or obligation, or for any other illegal or fraudulent purpose.

(c) A power of attorney established pursuant to this section and Section 2 of this Act shall not be used solely for the purpose of establishing residency for school attendance purposes unless the child actually resides with the attorney-in-fact in the school district where the enrollment is sought, or the child otherwise resides in the district.

(d) Violation of this section shall be punishable under Kentucky law.

(10) If a parent or legal guardian of a child chooses to delegate powers pursuant to this section regarding the care and custody of the child to a person or persons other than a grandparent, aunt, uncle, or adult sibling of the child, a full criminal history and child abuse and neglect background check shall be conducted on the person or persons prior to the execution of the power of attorney authorized by this section. The results of the background check shall be kept with the instrument establishing the power of attorney pursuant to this section. A child shall not be placed with an individual whose background check indicates that he or she has a criminal history of child abuse and neglect.

(11) A parent who is a member of the Armed Forces of the United States, including any reserve component thereof, or the commissioned corps of the National Oceanic and Atmospheric Administration, or the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Armed Forces of the United States, or a parent who is otherwise required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty, may delegate his or her traditional parental rights and responsibilities via a power of attorney established in this section for a period longer than one (1) year while on active duty service. The term of delegation permitted by this subsection shall not exceed the term of active duty service plus thirty (30) days.

(12) Any period of time during which a child resides with an attorney-in-fact under an unexpired and valid power of attorney properly executed pursuant to this section and Section 2 of this Act, shall not be included in determining whether the child has resided with the attorney-in-fact for the minimum period required to be designated a de facto custodian pursuant to KRS 403.270(1).

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

(1) A power of attorney established pursuant to this section and Section 1 of this Act shall be substantially in the following form, and may include other specific directions which are in accordance with accepted legal practice and not specifically prohibited by any other statute. If any other specific directions are held by a court of appropriate jurisdiction to be invalid, that invalidity shall not affect the power of attorney or other provisions established in this section and Section 1 of this Act.

"Power of Attorney for Temporary Delegation

of Parental or Legal Custody and Care

1. I certify that I am the parent or legal guardian of:

_____ _____

(Full Name of minor child) ***(Date of Birth)***

_____ _____

(Full Name of minor child) ***(Date of Birth)***

_____ _____

(Full Name of minor child) ***(Date of Birth)***

2. I designate _____ (Full name of Attorney-in-fact),

(Street address, city, state, and zip code of Attorney-in-fact)

(Home phone of Attorney-in-fact) ***(Work phone of Attorney-in-fact)***

as the Attorney-in-fact of each minor child named above.

3. I delegate to the Attorney-in-fact all of my power and authority regarding the care, custody, and property of each minor child named above, including but not limited to the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function, or treatment that may concern the child.

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.

OR

In the event that Section 4 is completed, Section 3 does not apply.

4. I delegate to the Attorney-in-fact the following specific powers and responsibilities (write in):

_____
_____
_____
_____

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.

5. This power of attorney is effective for a period not to exceed one (1) year, beginning _____, 20___,

and ending _____, 20__.

I reserve the right to revoke this authority at any time.

OR, in the event Section 6 is completed and valid, Section 5 does not apply.

6. I am a parent or legal guardian on active duty as governed by subsection (10) of Section 1 of this Act. My active duty service is scheduled to begin on _____, 20__, and is estimated to end on _____, 20__. I acknowledge that in no event may this delegation of power last more than one (1) year or the term of my active duty plus thirty (30) days, whichever is longer.

7. BY: _____

(Parent/Legal Guardian signature)

8. I hereby accept my designation as Attorney-in-fact for the minor child or children specified in this power of attorney.

_____

(Attorney-in-fact signature)

County of _____

ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public, in and for said County and State on this ____day of _____, 20___, personally appeared

_____, and

(Name of Parent/Legal Guardian)

_____

(Name of Attorney-in-fact),

to me known to be the identical persons who executed this instrument and acknowledged to me that each executed the same as his or her free and voluntary act and deed for the uses and purposes set forth in the instrument.

Witness my hand and official seal the day and year above written.

_____

(Signature of notary public)

My commission expires: _____."

(2) The power of attorney is legally sufficient under this section and Section 1 of this Act if the wording of the form complies substantially with subsection (1) of this section, the form is properly completed and signed, and the form or parties are not otherwise invalid pursuant to Section 1 of this Act.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

During a child protection investigation that does not result in an out-of-home placement due to abuse of a child, the Cabinet for Health and Family Services is authorized and encouraged to provide information to the parent or legal guardian about community service programs that provide support services for families in crisis, including organizations that operate programs authorized under Sections 1 and 2 of this Act. The Cabinet for Health and Family Services is authorized to exercise its discretion in recommending programs, organizations, and resources to the parent or legal guardian.

Signed by Governor April 13, 2016.

CHAPTER 108

(HB 431)

AN ACT relating to water conservation.

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

➔Section 1. KRS 211.350 is amended to read as follows:

(1) The cabinet shall regulate the construction, installation, or alteration of on-site sewage disposal systems except for systems that have a surface discharge. The cabinet shall create and maintain an electronic database for Kentucky on-site wastewater systems information, which for each system shall include but not be limited to permit application date, permit application status, system installation date, system type, latitude and longitude of system, records of system plan and site evaluations, inspection dates, and the condition of system at time of inspection. The cabinet shall within twenty-four (24) months of July 12, 2006, annually report to the Governor and the Legislative Research Commission on the status of on-site systems statewide, including numbers and types of systems, summaries of conditions of systems, geographic distribution, observations of trends, and recommendation for future protection of public health and safety with on-site sewage disposal systems.

(2) The Department for Public Health shall maintain a current list of approved and experimental on-site wastewater treatment technologies ***and greywater technologies, which the department*** ~~[and]~~ shall make ~~[this list]~~available, ***along with*** ~~[and]~~ guidance and expertise, to local health departments***. Local health departments shall*** ~~[, which will]~~ provide ***the list of approved technologies*** ~~[it]~~ to on-site wastewater professionals and permit applicants. ***With respect to on-site sewage disposal systems that utilize greywater to reduce total daily waste flows, the local health department shall inform the permit applicant, at the time of making an application to construct an on-site sewage disposal system that utilizes greywater to reduce daily waste flows, of the opportunity to consult with the environmental health program evaluators in the Department for Public Health Protection and Safety regarding the administrative regulations, permit requirements, and permissible system designs for inclusion and use of greywater.***

(3) Site evaluations shall be completed by the local health department within fifteen (15) working days of receipt of the application. If further information is required, the local health department shall promptly notify the applicant and shall have an additional ten (10) working days after that submittal of additional information in which to evaluate and issue or deny the permit. It shall be the responsibility of the property owner or owner's agent to protect and maintain the suitability of an approved site and to notify the local health department for a reinspection if site conditions substantively change. If a site previously determined to be suitable is thereafter declared unsuitable by the local health department, remedial measures shall be provided in writing to the property owner or owner's agent within fifteen (15) working days.

(4) After the conclusion of the site evaluation, the local health department shall, upon request, provide a list of all options that may be approved for the property, including new and emerging technologies. It shall be the responsibility of the owner of advanced treatment, alternative, experimental, or new and emerging technology systems to contract with a management entity, certified system operator, or trained system operator to develop and implement an approved operations and maintenance plan specific to, and appropriate for, the approved system.

(5) No person, firm, or corporation shall construct, install, alter, or cause to be constructed, installed, or altered, any on-site sewage disposal system subject to regulation by the cabinet without having first obtained an on-site sewage disposal permit from the local health department. In lieu of inspection and certification by the local health department a licensed professional engineer in private practice licensed by the Commonwealth of

Kentucky may perform site evaluations and approve system designs for an on-site sewage disposal system ***including those systems that utilize greywater for reductions in daily waste flows*** for the person, firm, or corporation and apply for the permit from the local health department. The final systems installation inspection shall be performed by the local health department as soon as practicable. All applicable provisions of KRS Chapter 322 shall govern the licensed professional engineer. A professional engineer shall not perform site evaluations, approve system designs, or certify system installations of an on-site sewage disposal system on property owned by himself, an employee, or a partner of an engineering firm by which he is employed, or on property owned by the engineering firm. Nothing in this section shall be construed to deny a farmstead owner the right to obtain a permit. Except for farmstead owners on their own property, the construction, installation, or alteration shall be performed only by a person certified by the cabinet pursuant to KRS 211.357.

(6) A local health department that issues a permit for an on-site sewage disposal system***, including systems that utilize greywater to reduce total daily waste flows,*** based on the site evaluation or system design of a licensed professional engineer in private practice licensed by the Commonwealth of Kentucky shall not be held liable for any defects or failures of the on-site sewage disposal system due to the site evaluation or system design.

(7) No person, firm, or corporation shall use or continue to use or permit the use or continued use of any on-site sewage disposal system***, including those systems that utilize greywater to reduce total daily waste flows,*** that is constructed, installed, or altered under an on-site sewage disposal permit if the cabinet or local health department through a duly authorized inspector, employee, agent, or licensed professional engineer in private practice licensed by the Commonwealth of Kentucky finds that the system was not constructed, installed, or altered in conformance with the permit and regulations issued by the cabinet.

(8) No certified electrical inspector acting under authority of KRS 227.491 shall issue the certificates of approval of temporary or permanent electrical wiring unless the inspector has in his or her possession a notice of release as described in paragraphs (a) and (b) of this subsection. The inspector shall record the number of the notice of release on the certificate of approval. The person requesting approval of electrical wiring shall be responsible for obtaining the release from the local health department and providing it to the electrical inspector. This requirement shall only apply to dwellings, mobile homes, manufactured housing, buildings, or other structures that are constructed or installed after July 15, 1998. This requirement shall not apply to structures that do not have sewage waste fixtures or to those that are connected to a sewage waste disposal system approved by the Energy and Environment Cabinet. Nothing in this section shall be construed to deny the continued use of any electrical service connected to wiring approved prior to July 15, 1998.

(a) An initial notice of release to allow temporary electrical power for construction shall be issued to the property owner or owner's agent by the local health department upon the application for a site evaluation.

(b) A final notice of release to allow for permanent electrical power shall be issued to the property owner or owner's agent by the local health department upon approval of an on-site sewage disposal plan.

(c) This section shall not apply to any county that has adopted the Uniform State Building Code and has and enforces on-site sewage disposal permitting.

(9) All applications for on-site sewage disposal permits shall be accompanied by plans and specifications for the proposed system, including results of soils tests and other information as directed by the cabinet by regulation. If the site evaluation or approval of the system design is performed by a licensed professional engineer in private practice licensed by the Commonwealth of Kentucky, the application shall be accompanied by a statement by the engineer that he has met the requirements of the regulations issued by the cabinet for site evaluation and system design. Any action to deny an application shall be subject to appeal, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(10) The cabinet shall fix a schedule of fees for the functions performed by the cabinet relating to the regulation of on-site sewage disposal systems. The fees shall be designed to fully cover the cost of the service performed but shall not exceed the cost of the service performed. Fees payable to the cabinet shall be paid into the State Treasury and credited to a trust and agency fund to be used by the cabinet in carrying out its responsibilities relating to the regulation of on-site sewage disposal systems. No part of the fund shall revert to the general fund of the Commonwealth.

(11) Any regulation relating to on-site sewage disposal that is in effect on July 15, 1992, shall remain in effect until altered by the secretary***, except that administrative regulations that govern total daily waste flows shall be updated in accordance with Section 2 of this Act***. The secretary may issue additional regulations necessary to carry out the purposes of this section.

(12) Nothing in this section shall authorize or allow the cabinet to inspect or take enforcement action against on-site sewage disposal systems installed on farmsteads prior to July 15, 1992, or modifications to those systems unless the actions are determined in writing by the cabinet, upon a written, verified complaint, to be necessary to prevent imminent harm or damage to the safety, life, or health of a person. In this instance, the cabinet shall deliver to the landowner a copy of the written determination and the verified complaint prior to the commencement of the inspection or enforcement action.

(13) As used in this section:

(a) "Black water" means wastewater containing liquid or solid waste generated through use of a urinal, water closet, garbage disposal, or similar sanitary fixture; and

(b) "Greywater" means wastewater generated by hygiene activities, including but not limited to wastewater from laundry, lavatory sinks, and showers, but shall exclude kitchen sinks and food preparation sinks. "Greywater" does not include black water.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) Ninety (90) days from the effective date of this Act, the cabinet shall promulgate administrative regulations that update the daily waste flow charts to account for technological improvements in water using fixtures and appliances that reduce water usage. The cabinet also shall include a methodology for using conservation credits for greywater systems that reduce total daily waste flows.

(2) No political subdivision of the state shall prohibit the use of greywater reduction of average daily waste flows by policy, rule, or ordinance if the greywater use is allowed pursuant to a permit issued under Section 1 of this Act.

Signed by Governor April 13, 2016.

CHAPTER 109

(HB 535)

AN ACT relating to fiscal matters and declaring an emergency.

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

➔Section 1. 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 ***sixty (60)*** ~~[twenty-four (24)]~~ months after the expiration of, the initial term of an agreement, and which may be approved by the authority for additional inducements as set forth in KRS 154.26-090;

(18) "Kentucky gross profits" means Kentucky gross profits as defined in KRS 141.0401;

(19) "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 KRS 154.26-090, on behalf of the authority and an approved company with respect to a supplemental project.

➔Section 2. 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 making an application to the authority for inducements, and with respect to the 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, 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 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 agreement, or within ***sixty (60)*** ~~[twenty-four (24)]~~ months after the expiration of the term, an 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 ***one hundred (100)*** ~~[seven hundred fifty (750)]~~ employees at the site of the economic revitalization project;

3. Agrees to incur at least ***five million dollars ($5,000,000)*** ~~[ten million dollars ($10,000,000)]~~ in additional eligible costs for improvements to a blast furnace that***:***

a. Is located at the economic revitalization project***;***

b. ~~[, and that]~~Has burned at least one million (1,000,000) tons of Kentucky coal during the initial term of the agreement; and

c. Was idled due to unfairly traded imports of carbon steel, with resulting layoffs of more than five hundred fifty (550) employees; 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) The authority may approve a supplemental project by resolution, authorizing the execution of a supplemental project agreement.

(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 3. A NEW SECTION OF SUBCHAPTER 26 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Costs incurred by an applicant required for the start-up of a blast furnace and related carbon steel-making operations that were idled due to unfairly traded imports of carbon steel shall be considered eligible costs for the purposes of KRS 154.26-010 to 154.26-100.

➔Section 4. 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) ***(a)*** ***1.*** 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 KRS 154.26-010***; and***

2. Materials, supplies, and repair or replacement parts purchased for use in the operation and maintenance of a blast furnace and related carbon steel-making operations as part of an approved supplemental project, as defined by Section 1 of this Act.

(b) The ***exemptions*** ~~[exemption]~~ provided in this subsection shall be effective for sales made:

1. ~~[(a)]~~ On and after July 1, ***2018*** ~~[2016]~~; and

2. ~~[(b)]~~ During the term of a supplemental project agreement entered into pursuant to KRS 154.26-090;

(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 replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair or 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 5. KRS 16.010 is amended to read as follows:

As used in KRS 16.010 to 16.199, unless the context requires otherwise:

(1) ***"Board" means the Department of Kentucky State Police Personnel Board;***

(2) "Cabinet" means the Justice and Public Safety Cabinet;

(3) ~~[(2)]~~ ***"Cadet Trooper" means an applicant for employment as an officer who is selected by the commissioner to attend the department training program, and who is employed as a trainee;***

(4) "Civilian" means experts, statisticians, clerks, and other assistants who are not peace officers ~~["Secretary" means the secretary of justice and public safety]~~;

(5) ~~[(3)]~~ "Commissioner" means the commissioner of the Department of Kentucky State Police;

(6) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:

(a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;

(b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140; and

(c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;

(7) "CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199;

(8) "Department" means the Department of Kentucky State Police;

(9) ~~[(4)]~~ "Officer" means any member of the Department of Kentucky State Police, other than an individual employed as a Trooper R Class or CVE R Class, who possesses the powers of a peace officer;

~~[(5) "Civilian" means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;~~

~~(6) "Board" means the Department of Kentucky State Police Personnel Board;~~

~~(7) "Department" means the Department of Kentucky State Police;~~

~~(8) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:~~

~~(a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;~~

~~(b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;~~

~~(c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;]~~

(10) ~~[(9)]~~ ***"Secretary" means the secretary of Justice and Public Safety Cabinet; and***

(11) "Trooper R Class" means any retired Kentucky State Police officer commissioned under this chapter who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199~~[; and~~

~~(10) "CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199]~~.

➔SECTION 6. A NEW SECTION OF KRS 16.010 TO 16.199 IS CREATED TO READ AS FOLLOWS:

(1) The base compensation of officers shall be determined based on years of service and rank, as provided in this section.

(2) (a) The years-of-service requirements for the salary schedule for ranks below sergeant are as follows:

1. A Trooper is an officer with less than three (3) years of continuous service as a commissioned officer with the department;

2. A Senior Trooper shall have at least three (3) years of continuous service as a commissioned officer with the department and sixty (60) college credit hours, or five (5) years of continuous service as a commissioned officer with the department with no college credit requirement;

3. A Trooper First Class shall have at least ten (10) years of continuous service as a commissioned officer with the department; and

4. A Master Trooper shall have at least fifteen (15) years of continuous service as a commissioned officer with the department.

(b) In addition to meeting the years of service requirements established by paragraph (a) of this subsection, officers listed in the salary schedule for officers below the rank of sergeant shall also meet the requirements for promotion in rank established by the commissioner pursuant to Section 7 of this Act.

(c) Requirements for promotion to sergeant, lieutenant, and captain are as established by KRS 16.055.

(3) Any overtime and any salary supplement received from the Law Enforcement Foundation Program pursuant to KRS 15.410 to 15.510 or any comparable supplements received from another funding source shall be in addition to the amounts reflected in the base salary schedules established by subsection (4) of this section.

(4) (a) The salary schedules established in this subsection are based on a combination of officer classification and years of service.

(b) When "NA" appears in the schedule, it is not possible for an officer to be in that classification and years-of-service combination based upon statutory or regulatory conditions established for promotion or advancement.

(c) Salary increases based on years of service shall be effective on the first day of the month during which the anniversary of the officer's appointment as a commissioned Kentucky State Police officer falls.

(d) Salary increases based on promotion to a higher rank shall be effective on the first day of the month following completion of any probationary period established for that rank.

(e) If an officer is reverted to a previous rank, the officer's salary shall be adjusted to the salary reflected in the base salary schedule for the officer's applicable number of years of service and rank. The adjustment shall take effect the first pay period following the pay period in which the reversion occurs.

(f) The base salary for a Cadet Trooper shall be thirty-five thousand dollars ($35,000).

BASE SALARY SCHEDULE FOR RANKS BELOW SERGEANT

Years of Service	*Trooper Salary Steps Based on Rank*			
	Trooper	*Senior*	*First Class*	*Master*
Base Pay	*$37,000*	*$43,014*	*NA*	*NA*
3 years	*$41,310*	*NA*	*NA*	*NA*
5 years	*$43,014*	*$44,216*	*NA*	*NA*
7 years	*NA*	*$45,452*	*NA*	*NA*
9 years	*NA*	*$46,726*	*NA*	*NA*
10 years	*NA*	*NA*	*$47,000*	*NA*
13 years	*NA*	*NA*	*$49,450*	*NA*
15 years	*NA*	*NA*	*NA*	*$55,356*
17 years	*NA*	*NA*	*NA*	*$58,224*
19 years	*NA*	*NA*	*NA*	*$61,263*
21 years	*NA*	*NA*	*NA*	*$64,397*
23 years	*NA*	*NA*	*NA*	*$67,716*
25 years	*NA*	*NA*	*NA*	*$68,414*
27 years	*NA*	*NA*	*NA*	*$69,118*
29 years	*NA*	*NA*	*NA*	*$69,829*

BASE SALARY SCHEDULE SERGEANT AND ABOVE

Years of Service	*Salary Steps Based on Rank*		
	Sergeant	*Lieutenant*	*Captain*
6 years	*$45,271*	*NA*	*NA*
7 years	*$47,271*	*$53,500*	*NA*
8 years	*$47,805*	*NA*	*$59,100*
9 years	*$49,918*	*$55,500*	*NA*
11 years	*$50,911*	*$57,500*	*$61,199*
13 years	*$53,108*	*$60,500*	*$63,798*
15 years	*$56,966*	*$63,516*	*$67,188*

17 years	***$61,093***	***$66,892***	***$70,747***
19 years	***$65,510***	***$70,436***	***$74,845***
21 years	***$70,235***	***$74,158***	***$78,409***
23 years	***$75,292***	***$78,066***	***$82,529***
25 years	***$80,702***	***$82,169***	***$86,755***
27 years	***$85,491***	***$86,478***	***$90,306***
29 years	***$90,686***	***$91,002***	***$93,998***

(5) The salary schedules shall be applied to officers employed by the department on the effective date of this Act as follows:

(a) Except as provided in paragraph (b) of this subsection:

1. Any officer whose base salary exceeds the amount established for his or her years of service and rank in subsection (4) of this section shall retain his or her base salary and shall not receive an increase under the salary schedule until the officer's years of service and rank require a higher base salary than the base salary he or she was receiving on the effective date of this Act; and

2. Any officer whose base salary is below the amount established for his or her years of service and rank in subsection (4) of this section shall receive the base salary he or she qualifies for under the salary schedule for the pay period beginning August 1, 2016; and

(b) Any officer who is receiving compensation under Section 8 of this Act shall not receive any years of service or rank increases during any period that he or she is receiving compensation under Section 8 of this Act.

➔Section 7. KRS 16.050 is amended to read as follows:

(1) The commissioner shall appoint or promote to the ranks and grades and positions of the department such officers as are considered by him or her to be necessary for the efficient administration of the department.~~[Notwithstanding the provisions of KRS 64.640, the commissioner of the Department of Kentucky State Police and the secretary of the Personnel Cabinet shall biennially conduct a salary survey, by rank, of State Police/highway patrol officers in those states adjoining Kentucky. The salaries of such officers of equal rank in those states surveyed shall be averaged, and such averages where the average for that rank exceeds the salary paid to Kentucky officers of that rank in the preceding biennium shall be included in the department's budget request submitted to the Kentucky General Assembly.]~~

(2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.

(3) There is created a Department of Kentucky State Police Personnel Board consisting of the commissioner and four (4) other members to be appointed by the Governor, two (2) to be appointed from each of the two (2) major political parties.

(4) The initial appointment of members of the board shall be for terms of one (1), two (2), three (3), and four (4) years. Thereafter each appointment shall be for a term of four (4) years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The board shall elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the commissioner. Three (3) members shall constitute a quorum for the transaction of business. Members of the board other than the commissioner shall receive compensation of fifty dollars ($50) and reimbursement of travel expenses for each meeting of the board which they attend.

(7) The board shall promulgate administrative regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers; and

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists vacancies shall be filled.

(8) The board shall hear appeals from applicants for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the board may adopt pursuant to the provisions of this section.

(9) (a) Prior to appointment as a Cadet Trooper, all applicants shall agree in writing that if, within three (3) years of completing the basic training course offered by the department, he or she accepts employment as a peace officer with another law enforcement agency, or accepts employment with another type of agency or entity in a position that requires law enforcement training to meet the qualifications for the position, he or she will repay to the department the cost incurred by the department in providing training to the officer to the extent repayment has not been made by the agency with which the officer accepts employment under paragraph (b) or (c) of this subsection.

(b) If the officer accepts employment as a peace officer with another state agency or a state university or educational institution within Kentucky within three (3) years of completing the basic training course offered by the department, the agency, university, or educational institution shall reimburse the department for costs incurred in providing training to the officer.

(c) If the officer accepts employment with a city, county, or other local law enforcement agency within Kentucky within three (3) years of completing the basic training course offered by the department, KRS 70.290 shall apply as well, except that the amount of the reimbursement shall not be prorated as provided in KRS 70.290.

➔Section 8. KRS 16.165 is amended to read as follows:

Any Department of Kentucky State Police officer, as defined in KRS 16.010, who becomes disabled after July 1, 1977, as a direct result of an injury or disease arising out of the performance of a hazardous duty in the course of employment with the department may elect to be retained on the regular payroll of the department subject to the following:

(1) ***(a) For officers who become disabled after July 1, 1977, but prior to the effective date of this Act,*** compensation paid to the officer by the department shall be~~[adjusted and]~~ maintained at the officer's~~[regular]~~ rate of pay ***that he or she was receiving on the effective date of this Act.***~~[based upon the officer's rank and tenure with the department and shall include annual increments, salary adjustments, and other benefits of employment]~~

(b) For officers becoming disabled on or after the effective date of this Act, compensation paid to the officer by the department shall be maintained at the officer's regular rate of pay based upon the officer's rank and tenure with the department on the date he or she elects to be retained on the regular payroll of the department under this section.

(c) On and after the effective date of this Act:

1. Any officer receiving compensation under this section shall not receive any annual increments or increases based on years of service or rank established by the schedules set forth in Section 6 of this Act during the period in which the officer receives compensation under this section; and

2. If the officer returns to full active duty, and the base salary he or she qualifies for at that time exceeds the base salary he or she was receiving under this section, the officer shall receive the base salary he or she qualifies for under the schedules established by Section 6 of this Act beginning on the first day of the month following the month that he or she returns to full active duty.

(d) Any~~[; provided, however, such]~~ compensation paid to ***an***~~[the]~~ officer by the department ***under paragraph (a) or (b) of this subsection*** shall be reduced by the amount of payments received by the officer from workers' compensation insurance, Social Security benefits, and other federal or state-financed disability programs designed to supplement the officer's income for which the officer is qualified and elects participation. Final compensation shall not be reduced by payments for medical care. The disabled officer's regular rate of pay, without the reductions required by this subsection, shall be his ***or her*** creditable compensation for purposes of KRS 16.510 to 16.652***;***~~[.]~~

(2) ***The***~~[Such]~~ officer shall be assigned by the commissioner of the Department of Kentucky State Police to a position in the department for which the officer is qualified, if the commissioner determines, based upon medical reports and recommendations submitted for that purpose, that the officer is able to perform limited duties. If it is determined that the officer is able to perform limited duties and refuses to accept an assignment from the commissioner, the officer shall not be eligible for the payment of compensation authorized by this section. If the

commissioner determines that the officer is unable to perform limited duties, the officer shall be eligible for the payment of compensation authorized by this section without the performance of limited duties. Any officer adversely affected or aggrieved by a final determination of the commissioner pursuant to this section may appeal within thirty (30) days to the local Circuit Court***;*** ~~[.]~~

(3) (a) For an officer whose participation date in the State Police Retirement System is prior to January 1, 2014, payments made pursuant to this section shall continue until the officer is eligible for normal retirement allowances pursuant to KRS 16.576 or until the officer elects early retirement allowances pursuant to KRS 16.577 or disability retirement allowances pursuant to KRS 16.582.

(b) For an officer whose participation date in the State Police Retirement System is on or after January 1, 2014, payments made pursuant to this section shall continue until the officer is eligible to retire under KRS 16.583(6)(a) or until the officer elects to retire under KRS 16.583(6)(b) or to receive disability retirement allowances pursuant to KRS 16.582.

(c) If the officer receives preretirement payments under this section or KRS 16.167 and subsequently elects disability retirement, the effective date of his disability retirement shall be the first month following the month in which the officer last receives preretirement payments under this section or KRS 16.167, KRS 16.505(16) to the contrary notwithstanding***; and*** ~~[.]~~

(4) Any Department of Kentucky State Police officer, disabled prior to July 1, 1977, as a result of severe physical injuries arising out of the performance of duty, who is unable to maintain gainful employment as a result of such injuries, but who was ineligible for retention on the regular payroll because of the date of his injury, shall, if his or her time in active service plus his or her time on disability retirement allowance equal the time necessary for normal retirement pursuant to KRS 16.505(15), have his or her retirement allowance increased to the amount he or she would receive, had he or she been retained on the regular payroll of the department pursuant to this section and had he or she subsequently elected normal retirement pursuant to KRS 16.576 when first eligible, but any survivor option which he or she chose at the time of disability retirement shall not be changed.

➔Section 9. KRS 16.198 is amended to read as follows:

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R class shall be as follows:

(1) The commissioner may appoint ***CVE*** ~~[Trooper R Class employees and commercial vehicle enforcement officer]~~ R Class ***employees***. ***CVE*** ~~[Trooper]~~ R Class employees ~~[and Commercial vehicle enforcement officer R class]~~ shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than four (4) additional one (1) year terms.

(2) The commissioner may appoint Trooper R Class employees who shall serve on a contractual basis for a term of one (1) year. The contract may be renewed on an annual basis so long as the Trooper R Class employee passes a physical fitness test prior to each renewal.

(3) ~~[(2)]~~ The compensation for Trooper R Class employees and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class ***employees*** shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.

(4) ~~[(3)]~~ (a) All appointments of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be based upon agency need as determined by the commissioner.

(b) Work stations for individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by agency need with consideration given to the applicant's stated preference.

(c) Merit of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by the applicant's work performance history.

(d) Fitness of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.

(5) ~~[(4)]~~ The number of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class by the department shall not:

(a) Exceed one hundred (100); or

(b) Be counted in the total employee cap for the department.

(6) ~~[(5)]~~ All individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions or special work assignments.

(7) ~~[(6)]~~ Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:

(a) Individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;

(b) Individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and

(c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class ***or CVE*** ~~[and commercial vehicle enforcement officer]~~ R Class.

(8) ~~[(7)]~~ Individuals employed as a Trooper R Class ***or CVE*** ~~[and commercial vehicle enforcement officer]~~ R Class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.

(9) ~~(8)]~~ The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R Class or ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class.

➔Section 10. KRS 18A.110 is amended to read as follows:

(1) The secretary shall promulgate comprehensive administrative regulations for the classified service governing:

(a) Applications and examinations;

(b) Certification and selection of eligibles;

(c) Classification and compensation plans;

(d) Incentive programs;

(e) Lay-offs;

(f) Registers;

(g) Types of appointments;

(h) Attendance; hours of work; compensatory time; annual, court, military, sick, voting, and special leaves of absence, provided that the secretary shall not promulgate administrative regulations that would reduce the rate at which employees may accumulate leave time below the rate effective on December 10, 1985; and

(i) Employee evaluations.

(2) The secretary shall promulgate comprehensive administrative regulations for the unclassified service.

(3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate administrative regulations that would reduce an employee's salary; and

(b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed administrative regulation providing for an initial probationary period in excess of six (6) months to the board for its approval.

(4) The secretary may promulgate administrative regulations to implement state government's affirmative action plan under KRS 18A.138.

(5) (a) The administrative regulations shall comply with the provisions of this chapter and KRS Chapter 13A, and shall have the force and effect of law after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder;

(b) Administrative regulations promulgated by the secretary shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter; and

(c) No administrative body other than the Personnel Cabinet shall promulgate administrative regulations governing the subject matters specified in this section.

(6) Prior to filing an administrative regulation with the Legislative Research Commission, the secretary shall submit the administrative regulation to the board for review.

(a) The board shall review the administrative regulation proposed by the secretary not less than twenty (20) days after its submission to it;

(b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the secretary;

(c) The secretary shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary; and

(d) After the secretary has completed the review provided for in this section, he may file the proposed administrative regulation with the Legislative Research Commission pursuant to the provisions of KRS Chapter 13A.

(7) The administrative regulations shall provide:

(a) For the preparation, maintenance, and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. The secretary shall allocate the position of every employee in the classified service to one (1) of the classes in the plan. The secretary shall reallocate existing positions, after consultation with appointing authorities, when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified. The occupant of a position being reallocated shall continue to serve in the reallocated position with no reduction in salary;

(b) For a pay plan for all employees in the classified service, after consultation with appointing authorities and the state budget director. The plan shall take into account such factors as:

1. The relative levels of duties and responsibilities of various classes of positions;

2. Rates paid for comparable positions elsewhere taking into consideration the effect of seniority on such rates; and

3. The state's financial resources.

Amendments to the pay plan shall be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed, provided that the full amount of the annual increment provided for by the provisions of KRS 18A.355, and the full amount of an increment due to a promotion, salary adjustment, reclassification, or reallocation, shall be added to an employee's base salary or wages;

(c) For open competitive examinations to test the relative fitness of applicants for the respective positions. The examinations shall be announced publicly and applications accepted at least ten (10) days prior to certification of a register, and may be advertised through the press, radio, and other media. The secretary shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service. Except as provided by this chapter, he shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The secretary shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness, which in his judgment, serves the need to discover the relative fitness of applicants;

(d) As provided by this chapter, for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Except as provided by this chapter, an eligible's score shall expire automatically one (1) year from the date of testing, unless the life of the score is extended by action of the secretary for a period not to exceed one (1) additional year. Except for those individuals exercising reemployment rights, all eligibles may be removed from the register when a new examination is established;

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the secretary in regard to such factors as age, physical condition, training, and experience, or who have attempted any deception or fraud in connection with an examination;

(f) Except as provided by this chapter, for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(g) For annual, sick, and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided by KRS 18A.155(1)(d);

(h) For lay-offs, in accordance with the provisions of KRS 18A.113, 18A.1131, and 18A.1132, by reasons of lack of work, abolishment of a position, a material change in duties or organization, or a lack of funds;

(i) For the development and operation of programs to improve the work effectiveness of employees in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, employee relations, and employee mobility without written examination;

(j) For a uniform system of annual employee evaluation for classified employees, with status, that shall be considered in determining eligibility for discretionary salary advancements, promotions, and disciplinary actions. The administrative regulations shall:

1. Require the secretary to determine the appropriate number of job categories to be evaluated and a method for rating each category;

2. Provide for periodic informal reviews during the evaluation period which shall be documented on the evaluation form and pertinent comments by either the employee or supervisor may be included;

3. Establish a procedure for internal dispute resolution with respect to the final evaluation rating;

4. Permit a classified employee, with status, who receives either of the two (2) lowest possible evaluation ratings to appeal to the Personnel Board for review after exhausting the internal dispute resolution procedure. The final evaluation shall not include supervisor comments on ratings other than the lowest two (2) ratings;

5. Require that an employee who receives the highest possible rating shall receive the equivalent of two (2) workdays, not to exceed sixteen (16) hours, credited to his or her annual leave balance. An employee who receives the second highest possible rating shall receive the equivalent of one (1) workday, not to exceed eight (8) hours, credited to his or her annual leave balance; and

6. Require that an employee who receives the lowest possible evaluation rating shall either be demoted to a position commensurate with the employee's skills and abilities or be terminated; and

(k) For other administrative regulations not inconsistent with this chapter and KRS Chapter 13A, as may be proper and necessary for its enforcement.

(8) For any individual hired or elected to office before January 1, 2015, and paid through the Kentucky Human Resources Information System, the Personnel Cabinet shall not require payroll payments to be made by direct deposit or require the individual to use a Web-based program to access his or her salary statement.

(9) To the extent that KRS 16.010 to 16.199 and administrative regulations promulgated by the commissioner of the Department of Kentucky State Police under authority granted in KRS Chapter 16 conflict with this section or any administrative regulation promulgated by the secretary pursuant to authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

➔Section 11. KRS 64.640 is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, employees of the General Assembly, including employees of the Legislative Research Commission, members of boards and commissions, those officers and employees of Kentucky Educational Television exempt from classified service as provided in KRS 18A.115, presidents and employees of the state universities and the state colleges, ***officers employed by the Department of Kentucky State Police under KRS Chapter 16,*** and persons employed by the commissioner of parks on a temporary basis under KRS 148.026, the Personnel Cabinet shall prepare schedules of compensation, payable out of the State Treasury, with a minimum salary rate, and other salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employee, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, board, commission, or other unit of state government. The language of any statute empowering a board, commission, authority, or other

administrative body for which the Personnel Cabinet provides personnel and payroll services, except for any board governing any of the Kentucky Retirement Systems, the Kentucky Higher Education Assistance Authority, the Kentucky Authority for Educational Television, or the Council on Postsecondary Education, to establish, set, or approve the salaries of its administrative head and other employees to the contrary notwithstanding, the establishment or setting of salaries for administrative heads or other employees shall be subject to the approval of the secretary of the Personnel Cabinet. The schedules and rates shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Personnel Cabinet shall ascertain and record the duties, responsibilities, and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18A.030, 18A.035, 18A.110, 18A.130, 18A.135, and 18A.150 to 18A.160. No such schedule shall become effective until it has been approved by the Governor by executive order.

(2) The Governor shall set the compensation payable out of the State Treasury to each officer or position in the state service, which officer or position heads a statutory administrative department, independent agency, or other unit of state government, except for those excluded under subsection (1) of this section. Such compensation shall be based upon studies of the duties and responsibilities and classification of the positions by the Governor and upon a comparison with compensation being paid for similar or comparable services elsewhere, provided, however, such compensation shall not exceed the total taxable compensation of the Governor derived from state sources, the provisions of KRS 64.660 to the contrary notwithstanding. For the purposes of this section, the total taxable compensation of the Governor from state sources shall include the amount provided for compensation to the Governor under KRS 64.480 and any benefits or discretionary spending accounts that are imputed as taxable income for federal tax purposes.

(3) The compensation payable out of the State Treasury to officers and employees subordinate to any office or position covered by subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employees of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Personnel Cabinet with the approval of the Governor as provided in subsection (1) of this section.

(4) Nothing in this section shall preclude the allowance of maintenance to officers and employees of the state.

➔Section 12. Section 4 of this Act takes effect August 1, 2016.

Signed by Governor April 13, 2016.

CHAPTER 110

(HB 52)

AN ACT relating to fiscal matters and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 42.450 TO 42.495 IS CREATED TO READ AS FOLLOWS:

As used in KRS 42.450 to 42.495:

(1) "Refund" means a payment of money from the State Treasury to a taxpayer, upon the authorization of the Department of Revenue following the submission of a timely request filed in accordance with applicable statutes and administrative regulations, representing all or part of an overpayment previously made by the taxpayer for a tax liability arising under KRS 143.020 or 143A.020; and

(2) "Severance and processing taxes on coal collected annually" means the total amount of money collected from the tax imposed by KRS 143.020 in a given fiscal year, reduced by the total amount of refunds of that tax paid during the prior fiscal year.

➔Section 2. KRS 42.4582 is amended to read as follows:

(1) There is hereby established in the State Treasury a fund entitled "Local Government Economic Development Fund." The fund may receive state appropriations, gifts, grants, and federal funds and shall be disbursed by the

State Treasurer upon the warrant of the secretary of the Finance and Administration Cabinet. Any unallotted or unencumbered balances in the fund shall be invested as provided for in KRS 42.500(9). Income earned from the investments shall be prorated for grants to counties according to the allotment schedule set out in KRS 42.4592.

(2) (a) Moneys shall be transferred from the general fund in an amount equal to fifty percent (50%) of the severance and processing taxes on coal collected annually, unless otherwise amended by the budget bill.

(b) The transfers shall be made quarterly, based upon the revenue estimates prevailing at the time each quarterly transfer is due***. Each quarterly transfer shall be adjusted to account for refunds by determining the total amount of refunds paid in the prior fiscal year, dividing that amount by four (4), and reducing each transfer by this amount.***~~[, except that]~~ The last quarterly transfer shall be made after the close of the fiscal year accounting records, and shall be adjusted to provide the balance of the annual transfer required by this subsection.

(c) The quarterly calculation and transfer of funds pursuant to this section shall be made only after distribution of the quarterly installment of the annual amount from the prior calendar year allowed as an incentive to an approved company under KRS 143.024 and 154.27-060.

➔Section 3. KRS 42.4592 is amended to read as follows:

(1) Moneys remaining in the local government economic development fund following the transfer of moneys to the local government economic assistance fund provided for in KRS 42.4585 shall be allocated as follows:

(a) Thirty-three and one-third percent (33-1/3%) shall be allocated to each coal producing county on the basis of the ratio of total ***coal severed***~~[tax collected]~~ in the current and preceding four (4) years~~[on coal severed]~~ in each respective county to the total ***coal severed***~~[tax collected]~~ statewide in the current and four (4) preceding years;

(b) Thirty-three and one-third percent (33-1/3%) shall be allocated quarterly to each coal-producing county on the basis of the following factors, which shall be computed for the current and four (4) preceding years, and which shall be equally weighted:

1. Percentage of employment in mining in relation to total employment in the respective county;

2. Percentage of earnings from mining in relation to total earnings in the respective county; and

3. Surplus labor rate; and

(c) Thirty-three and one-third percent (33-1/3%) shall be reserved for expenditure for industrial development projects benefiting two (2) or more coal-producing counties. For purposes of this paragraph, "coal-producing county" shall mean a county which has produced coal in the current or any one of the four (4) preceding years.

(2) (a) For purposes of paragraph (b) of subsection (1) of this section, "percentage of employment in mining" and "percentage of earnings from mining" shall be ***provided by the Office of Employment and Training in the Education and Workforce Development Cabinet, and***~~[the percentages published for the latest available five (5) year period by the Bureau of Economic Analysis in the United States Department of Commerce;]~~ "surplus labor rate" shall be the rate published for the latest available five (5) year period by the Office of Employment and Training~~[of the Department of Workforce Investment in the Education and Workforce Development Cabinet,]~~ as provided in paragraph (b) of this subsection.

(b) 1. Each year the Office of Employment and Training shall estimate surplus labor for each county and for the Commonwealth and shall annually publish an estimate of the surplus labor rate for each county and the Commonwealth.

2. The estimate of surplus labor for each county and for the Commonwealth shall be made using the best practical method available at the time the estimates are made. In determining the method to be adopted, the Office of Employment and Training may consult with knowledgeable individuals, including but not limited to the Office of the United States Bureau of Labor Statistics, state and national researchers, state and local officials, and staff of the Legislative Research Commission. The description of the method used to estimate surplus labor shall be reported in each annual publication provided for in subparagraph 1. of this paragraph.

3. For purposes of this section, "surplus labor" means the total number of residents who can be classified as unemployed or as discouraged workers, and "surplus labor rate" means the percentage of the potential civilian labor force which is surplus labor.

(3) The funds allocated under the provisions of paragraphs (a) and (b) of subsection (1) of this section shall retain their identity with respect to the county to which they are attributable, and a separate accounting of available moneys within the fund shall be maintained for the respective counties. Accounting for funds allocated under the provisions of this section shall be by the Department for Local Government.

➔Section 4. KRS 42.470 is amended to read as follows:

Moneys in the local government economic assistance fund shall be allocated among the counties as follows:

(1) Funds allocated under KRS 42.4585:

(a) Sixty percent (60%) shall be distributed to each coal producing county on the basis of the ratio of~~[tax collected on]~~ coal severed in each respective county to the ***coal severed***~~[tax collected]~~ statewide.

(b) Thirty percent (30%) shall be distributed to each coal producing county on the basis of per capita income (inverse order), ton miles of resource roads and population, equally weighted.

(c) Ten percent (10%) shall be distributed to non-coal producing counties impacted by the transport of coal on the basis of geographic area, ton miles of resource roads, and per capita income (inverse order), weighted on a basis of 30/100, 40/100, and 30/100, respectively. The expenditure of such funds shall be limited to the categories of projects set out in KRS 42.455(2)(c). All counties shall receive an annual payment based on the average of total ton miles within the county during the most recent three (3) year period. To qualify for the funds distributed under the provisions of this paragraph, a county must have within its geographic boundaries in any single year twenty-five hundredths of one percent (0.25%) of the total ton miles within coal impact counties during the most recent three (3) year period.

(2) ***(a)*** All funds allocated under KRS 42.450(2) shall be distributed among the mineral producing counties on the basis of the tax collected on minerals severed in each respective county.

(b) In no event shall the amount of funds distributed to a mineral producing county, and to the incorporated areas within that county under KRS 42.475, in any given quarter be reduced by greater than fifty percent (50%) as a result of any refund of the tax imposed on the severance and processing of minerals. If a refund of tax occurs and a county's allocated share of the refund amount is greater than fifty percent (50%) of the quarterly distribution due that county and its incorporated areas, the remainder shall carry forward to be offset in successive quarters as necessary until it is satisfied in full.

➔Section 5. KRS 42.475 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, ten percent (10%) of the funds allocated to each county under the provisions of KRS 42.470 shall be allotted to the incorporated areas within the county based on the ratio that the population of each incorporated area bears to the total population of all the incorporated areas within the county; except that incorporated areas shall not be eligible for funds allocated to counties under the provisions of KRS 42.490 and 1980 Acts, ch. 394, sec. 11.

(2) If the amount of funds to be allotted to an incorporated area under subsection (1) of this section is less than twenty-five dollars ($25) in any given quarter, then the allotment shall not be made and the applicable funds shall instead be distributed to the county to which they were allocated under KRS 42.470.

➔Section 6. KRS 16.010 is amended to read as follows:

As used in KRS 16.010 to 16.199, unless the context requires otherwise:

(1) ***"Board" means the Department of Kentucky State Police Personnel Board;***

(2) "Cabinet" means the Justice and Public Safety Cabinet;

(3)~~[(2)]~~ ***"Cadet Trooper" means an applicant for employment as an officer who is selected by the commissioner to attend the department training program, and who is employed as a trainee;***

(4) "Civilian" means experts, statisticians, clerks, and other assistants who are not peace officers~~["Secretary" means the secretary of justice and public safety]~~;

(5)~~[(3)]~~ "Commissioner" means the commissioner of the Department of Kentucky State Police;

(6) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:

(a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;

(b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140; and

(c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;

(7) "CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199;

(8) "Department" means the Department of Kentucky State Police;

(9) ~~[(4)]~~ "Officer" means any member of the Department of Kentucky State Police, other than an individual employed as a Trooper R Class or CVE R Class, who possesses the powers of a peace officer;

~~[(5) "Civilian" means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;~~

~~(6) "Board" means the Department of Kentucky State Police Personnel Board;~~

~~(7) "Department" means the Department of Kentucky State Police;~~

~~(8) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:~~

~~(a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;~~

~~(b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;~~

~~(c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;]~~

(10) ~~[(9)]~~ ***"Secretary" means the secretary of Justice and Public Safety Cabinet; and***

(11) "Trooper R Class" means any retired Kentucky State Police officer commissioned under this chapter who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199~~[; and~~

~~(10) "CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199]~~.

➔SECTION 7. A NEW SECTION OF KRS 16.010 TO 16.199 IS CREATED TO READ AS FOLLOWS:

(1) The base compensation of officers shall be determined based on years of service and rank, as provided in this section.

(2) (a) The years-of-service requirements for the salary schedule for ranks below sergeant are as follows:

1. A Trooper is an officer with less than three (3) years of continuous service as a commissioned officer with the department;

2. A Senior Trooper shall have:

a. At least three (3) years of continuous service as a commissioned officer with the department and sixty (60) college credit hours;

b. At least four (4) years of continuous service as a commissioned officer with the department and thirty-two (32) college credit hours; or

c. Five (5) years of continuous service as a commissioned officer with the department with no college credit requirement;

3. A Trooper First Class shall have at least ten (10) years of continuous service as a commissioned officer with the department; and

4. A Master Trooper shall have at least fifteen (15) years of continuous service as a commissioned officer with the department.

(b) In addition to meeting the years of service requirements established by paragraph (a) of this subsection, officers listed in the salary schedule for officers below the rank of sergeant shall also meet the requirements for promotion in rank established by the commissioner pursuant to Section 8 of this Act.

(c) Requirements for promotion to sergeant, lieutenant, and captain are as established by KRS 16.055.

(3) Any overtime and any salary supplement received from the Law Enforcement Foundation Program pursuant to KRS 15.410 to 15.510 or any comparable supplements received from another funding source shall be in addition to the amounts reflected in the base salary schedules established by subsection (4) of this section.

(4) (a) The salary schedules established in this subsection are based on a combination of officer classification and years of service.

(b) When "NA" appears in the schedule, it is not possible for an officer to be in that classification and years-of-service combination based upon statutory or regulatory conditions established for promotion or advancement.

(c) Salary increases based on years of service shall be effective on the first day of the month during which the anniversary of the officer's appointment as a commissioned Kentucky State Police officer falls.

(d) Salary increases based on promotion to a higher rank shall be effective on the first day of the month following the date the officer is promoted.

(e) If an officer is reverted to a previous rank, the officer's salary shall be adjusted to the salary reflected in the base salary schedule for the officer's applicable number of years of service and rank. The adjustment shall take effect the first pay period following the pay period in which the reversion occurs.

(f) The base salary for a Cadet Trooper shall be thirty-five thousand dollars ($35,000).

BASE SALARY SCHEDULE FOR RANKS BELOW SERGEANT

Years of Service	*Trooper Salary Steps Based on Rank*			
	Trooper	*Senior*	*First Class*	*Master*
Base Pay	*$37,887*	*$43,014*	*NA*	*NA*
3 years	*$41,310*	*NA*	*NA*	*NA*
5 years	*$43,014*	*$44,216*	*NA*	*NA*
7 years	*NA*	*$45,452*	*NA*	*NA*
9 years	*NA*	*$46,726*	*NA*	*NA*
10 years	*NA*	*NA*	*$47,000*	*NA*
13 years	*NA*	*NA*	*$49,450*	*NA*
15 years	*NA*	*NA*	*NA*	*$55,356*
17 years	*NA*	*NA*	*NA*	*$58,224*
19 years	*NA*	*NA*	*NA*	*$61,263*
21 years	*NA*	*NA*	*NA*	*$64,397*
23 years	*NA*	*NA*	*NA*	*$67,716*
25 years	*NA*	*NA*	*NA*	*$68,414*
27 years	*NA*	*NA*	*NA*	*$69,118*
29 years	*NA*	*NA*	*NA*	*$69,829*

BASE SALARY SCHEDULE SERGEANT AND ABOVE

Years of Service	*Salary Steps Based on Rank*		
	Sergeant	*Lieutenant*	*Captain*
6 years	*$45,271*	*NA*	*NA*
7 years	*$47,271*	*$53,500*	*NA*
8 years	*$47,805*	*NA*	*$59,100*
9 years	*$49,918*	*$54,500*	*NA*
11 years	*$50,911*	*$56,000*	*$61,199*
13 years	*$53,108*	*$58,000*	*$63,798*
15 years	*$56,966*	*$61,000*	*$67,188*
17 years	*$61,093*	*$65,000*	*$70,747*
19 years	*$65,510*	*$70,436*	*$74,845*
21 years	*$70,235*	*$74,158*	*$78,409*
23 years	*$75,292*	*$78,066*	*$82,529*
25 years	*$80,702*	*$82,169*	*$86,755*
27 years	*$85,491*	*$86,478*	*$90,306*
29 years	*$90,686*	*$91,002*	*$93,998*

(5) Beginning on July 1, 2018, the salary schedule established by subsection (4) of this section shall be adjusted annually to incorporate any increase in the nonseasonally adjusted Consumer Price Index for all urban consumers, U.S. city average, all items, published by the United States Department of Labor, Bureau of Labor Statistics.

(6) The salary schedules shall be applied to officers employed by the department on the effective date of this Act as follows:

(a) Except as provided in paragraph (b) of this subsection:

1. Any officer whose base salary exceeds the amount established for his or her years of service and rank in subsection (4) of this section shall retain his or her base salary and shall not receive an increase under the salary schedule until the officer's years of service and rank require a higher base salary than the base salary he or she was receiving on the effective date of this Act; and

2. Any officer whose base salary is below the amount established for his or her years of service and rank in subsection (4) of this section shall receive the base salary he or she qualifies for under the salary schedule for the pay period beginning August 1, 2016; and

(b) Any officer who is receiving compensation under Section 9 of this Act shall not receive any years of service or rank increases during any period that he or she is receiving compensation under Section 9 of this Act.

(7) The commissioner may establish additional ranks beyond those provided in the salary schedules established by this section, including the ranks of major, lieutenant colonel, colonel, and executive security detail. If the commissioner establishes any of these ranks, the commissioner shall set forth in a policy the conditions under which an officer may be promoted to the rank, and the salary that the officer will receive while serving in that rank.

➔Section 8. KRS 16.050 is amended to read as follows:

(1) The commissioner shall appoint or promote to the ranks and grades and positions of the department such officers as are considered by him or her to be necessary for the efficient administration of the department. ***The Kentucky State Police shall conduct a biennial salary survey, and the findings of the salary survey***~~[Notwithstanding the provisions of KRS 64.640, the commissioner of the Department of Kentucky State Police and the secretary of the Personnel Cabinet shall biennially conduct a salary survey, by rank, of State Police/highway patrol officers in those states adjoining Kentucky. The salaries of such officers of equal rank in those states surveyed shall be~~

~~averaged, and such averages where the average for that rank exceeds the salary paid to Kentucky officers of that rank in the preceding biennium]~~ shall be included in the department's budget request submitted to the Kentucky General Assembly.

(2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.

(3) There is created a Department of Kentucky State Police Personnel Board consisting of the commissioner and four (4) other members to be appointed by the Governor, two (2) to be appointed from each of the two (2) major political parties.

(4) The initial appointment of members of the board shall be for terms of one (1), two (2), three (3), and four (4) years. Thereafter each appointment shall be for a term of four (4) years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The board shall elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the commissioner. Three (3) members shall constitute a quorum for the transaction of business. Members of the board other than the commissioner shall receive compensation of fifty dollars ($50) and reimbursement of travel expenses for each meeting of the board which they attend.

(7) The board shall promulgate administrative regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers; and

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists vacancies shall be filled.

(8) The board shall hear appeals from applicants for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the board may adopt pursuant to the provisions of this section.

(9) (a) Prior to appointment as a Cadet Trooper, all applicants shall agree in writing that if, within three (3) years of completing the basic training course offered by the department, he or she accepts employment as a peace officer with another law enforcement agency, or accepts employment with another type of agency or entity in a position that requires law enforcement training to meet the qualifications for the position, he or she will repay to the department the cost incurred by the department in providing training to the officer to the extent repayment has not been made by the agency with which the officer accepts employment under paragraph (b) or (c) of this subsection.

(b) If the officer accepts employment as a peace officer with another state agency or a state university or educational institution within Kentucky within three (3) years of completing the basic training course offered by the department, the agency, university, or educational institution shall reimburse the department for costs incurred in providing training to the officer.

(c) If the officer accepts employment with a city, county, or other local law enforcement agency within Kentucky within three (3) years of completing the basic training course offered by the department, KRS 70.290 shall apply as well, except that the amount of the reimbursement shall not be prorated as provided in KRS 70.290.

➔Section 9. KRS 16.165 is amended to read as follows:

Any Department of Kentucky State Police officer, as defined in KRS 16.010, who becomes disabled after July 1, 1977, as a direct result of an injury or disease arising out of the performance of a hazardous duty in the course of employment with the department may elect to be retained on the regular payroll of the department subject to the following:

(1) ***(a) For officers who become disabled after July 1, 1977, but prior to the effective date of this Act,*** compensation paid to the officer by the department shall be~~[adjusted and]~~ maintained at the officer's~~[regular]~~ rate of pay ***that he or she was receiving on the effective date of this Act.***~~[based upon the officer's rank and tenure with the department and shall include annual increments, salary adjustments, and other benefits of employment]~~

(b) For officers becoming disabled on or after the effective date of this Act, compensation paid to the officer by the department shall be maintained at the officer's regular rate of pay based upon the

officer's rank and tenure with the department on the date he or she elects to be retained on the regular payroll of the department under this section.

(c) On and after the effective date of this Act:

1. Any officer receiving compensation under this section shall not receive any annual increments or increases based on years of service or rank established by the schedules set forth in Section 7 of this Act during the period in which the officer receives compensation under this section; and

2. If the officer returns to full active duty, and the base salary he or she qualifies for at that time exceeds the base salary he or she was receiving under this section, the officer shall receive the base salary he or she qualifies for under the schedules established by Section 7 of this Act beginning on the first day of the month following the month that he or she returns to full active duty.

(d) Any~~[; provided, however, such]~~ compensation paid to ***an***~~[the]~~ officer by the department ***under paragraph (a) or (b) of this subsection*** shall be reduced by the amount of payments received by the officer from workers' compensation insurance, Social Security benefits, and other federal or state-financed disability programs designed to supplement the officer's income for which the officer is qualified and elects participation. Final compensation shall not be reduced by payments for medical care. The disabled officer's regular rate of pay, without the reductions required by this subsection, shall be his ***or her*** creditable compensation for purposes of KRS 16.510 to 16.652***;***~~[.]~~

(2) ***The***~~[Such]~~ officer shall be assigned by the commissioner of the Department of Kentucky State Police to a position in the department for which the officer is qualified, if the commissioner determines, based upon medical reports and recommendations submitted for that purpose, that the officer is able to perform limited duties. If it is determined that the officer is able to perform limited duties and refuses to accept an assignment from the commissioner, the officer shall not be eligible for the payment of compensation authorized by this section. If the commissioner determines that the officer is unable to perform limited duties, the officer shall be eligible for the payment of compensation authorized by this section without the performance of limited duties. Any officer adversely affected or aggrieved by a final determination of the commissioner pursuant to this section may appeal within thirty (30) days to the local Circuit Court***;***~~[.]~~

(3) (a) For an officer whose participation date in the State Police Retirement System is prior to January 1, 2014, payments made pursuant to this section shall continue until the officer is eligible for normal retirement allowances pursuant to KRS 16.576 or until the officer elects early retirement allowances pursuant to KRS 16.577 or disability retirement allowances pursuant to KRS 16.582.

(b) For an officer whose participation date in the State Police Retirement System is on or after January 1, 2014, payments made pursuant to this section shall continue until the officer is eligible to retire under KRS 16.583(6)(a) or until the officer elects to retire under KRS 16.583(6)(b) or to receive disability retirement allowances pursuant to KRS 16.582.

(c) If the officer receives preretirement payments under this section or KRS 16.167 and subsequently elects disability retirement, the effective date of his disability retirement shall be the first month following the month in which the officer last receives preretirement payments under this section or KRS 16.167, KRS 16.505(16) to the contrary notwithstanding***; and***~~[.]~~

(4) Any Department of Kentucky State Police officer, disabled prior to July 1, 1977, as a result of severe physical injuries arising out of the performance of duty, who is unable to maintain gainful employment as a result of such injuries, but who was ineligible for retention on the regular payroll because of the date of his injury, shall, if his or her time in active service plus his or her time on disability retirement allowance equal the time necessary for normal retirement pursuant to KRS 16.505(15), have his or her retirement allowance increased to the amount he or she would receive, had he or she been retained on the regular payroll of the department pursuant to this section and had he or she subsequently elected normal retirement pursuant to KRS 16.576 when first eligible, but any survivor option which he or she chose at the time of disability retirement shall not be changed.

➔Section 10. KRS 16.198 is amended to read as follows:

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class and ***CVE***~~[commercial vehicle enforcement officer]~~ R class shall be as follows:

(1) The commissioner may appoint ***CVE***~~[Trooper R Class employees and commercial vehicle enforcement officer]~~ R Class ***employees***. ***CVE***~~[Trooper]~~ R Class employees~~[and Commercial vehicle enforcement officer R class]~~

shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than four (4) additional one (1) year terms.

(2) The commissioner may appoint Trooper R Class employees who shall serve on a contractual basis for a term of one (1) year. The contract may be renewed on an annual basis upon the agreement of both parties. A Trooper R Class employee shall be required to pass a physical fitness test every three (3) years.

(3) ~~[(2)]~~ The compensation for Trooper R Class employees and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class ***employees*** shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.

(4) ~~[(3)]~~ (a) All appointments of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be based upon agency need as determined by the commissioner.

(b) Work stations for individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by agency need with consideration given to the applicant's stated preference.

(c) Merit of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by the applicant's work performance history.

(d) Fitness of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.

(5) ~~[(4)]~~ The number of individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class by the department shall not:

(a) Exceed one hundred (100); or

(b) Be counted in the total employee cap for the department.

(6) ~~[(5)]~~ All individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions or special work assignments.

(7) ~~[(6)]~~ Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:

(a) Individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;

(b) Individuals employed as a Trooper R Class and ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and

(c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class ***or CVE*** ~~[and commercial vehicle enforcement officer]~~ R Class.

(8) ~~[(7)]~~ Individuals employed as a Trooper R Class ***or CVE*** ~~[and commercial vehicle enforcement officer]~~ R Class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.

(9) ~~(8)~~ The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R Class or ***CVE*** ~~[commercial vehicle enforcement officer]~~ R Class.

➔Section 11. KRS 18A.110 is amended to read as follows:

(1) The secretary shall promulgate comprehensive administrative regulations for the classified service governing:

(a) Applications and examinations;

(b) Certification and selection of eligibles;

(c) Classification and compensation plans;

(d) Incentive programs;

(e) Lay-offs;

(f) Registers;

(g) Types of appointments;

(h) Attendance; hours of work; compensatory time; annual, court, military, sick, voting, and special leaves of absence, provided that the secretary shall not promulgate administrative regulations that would reduce the rate at which employees may accumulate leave time below the rate effective on December 10, 1985; and

(i) Employee evaluations.

(2) The secretary shall promulgate comprehensive administrative regulations for the unclassified service.

(3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate administrative regulations that would reduce an employee's salary; and

(b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed administrative regulation providing for an initial probationary period in excess of six (6) months to the board for its approval.

(4) The secretary may promulgate administrative regulations to implement state government's affirmative action plan under KRS 18A.138.

(5) (a) The administrative regulations shall comply with the provisions of this chapter and KRS Chapter 13A, and shall have the force and effect of law after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder;

(b) Administrative regulations promulgated by the secretary shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter; and

(c) No administrative body other than the Personnel Cabinet shall promulgate administrative regulations governing the subject matters specified in this section.

(6) Prior to filing an administrative regulation with the Legislative Research Commission, the secretary shall submit the administrative regulation to the board for review.

(a) The board shall review the administrative regulation proposed by the secretary not less than twenty (20) days after its submission to it;

(b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the secretary;

(c) The secretary shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary; and

(d) After the secretary has completed the review provided for in this section, he may file the proposed administrative regulation with the Legislative Research Commission pursuant to the provisions of KRS Chapter 13A.

(7) The administrative regulations shall provide:

(a) For the preparation, maintenance, and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. The secretary shall allocate the position of every employee in the classified service to one (1) of the classes in the plan. The secretary shall reallocate existing positions, after consultation with appointing authorities, when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified. The occupant of a position being reallocated shall continue to serve in the reallocated position with no reduction in salary;

(b) For a pay plan for all employees in the classified service, after consultation with appointing authorities and the state budget director. The plan shall take into account such factors as:

1. The relative levels of duties and responsibilities of various classes of positions;

2. Rates paid for comparable positions elsewhere taking into consideration the effect of seniority on such rates; and

3. The state's financial resources.

Amendments to the pay plan shall be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed, provided that the full amount of the annual increment provided for by the provisions of KRS 18A.355, and the full amount of an increment due to a promotion, salary adjustment, reclassification, or reallocation, shall be added to an employee's base salary or wages;

(c) For open competitive examinations to test the relative fitness of applicants for the respective positions. The examinations shall be announced publicly and applications accepted at least ten (10) days prior to certification of a register, and may be advertised through the press, radio, and other media. The secretary shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service. Except as provided by this chapter, he shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The secretary shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness, which in his judgment, serves the need to discover the relative fitness of applicants;

(d) As provided by this chapter, for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Except as provided by this chapter, an eligible's score shall expire automatically one (1) year from the date of testing, unless the life of the score is extended by action of the secretary for a period not to exceed one (1) additional year. Except for those individuals exercising reemployment rights, all eligibles may be removed from the register when a new examination is established;

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the secretary in regard to such factors as age, physical condition, training, and experience, or who have attempted any deception or fraud in connection with an examination;

(f) Except as provided by this chapter, for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(g) For annual, sick, and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided by KRS 18A.155(1)(d);

(h) For lay-offs, in accordance with the provisions of KRS 18A.113, 18A.1131, and 18A.1132, by reasons of lack of work, abolishment of a position, a material change in duties or organization, or a lack of funds;

(i) For the development and operation of programs to improve the work effectiveness of employees in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, employee relations, and employee mobility without written examination;

(j) For a uniform system of annual employee evaluation for classified employees, with status, that shall be considered in determining eligibility for discretionary salary advancements, promotions, and disciplinary actions. The administrative regulations shall:

1. Require the secretary to determine the appropriate number of job categories to be evaluated and a method for rating each category;

2. Provide for periodic informal reviews during the evaluation period which shall be documented on the evaluation form and pertinent comments by either the employee or supervisor may be included;

3. Establish a procedure for internal dispute resolution with respect to the final evaluation rating;

4. Permit a classified employee, with status, who receives either of the two (2) lowest possible evaluation ratings to appeal to the Personnel Board for review after exhausting the internal dispute resolution procedure. The final evaluation shall not include supervisor comments on ratings other than the lowest two (2) ratings;

5. Require that an employee who receives the highest possible rating shall receive the equivalent of two (2) workdays, not to exceed sixteen (16) hours, credited to his or her annual leave balance. An employee who receives the second highest possible rating shall receive the equivalent of one (1) workday, not to exceed eight (8) hours, credited to his or her annual leave balance; and

6. Require that an employee who receives the lowest possible evaluation rating shall either be demoted to a position commensurate with the employee's skills and abilities or be terminated; and

(k) For other administrative regulations not inconsistent with this chapter and KRS Chapter 13A, as may be proper and necessary for its enforcement.

(8) For any individual hired or elected to office before January 1, 2015, and paid through the Kentucky Human Resources Information System, the Personnel Cabinet shall not require payroll payments to be made by direct deposit or require the individual to use a Web-based program to access his or her salary statement.

(9) To the extent that KRS 16.010 to 16.199 and administrative regulations promulgated by the commissioner of the Department of Kentucky State Police under authority granted in KRS Chapter 16 conflict with this section or any administrative regulation promulgated by the secretary pursuant to authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

➔Section 12. KRS 64.640 is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, employees of the General Assembly, including employees of the Legislative Research Commission, members of boards and commissions, those officers and employees of Kentucky Educational Television exempt from classified service as provided in KRS 18A.115, presidents and employees of the state universities and the state colleges, ***officers employed by the Department of Kentucky State Police under KRS Chapter 16,*** and persons employed by the commissioner of parks on a temporary basis under KRS 148.026, the Personnel Cabinet shall prepare schedules of compensation, payable out of the State Treasury, with a minimum salary rate, and other salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employee, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, board, commission, or other unit of state government. The language of any statute empowering a board, commission, authority, or other administrative body for which the Personnel Cabinet provides personnel and payroll services, except for any board governing any of the Kentucky Retirement Systems, the Kentucky Higher Education Assistance Authority, the Kentucky Authority for Educational Television, or the Council on Postsecondary Education, to establish, set, or approve the salaries of its administrative head and other employees to the contrary notwithstanding, the establishment or setting of salaries for administrative heads or other employees shall be subject to the approval of the secretary of the Personnel Cabinet. The schedules and rates shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Personnel Cabinet shall ascertain and record the duties, responsibilities, and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18A.030, 18A.035, 18A.110, 18A.130, 18A.135, and 18A.150 to 18A.160. No such schedule shall become effective until it has been approved by the Governor by executive order.

(2) The Governor shall set the compensation payable out of the State Treasury to each officer or position in the state service, which officer or position heads a statutory administrative department, independent agency, or other unit of state government, except for those excluded under subsection (1) of this section. Such compensation shall be based upon studies of the duties and responsibilities and classification of the positions by the Governor and upon a comparison with compensation being paid for similar or comparable services elsewhere, provided, however, such compensation shall not exceed the total taxable compensation of the Governor derived from state sources, the provisions of KRS 64.660 to the contrary notwithstanding. For the purposes of this section, the total taxable compensation of the Governor from state sources shall include the amount provided for compensation to the Governor under KRS 64.480 and any benefits or discretionary spending accounts that are imputed as taxable income for federal tax purposes.

(3) The compensation payable out of the State Treasury to officers and employees subordinate to any office or position covered by subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employees of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Personnel Cabinet with the approval of the Governor as provided in subsection (1) of this section.

(4) Nothing in this section shall preclude the allowance of maintenance to officers and employees of the state.

➔Section 13. KRS 139.495 is amended to read as follows:

(1) The taxes imposed by this chapter shall apply to***:***

(a) Resident, nonprofit educational, charitable, ***or***~~[and]~~ religious institutions which have qualified for exemption from income taxation under Section 501(c)(3) of the Internal Revenue Code***; and***

(b) Any resident, single member limited liability company that is:

1. Wholly owned and controlled by a resident or nonresident, nonprofit educational, charitable, or religious institution which has qualified for exemption from income taxation under Section 501(c)(3) of the Internal Revenue Code; and

2. Disregarded as an entity separate from the resident or nonresident, nonprofit educational, charitable, or religious institution for federal income tax purposes pursuant to 26 C.F.R. sec. 301.7701-2;

as ***provided in this section.***~~[follows:]~~

(2)~~[(1)]~~ Tax does not apply to sales of tangible personal property, digital property, or services to ***these***~~[such]~~ institutions ***or limited liability companies described in subsection (1) of this section,*** provided the tangible personal property, digital property, or service is to be used solely ***in this state*** within the educational, charitable, or religious function.

(3)~~[(2)]~~ Tax does not apply to sales of food to students in school cafeterias or lunchrooms.

(4)~~[(3)]~~ Tax does not apply to sales by school bookstores of textbooks, workbooks, and other course materials.

(5)~~[(4)]~~ Tax does not apply to sales by nonprofit, school sponsored clubs and organizations, provided such sales do not include tickets for athletic events.

(6)~~[(5)]~~ An institution shall be entitled to a refund equal to twenty-five percent (25%) of the tax collected on its sale of donated goods if the refund is used exclusively as reimbursement for capital construction costs of additional retail locations in this state, provided the institution:

(a) Routinely sells donated items;

(b) Provides job training and employment to individuals with workplace disadvantages and disabilities;

(c) Spends at least seventy-five percent (75%) of its annual revenue on job training, job placement, or other related community services;

(d) Submits a refund application to the department within sixty (60) days after the new retail location opens for business; and

(e) Provides records of capital construction costs for the new retail location and any other information the department deems necessary to process the refund.

The maximum refund allowed for any location shall not exceed one million dollars ($1,000,000). As used in this subsection, "capital construction cost" means the cost of construction of any new facilities or the purchase and renovation of any existing facilities, but does not include the cost of real property other than real property designated as a brownfield site as defined in KRS 65.680(4).

(7)~~[(6)]~~ Notwithstanding any other provision of law to the contrary, refunds under subsection ***(6)***~~[(5)]~~ of this section shall be made directly to the institution. Interest shall not be allowed or paid on the refund. The department may examine any refund within four (4) years from the date the refund application is received. Any overpayment shall be subject to the interest provisions of KRS 131.183 and the penalty provisions of KRS 131.180.

(8)~~[(7)]~~ All other sales made by nonprofit educational, charitable, ***or***~~[and]~~ religious institutions ***or limited liability companies described in subsection (1) of this section*** are taxable and the tax may be passed on to the customer as provided in KRS 139.210.

➔Section 14. Section 13 of this Act takes effect August 1, 2016.

➔Section 15. Sections 6 to 12 of this Act shall take precedence over the provisions of Sections 5 to 11 of 16 RS HB 535 should that bill be enacted.

➔Section 16. Whereas many cities and counties rely on funding provided through the Local Government Economic Assistance Fund and the Local Government Economic Development Fund programs to satisfy already budgeted expenditures and debt service in priority categories relating to improving the environment for new industry and the quality of life, and substantial, unanticipated reductions in that funding may cause serious financial hardships on these local governments, an emergency is declared to exist, and Sections 1 to 5 of this Act take effect July 1, 2016.

Signed by Governor April 13, 2016.

CHAPTER 111

(HB 585)

AN ACT relating to 911 emergency services and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS 65.750 TO 65.760 IS CREATED TO READ AS FOLLOWS:

The General Assembly hereby finds and declares that:

(1) The general welfare and safety of the citizens of the Commonwealth of Kentucky in emergency situations depend in large measure upon a fully functional 911 emergency services system;

(2) It is in the best interests of the Commonwealth to provide adequate resources to local governments for the effective delivery of life-saving 911 emergency services;

(3) The authority granted and the purposes to be accomplished by KRS 65.750 to 65.760 and 65.7621 to 65.7643 are proper governmental and public purposes necessary for the provision of 911 emergency services to the citizens of the Commonwealth; and

(4) The CMRS service charges, as defined in subsection (10) of Section 4 of this Act, are vital to the provision of 911 emergency services to the citizens of the Commonwealth and are intended to apply to each CMRS connection regardless of whether that connection is prepaid, postpaid, or uses free minutes.

➔Section 2. KRS 65.750 is amended to read as follows:

As used in this section to KRS 65.760:

(1) "911 emergency~~[telephone]~~ service" means a ***system that provides the end user of a service connection with emergency services by dialing 9-1-1, directs 911 calls to the appropriate public safety answering points based on the geographic location from which the call originated, and provides the capability for automatic number identification and automatic location identification features in accordance with the FCC order***~~[telephone service which provides the user of the public telephone system the ability to place calls to a public safety answering point on a twenty-four (24) hour basis and reach local emergency service agencies by dialing the digits 9-1-1. Such a service is capable, at minimum, of transmitting requests for law enforcement, firefighting, and emergency medical and ambulance services to a public safety agency or other provider that provides the requested service at the place where the call originates. A 911 emergency telephone service may also provide for other emergency services. The term "911 emergency telephone service" includes the term wireline "enhanced 911 system," which means an emergency telephone system that provides the caller with wireline emergency 911 system service and, in addition, directs 911 calls to appropriate public safety answering points based on the geographical location from which the call originated and may provide the capability for automatic number identification, pseudo-automatic number identification, selective routing, and automatic location identification features]~~. As used in KRS 65.760, the term "911 emergency~~[telephone]~~ service" ***includes***~~[does not include]~~ the ***terms***~~[term]~~ "wireless enhanced 911 system," "wireless enhanced 911 service," ***and***~~[or]~~ "wireless E911 service" as used in KRS 65.7621 to 65.7643;

(2) ***"Automatic call distribution" or "ACD" means a system that automatically distributes incoming calls to PSAP attendants in the order the calls are received;***

(3) "Automatic number identification~~[(ANI)]~~" ***or "ANI"*** means a feature that allows for the automatic display of the ***911 caller's*** ten (10) digit number, or equivalent, ***in accordance with applicable FCC rules and regulations***~~[used to place a 911 call]~~;

(4)~~[(3)]~~ "Automatic location identification~~[(ALI)]~~" ***or "ALI"*** means a feature by which the ***location or estimated location of the calling party***~~[name and address associated with the calling party's telephone number]~~ is made available to a PSAP ***in accordance with applicable FCC rules and regulations***;

(5)~~[(4)]~~ "Automatic location identification data management system~~[(ALI/DBS)]~~" ***or "ALI/DBS"*** means a system of manual procedures and computer programs used to create, store, and update the data required for ALI in support of enhanced 911;

(6) "Automatic vehicle location" or "AVL" means a system used to track emergency responder vehicles;

(7)~~[(5)]~~ "Dispersed private telephone system~~[(DPTS)]~~" ***or "DPTS"*** means a multiline, shared tenant system or PBX used for the purpose of reselling telephone service to residential customers and whose connection to a telephone network is capable of carrying emergency calls from more than one (1) specific location within a structure or structures but does not mean a multiline, shared tenant system or PBX owned and operated by a state agency or used in providing service within a hotel or motel;

(8) "FCC order" means the Order of the Federal Communications Commission, FCC Docket No. 94-102, adopted effective October 1, 1996, including any subsequent amendments or modifications thereof;

(9)~~[(6)]~~ "Fully enhanced 911 emergency telephone service" means a telephone network feature that selectively routes calls placed to the national 911 emergency number to the proper public service answering points (PSAPs) and provides the PSAP with a voice connection and ANI and ALI information;

(10) "Geographic information systems" or "GIS" means a system for capturing, storing, displaying, analyzing, and managing data, and associated attributes which are spatially referenced;

(11) "Law Enforcement Information Network of Kentucky and the National Crime Information Center" or "LINK/NCIC" means two (2) systems used by law enforcement and emergency communications personnel for short messaging between agencies and to request vehicle, driver, and criminal history checks;

(12) "Local government" means any city, county, urban-county government, consolidated local government, unified local government, or charter county government;

(13) "Master street address guide" or "MSAG" means a database of street names and house number ranges within their associated communities defining emergency services zones and their associated emergency service numbers used by PSAPs to enable proper routing of 911 calls;

(14)~~[(7)]~~ "Private branch exchange~~[(PBX)]~~" ***or "PBX"*** means a privately owned switch system that connects calls to a telephone company;

(15)~~[(8]~~) "Public safety answering point" or "PSAP" means a communications facility that is assigned the responsibility to receive 911 calls originating in a given area and, as appropriate, to dispatch public safety services or to extend, transfer, or relay 911 calls to appropriate public safety agencies;

(16) "Service connection" means the transmission, conveyance, or routing of voice, data, video, text, or any other information signal of the purchaser's choosing by any medium or method now in existence or later devised with the ability to directly connect the user to 911 emergency services;

(17)~~[(9)]~~ "Service supplier" means a person or entity that administers, maintains, and operates the ALI/DBS and may include telephone companies that provide local exchange telephone service to a telephone subscriber;~~[and]~~

(18)~~[(10)]~~ "Station identification number~~[(SIN)]~~" ***or "SIN"*** means a number that a DPTS uses to identify a specific station on the switch***; and***

(19) "Interconnected Voice over Internet Protocol" or "VoIP" means a service that:

(a) Enables real-time, two-way voice communications;

(b) Requires a broadband connection from the user's location;

(c) Requires Internet protocol-compatible customer premises equipment; and

(d) Permits users generally to receive calls that originate on the public switched telephone network and terminate calls to the public switched telephone network.

➔Section 3. KRS 65.760 is amended to read as follows:

(1) Any ***local***~~[city, county, or urban-county]~~ government may establish 911 emergency~~[telephone]~~ service upon approval of the governing body of the city, county, or urban-county government and may adopt regulations concerning the provision of this service by ordinance.

(2) Any ***local*** ~~[city, county, or urban county]~~ government, or any combination thereof, may with the approval of their governing bodies enter into an interlocal cooperation agreement creating a joint 911 emergency ~~[telephone]~~service.

(3) ***(a)*** The funds required by a ***local*** ~~[city, county, or urban county]~~ government to establish and operate 911 emergency ~~[telephone]~~service, or to participate in joint service with other local governments, may be obtained through the levy of any special tax, license, or fee not in conflict with the Constitution and statutes of this state. The special tax, license, or fee may include a subscriber charge for 911 emergency~~[telephone]~~ service that shall be levied on an individual exchange-line basis, limited to a maximum of twenty-five (25) exchange lines per account per government entity.

(b) Any private commercial telephone service or owner of a dispersed private telephone system (DPTS) that provides local and 911 emergency service to subscribers for compensation shall collect and remit the subscriber charge to the local government on the same basis as the primary local exchange carrier, except that this requirement shall not apply to a state agency that currently maintains an independent 911 system with its own public safety answering point.

(c) Any provider of interconnected VoIP local and 911 emergency services to subscribers for compensation shall collect and remit any special tax, license, or fee levied under paragraph (a) of this subsection to the local government, except that the special tax, license, or fee levied under paragraph (a) of this subsection shall not apply to a commercial mobile radio service subject to a fee imposed under Section 8 or 15 of this Act~~[All revenues from a tax or fee expressly levied to fund 911 emergency services shall be expended solely for the establishment, operation, and maintenance of a 911 emergency communications system; this may include expenditures to train communications personnel and to inform the public of the availability and proper use of 911 service]~~.

(4) ***All revenues raised from any special tax, license, or fee levied under subsection (3) of this section shall be expended only as provided in this subsection and only to the extent that the expenditure is directly attributable to the establishment, operation, or maintenance of a PSAP, the delivery of 911 emergency services, or the provision of wireless enhanced 911 services, as follows:***

(a) The hiring of personnel;

(b) The following costs for employees:

1. Salaries;

2. Fringe benefits;

3. MSAG coordination;

4. Uniforms; and

5. Addressing and database development and management;

(c) Facility costs for the following expenses:

1. Capital improvements for construction, remodeling, or expansion;

2. Lease or rental payments;

3. Utilities;

4. Heating and air conditioning;

5. Fire suppression systems;

6. Security systems;

7. Cleaning and maintenance;

8. Emergency power and uninterruptable power equipment;

9. Insurance;

10. Office supplies;

11. Printing and copying services; and

12. Furniture;

(d) Training and memberships in professional associations, including:

1. Vendor-provided training;

2. Conferences;

3. Necessary travel and lodging;

4. On-the-job training; and

5. Memberships in 911-related associations;

(e) Costs for the following equipment shall be allowed to the extent its function is directly attributable to the provision of 911 emergency services, whether on the premises or remotely located:

1. 911 controllers, equipment, or software;

2. 911 trunks or administrative lines for the 911 center;

3. Remote 911 hardware or modems;

4. ACD systems or other call management facilities and software;

5. Call-time stamping or other clock functions;

6. Computer workstations;

7. Telephone and related services to support the receipt of 911 contact from the deaf and hard of hearing community;

8. Voice and data recording systems;

9. Radio systems, including consoles and any fixed radio asset that is not mobile or portable and that is used for 911 and emergency response;

10. CAD, GIS mapping, paging, mobile data, LINK/NCIC, or AVL systems and associated databases;

11. Network connectivity;

12. Software licenses; and

13. Maintenance or service agreements for equipment or software listed in this subsection;

(f) Vehicle costs for the following, either as reimbursement to an employee for the use of a private vehicle or direct costs for a vehicle assigned to the agency:

1. MSAG development and maintenance;

2. GIS data development, verification, and testing; and

3. Public education;

(g) Costs for the following professional services:

1. Legal;

2. Architectural;

3. Auditing; and

4. Consultation; and

(h) Costs for public education regarding the proper use of 911 emergency services.

(5) A local government shall not use revenues from any special tax, license, or fee levied under subsection (3) of this section for personnel costs, facility costs, training and membership costs, equipment costs, vehicle costs, professional services costs, public education costs, nor any of the following costs, unless the expense is directly attributable to the delivery of 911 emergency services:

(a) Personnel costs for the following personnel, unless directly functioning as PSAP staff:

1. Law enforcement;

2. Emergency medical services personnel;

3. Fire protection personnel;

4. Emergency management staff; and

5. Shared support or technical staff;

(b) Facility costs for the following purposes and facilities, except for that portion used for the delivery of 911 emergency services:

1. Capital and furnishing costs for facilities whose primary purpose is not the delivery of 911 emergency services;

2. Facilities primarily intended for use by police, fire, emergency medical services, or other emergency management personnel; and

3. Facilities providing general offices for local government operations;

(c) Training and membership costs for the following purposes:

1. Costs for training for staff not directly involved in the delivery of 911 emergency services or courses whose content is not intended to increase the knowledge, skills, and abilities of 911 personnel with regard to delivery of 911 emergency services; and

2. Costs for memberships in organizations or associations whose primary purpose is not public safety communications or the delivery of 911 emergency services;

(d) The following hardware, software, or peripheral costs:

1. Law enforcement, fire protection, emergency medical services, or jail record management systems;

2. Word processing and other general computer applications;

3. GIS applications providing data layers not needed for the location of emergency calls or other general mapping and locations services for government operations;

4. Court information systems;

5. Field equipment used outside of the PSAP by emergency responders or other government personnel for radio, paging, mobile data, LINK/NCIC, ACD, or AVL systems;

6. Internet connectivity for an application listed in this subsection;

7. A maintenance or service agreement for an application listed in this subsection; and

8. A software license for an application listed in this subsection;

(e) The cost of an emergency response or other government vehicle;

(f) Costs for professional services; and

(g) Costs for public education.

(6) The governing body may apply for and accept federal moneys and may accept contributions and donations from any source for the purpose of funding 911 emergency~~[telephone]~~ service.

(7)~~[(5)]~~ Nothing in this section shall preclude other means of establishing or funding a 911 emergency~~[telephone]~~ service within any local area or exchange, nor require the operation of such service by any local government.

➔Section 4. KRS 65.7621 is amended to read as follows:

As used in KRS 65.7621 to 65.7643, unless the context requires otherwise:

(1) "Administrator" means the ***person who serves as the state 911 coordinator, the executive director of the Kentucky 911 Services Board, and the*** state administrator of CMRS emergency telecommunications under KRS 65.7625;

(2) "Automatic location identification", or "ALI" means ***a feature by which the location or estimated location of the calling party is made available to a PSAP in accordance with applicable FCC rules and regulations***~~[an enhanced 911 service capability that enables the automatic display of information defining the approximate geographic location of the wireless telephone used to place a 911 call and includes the term "pseudo-automatic number identification"];["]~~

(3) "Automatic number identification", or "ANI" means ***a feature that allows for***~~[an enhanced 911 service capability that enables]~~ the automatic display ***of the 911 caller's***~~[on an ALI screen of the]~~ ten-digit ***number***, or equivalent, ***in accordance with applicable FCC rules and regulations***~~[wireless telephone number used to place a 911 call]~~;

(4) "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. secs. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, as it existed on August 10, 1993. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communications service, and the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line;

(5) "~~[CMRS]~~Board"~~[or "board"]~~ means the~~[Commercial Mobile Radio Service Emergency Telecommunications Board of]~~ Kentucky ***911 Services Board***;

(6) "CMRS connection" means a mobile handset telephone number assigned to a CMRS customer;

(7) "CMRS customer" means an end user to whom a mobile handset telephone number is assigned and to whom CMRS is provided in return for compensation;

(8) "CMRS Fund" means the commercial mobile radio service emergency telecommunications fund;

(9) "CMRS provider" means a person or entity who provides CMRS to an end user. The term includes both facilities-based resellers and nonfacilities-based resellers;

(10) ***"CMRS service charges" means the CMRS postpaid service charge, the CMRS prepaid service charge, and the CMRS service charge fee levied under Section 29 of this Act;***

(11) "CMRS ***postpaid*** service charge" means the CMRS emergency telephone service charge ***fee*** levied under KRS 65.7629(3) and collected under KRS 65.7635;

(12) "CMRS prepaid service charge" means the fee imposed on prepaid wireless telecommunications service under Section 15 of this Act and collected under Sections 16 to 23 of this Act;

(13)~~[(11)]~~ "FCC order" means the Order of the Federal Communications Commission, FCC Docket No. 94-102, adopted effective October 1, 1996, including any subsequent amendments or modifications thereof;

(14)~~[(12)]~~ "Local exchange carrier" or "LEC" means any person or entity who is authorized to provide telephone exchange service or exchange access in the Commonwealth;

(15)~~[(13)]~~ "Local government" means any city, county, charter county, or urban-county government of the Commonwealth, or any other governmental entity maintaining a PSAP;

(16)~~[(14)]~~ "Mobile telephone handset telephone number" means the ten (10) digit number assigned to a CMRS connection;

(17) "Next generation 911" means a 911 system where any device capable of making a 911 emergency request uses digital technology through managed emergency services Internet protocol networks composed of functional elements and databases that replicate enhanced 911 features and functions while providing additional multimedia capabilities for the PSAP. "Next generation 911" includes any technology, functions, capabilities, best practices, or processes, either currently existing or later developed, that will be used during and after the transition of the delivery of 911 services from analog to digital technology;

(18) "Prepaid wireless telecommunications service" means a wireless telecommunications service that:

(a) If purchased, must be paid for in advance;

(b) Is sold or provided in predetermined units of time or dollars that decline in a known amount of use or time; and

(c) Provides the user with access to 911 emergency service;

"Prepaid wireless telecommunications service" includes service provided by prepaid wireless providers approved as eligible telecommunications companies by the Kentucky Public Service Commission to participate in the wireless low-income Lifeline program;

(19) "Prepaid wireless telecommunications service provider" means a person or entity that provides prepaid wireless telecommunications service as authorized by a license issued by the FCC;

(20) ~~[(15)]~~ "Proprietary information" means information~~[held as private property]~~, including customer lists and other related information, technology descriptions, technical information, or trade secrets;

(21) ~~[(16)]~~ "Pseudo-automatic number identification" means a wireless enhanced 911 service capability that enables the automatic display of the number of the cell site or cell face;

(22) ~~[(17)]~~ "Public safety answering point" or "PSAP" means a communications facility that is assigned the responsibility to receive 911 calls originating in a given area and, as appropriate, to dispatch public safety services or to extend, transfer, or relay 911 calls to appropriate public safety agencies;

(23) "Purchaser" means a person who purchases prepaid wireless telecommunications service in a retail transaction;

(24) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a retailer for any purpose other than resale;

(25) "Retailer" means a person who sells prepaid wireless telecommunications service to any person for a purpose other than resale;

(26) "Service connection" means the transmission, conveyance, or routing of voice, data, video, text, or any other information signal of the purchaser's choosing by any medium or method now in existence or later devised with the ability to directly connect the user to 911 emergency services;

(27) ~~[(18)]~~ "Service supplier" means a person or entity who provides local exchange telephone service to a telephone subscriber;

(28) ~~[(19)]~~ "Wireless enhanced 911 system," "wireless E911 system," "wireless enhanced 911 service," or "wireless E911 service" means an emergency telephone system that provides the end user of the CMRS connection with wireless 911 service and, in addition, directs 911 calls to appropriate public safety answering points based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features in accordance with the requirements of the FCC order; and

(29) ~~[(20)]~~ "Tier III CMRS provider" means a non-nationwide Commercial Mobile Radio Service provider with no more than five hundred thousand (500,000) subscribers as of December 31, 2001.

➔Section 5. KRS 65.7623 is amended to read as follows:

(1) There is hereby created the~~[Commercial Mobile Radio Service Emergency Telecommunications Board of]~~ Kentucky ***911 Services Board***, the "~~[CMRS]~~board," consisting of ***fifteen (15)*** ~~[ten (10)]~~ members, ***eleven (11) of whom shall be voting members*** appointed by the Governor***, two (2) of whom shall be voting members who shall serve by virtue of their offices, and two (2) shall be nonvoting legislative members,*** 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; ***two (2) members serving as city officials, one (1) of which shall be an elected city official, from a list of four (4) nominees submitted by the Kentucky League of Cities; two (2) members serving as county officials, both of which shall be elected county officials, from a list of four (4) nominees submitted by the Kentucky Association of Counties*** ~~[one (1) member shall be a mayor of a city 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, ***the Kentucky Sheriff's Association,*** 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***; and two (2) nonvoting legislative members to serve solely in advisory capacities for terms of two (2) years, one (1) of whom shall be a member of the House of Representatives to be appointed by the Speaker of the House of Representatives and one (1) of whom shall be a member of the Senate to be appointed by the President of the Senate***. The commissioner of the Department of Kentucky State Police, or the commissioner's designee, and the ***executive director of the Office of Homeland Security, or the executive director's designee,*** ~~[CMRS emergency telecommunications administrator]~~ also shall be ***voting*** members of the board. Any vacancy on the board shall be filled in the same manner as the original appointment.

(2) The commissioner ***of the Department of Kentucky State Police and the executive director of the Office of Homeland Security***~~[and administrator]~~ shall serve by virtue of their ***offices***~~[office]~~. The other ***non legislative*** members shall be appointed ***by the Governor***~~[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) ***The board shall elect a chair from among its voting members to preside over meetings of the board, which shall be conducted at least four (4) times each year. The board shall be subject to the provisions of the Kentucky Open Meetings Act, KRS 61.805 to 61.850. The board shall establish a regular meeting schedule for each calendar year. The board shall hold at least two (2) meetings per calendar year in congressional districts other than the one in which Frankfort is located, and shall rotate its traveling meeting locations among the congressional districts before holding another traveling meeting in the same congressional district. A majority of the voting members appointed to the board shall constitute a quorum.***

(4) In addition to the administrator ***appointed by the board under Section 6 of this Act***, 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.

(5)~~[(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.

(6)~~[(5)]~~ All administrative costs and expenses incurred in the operation of the board, including payments under subsection ***(5)***~~[(4)]~~ of this section, shall be paid from that portion of the CMRS fund that is authorized under ***subsection (2) of Section 10 of this Act***~~[KRS 65.7631]~~ to be used by the board for administrative purposes.

➔Section 6. KRS 65.7625 is amended to read as follows:

(1) The ***Kentucky 911 Services***~~[CMRS]~~ Board shall appoint a state administrator of commercial mobile radio service emergency telecommunications. The~~[CMRS]~~ board shall set the administrator's compensation, which shall be paid from that portion of the CMRS fund that is authorized under KRS 65.7631***(2)***~~[(1)]~~ to be used by the board for administrative purposes.

(2) The administrator of CMRS emergency telecommunications shall serve as~~[a member of the CMRS Board and, as]~~ the coordinator and ***administrator on behalf***~~[administrative head]~~ of the board, ***and*** shall conduct the day-to-day operations of the board.

(3) The administrator shall, with the advice of the board, coordinate and direct a statewide effort to expand and improve enhanced emergency telecommunications capabilities and responses throughout the state, including but not limited to the implementation of wireless E911 service requirements of the FCC order and rules and regulations adopted in carrying out that order. In this regard, the administrator shall:

(a) Obtain, maintain, and disseminate information relating to emergency telecommunications technology, advances, capabilities, and techniques;

(b) Coordinate and assist in the implementation of advancements and new technology in the operation of emergency telecommunications in the state***, including the development and implementation of next generation 911 service***;~~[and]~~

(c) Implement compliance throughout the state with the wireless E911 service requirements established by the FCC order and any rules or regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC order***; and***

(d) Perform all functions and duties assigned by the board in carrying out the purposes of KRS 65.7621 to 65.7643, including but not limited to making a full report to the board at each meeting of the activities in which the administrator has engaged in the discharge of his or her duties since the previous meeting.

➔Section 7. KRS 65.7627 is amended to read as follows:

There is established the commercial mobile radio service emergency telecommunications fund, the "CMRS fund," an insured, interest-bearing account to be administered and maintained by the ***Kentucky 911 Services***~~[CMRS]~~ Board. The CMRS service ***charges levied under Sections 8, 15, and 29 of this Act***~~[charge]~~ shall ***generate revenue equitably from prepaid and postpaid CMRS connections***~~[have uniform application]~~ within the boundaries of the Commonwealth. No

charges~~[charge]~~ other than the CMRS service ***charges levied under Sections 8, 15, and 29 of this Act are***~~[charge is]~~ authorized to be levied by any person or entity for providing wireless~~[911]~~ service**.**~~[or wireless E911 service. The board shall deposit]~~ All revenues ***collected***~~[derived]~~ under KRS 65.7635 ***and Sections 15, 16 to 23, and 29 of this Act shall be deposited directly*** into the fund, and ***the board*** shall direct disbursements from the fund according to the provisions of KRS 65.7631. Moneys in the CMRS fund shall not be the property of the Commonwealth and shall not be subject to appropriation by the General Assembly. Moneys deposited or to be deposited into the CMRS fund shall not:

(1) Be loaned to the Commonwealth or to any instrumentality or agency thereof;

(2) Be subject to transfer to the Commonwealth or any agency or instrumentality thereof, except for purposes specifically authorized by KRS 65.7621 to 65.7643; or

(3) Be expended for any purpose other than a purpose authorized by KRS 65.7621 to 65.7643.

➔Section 8. KRS 65.7629 is amended to read as follows:

The board shall administer the provisions of KRS 65.7621 to 65.7643, and shall have the following powers and duties:

(1) To review, evaluate, and approve or disapprove the plans or plan modifications that are submitted to the board for complying with the wireless E911 service requirements established by the FCC order and by any rules or regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC order;

(2) To develop standards to be followed by the board in reviewing, evaluating, approving, or disapproving the plans or plan modifications that are submitted to the board;

(3) ***(a)*** To collect the CMRS service charge from each CMRS connection:

1.~~[(a)]~~ With a place of primary use, as defined in 4 U.S.C. sec. 124, within the Commonwealth; or

2.~~[(b)]~~ For prepaid CMRS connections***, until January 1, 2017, at which time the CMRS prepaid service charge imposed under Section 15 of this Act and collected under Sections 16 to 23 of this Act shall take effect and this subparagraph shall no longer be in force***:

a.~~[1.]~~ With a place of primary use, as defined in 4 U.S.C. sec. 124, within the Commonwealth; or

b.~~[2.]~~ With a geographical location associated with the first six (6) digits, or NPA/NXX, of the mobile telephone number is inside the geographic boundaries of the Commonwealth.

(b) The CMRS ***postpaid*** service charge***, and until January 1, 2017, the CMRS prepaid service charge,*** shall be seventy cents ($0.70) per month per CMRS connection, ***to***~~[and shall]~~ be ***calculated,*** collected***, and remitted*** in accordance with KRS 65.7635~~[beginning August 15, 1998]~~. The amount of the CMRS service charge shall not be increased except by act of the General Assembly;

(4) ***To deposit the proceeds of the CMRS prepaid service charge levied under Section 15 of this Act that are collected by the Department of Revenue into the CMRS fund established by Section 7 of this Act and to distribute those revenues in accordance with Section 10 of this Act. The CMRS prepaid service charge shall be calculated, collected, and remitted in accordance with Sections 15 and 16 to 23 of this Act***~~[To review the rate of the CMRS service charge at least once every twenty-four (24) months and, at its discretion, to decrease the rate or recommend that the General Assembly increase the rate if the board determines that changing the rate is necessary to achieve the purposes of KRS 65.7621 to 65.7643. The first cost study shall be completed on or before July 1, 1999, and shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the board shall recommend, on the basis of the cost study, whether legislation to increase the CMRS service charge should be proposed during the 2000 Regular Session of the General Assembly]~~;

(5) To administer and maintain the CMRS fund according to the provisions of KRS 65.7627, and promptly to deposit all revenues from the CMRS service ***charges***~~[charge]~~ into the CMRS fund;

(6) To make disbursements from the CMRS fund, according to the allocations and requirements established in KRS 65.7631;

(7) To establish procedures and guidelines to be followed by the board in reviewing, evaluating, and approving or disapproving disbursements from the CMRS fund and requests for disbursements made in accordance with KRS 65.7631;

(8) To resolve conflicts regarding reimbursable costs and expenses under KRS 65.7631~~[(3) and]~~(4);

(9) To submit annual reports to the Auditor of Public Accounts no later than sixty (60) days after the close of each fiscal year, which shall provide an accounting for all CMRS service charges deposited into the CMRS fund during the preceding fiscal year and all disbursements to CMRS providers and PSAPs during the preceding fiscal year;

(10) To employ consultants, engineers, and other persons and employees as may be, in the judgment of the board, essential to the board's operations, functions, and responsibilities, and to fix and pay their compensation from funds available to the~~[CMRS]~~ board;

(11) To acquire, by gift, purchase, installment purchase, or lease, any equipment necessary to carry out the board's purposes and duties;

(12) To retain any and all information, including all proprietary information, that is submitted to the board by CMRS providers and PSAPs, for the purposes of maintaining it and verifying its accuracy;

(13) To retain, with approval by the Auditor of Public Accounts, an independent certified public accountant who shall audit, once every twenty-four (24) months, the books of the board, CMRS providers, and PSAPs eligible to request or receive disbursements from the CMRS fund under KRS 65.7631 for the following purposes:

(a) To verify the accuracy of collection, receipts, and disbursements of all revenues derived from the CMRS service ***charges***~~[charge]~~ and the number of wireless E911 calls received by each PSAP eligible to request or receive disbursements from the CMRS fund;

(b) To determine whether the revenues generated by the CMRS service ***charges***~~[charge]~~ equal, exceed, or are less than the costs incurred in order to comply with the FCC order;~~[and]~~

(c) To determine the sufficiency of the funds currently being withheld for administrative purposes under KRS 65.7631***(2)***~~[(1)]~~***; and***

d) To verify the accuracy of CMRS customer count information reported to the board by CMRS providers.

The independent certified public accountant shall make a report of the audits to the board and to the appropriate chief executive officer or officers of the CMRS providers and PSAPs***, and to the local governments responsible for the formation of the PSAP. The independent certified public accountant shall also forward a copy of the audits conducted pursuant to this subsection to the Legislative Research Commission for referral to the appropriate committee or committees and to the Auditor of Public Accounts. Upon request, the independent certified accountant shall send any work papers related to the audits to the Auditor of Public Accounts***.~~[The board shall incorporate the auditor's findings in its studies of the CMRS service charge required by subsection (4) of this section.]~~ All information with respect to the audits shall be released to the public or published only in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to individual CMRS providers;

(14) To ensure that all carriers have an equal opportunity to participate in the wireless E911 system;

(15) To ensure that wireless E911 systems are compatible with wireline E911 systems;

(16) To determine the appropriate method for disbursing funds to PSAP's based on wireless workload under ***subsection (5)(b) of Section 10 of this Act***~~[KRS 65.7631(3)(b)]~~;

(17) To develop standards and protocols for the improvement and increased efficiency of 911 services in Kentucky;~~[and]~~

(18) To provide direct grants or state matches for federal, state, or private grants for the establishment or improvement of the 911 emergency telecommunications system in the Commonwealth***; and***

(19) To develop and implement standards for advancements and new technology in the operation of emergency telecommunications in the state, including the development and implementation of next generation 911 service.

➔Section 9. KRS 65.7630 is amended to read as follows:

(1) The~~[CMRS]~~ board shall gather and report data and information regarding 911 emergency communications funding procedures and costs on or before ***November 1 of each year***~~[August 1, 2011, and each August 1 thereafter]~~.

(2) The~~[CMRS]~~ board shall determine the information it needs to evaluate 911 funding, ***collection of the*** CMRS service ***charges***~~[charge collections]~~, and expenditures, and each local ***government***~~[governmental agency]~~, state governmental agency, wireless or wireline provider of technology capable of transmitting voice ***or text*** traffic

for an emergency 911 request to a PSAP, and/or private citizen in possession of that information shall provide the information to the board within the time frames established by the board. The board may hire a consultant to gather and analyze the information required by this section.

(3) Each local governmental agency and state governmental agency having jurisdiction over one (1) or more public safety answering points (PSAPs) shall provide at least the following information to the board ***each fiscal year***:

(a) ***The amount of revenue available or budgeted for 911 services from the following sources***~~[For each PSAP for fiscal years 2007-2008, 2008-2009, 2009-2010, and 2010-2011]~~:

1. ***The state general fund***~~[Wireline 911 fees]~~;

2. CMRS ***funds received through the distribution formula under Section 10 of this Act***~~[Board fund money dispersed to the PSAP]~~;

3. ***City and county general funds***~~[Direct grants or state matches for federal, state, or private grants; and]~~

4. ***CMRS grant funds***~~[Gifts or other amounts not otherwise reported in this paragraph; and]~~

5. Other grant funds and their sources; and

6. Any other funds received for 911 service and their sources; and

(b) How the revenue described in this paragraph was spent by the PSAPs.

(4) Each ***CMRS***~~[wireless or wireline]~~ provider ***shall submit at least the following to the board:***~~[of technology capable of transmitting voice traffic for an emergency 911 request to a PSAP shall report to the board the amount of reimbursements received in fiscal years 2007-2008, 2008-2009, 2009-2010, and 2010-2011.]~~

(a) One (1) annual report each calendar year of the total number of active CMRS connections in each zip code within Kentucky served by the provider for each month during the year. The report shall be in the form and manner prescribed by the board and shall be submitted no later than thirty (30) days after the end of each year. Each CMRS provider shall include in its report separate counts of the numbers of active CMRS connections attributable to prepaid customers, postpaid customers, and wireless low-income Lifeline customers served by the CMRS provider for each month. For the purposes of this subsection, "active CMRS connection" means all CMRS connections that have an account balance of units of time or dollars greater than zero on any day of the month and includes every Lifeline end user for whom the CMRS provider received reimbursement from the universal service fund during the month under the wireless low-income Lifeline program; and

(b) Upon request of the board, any other information needed to evaluate CMRS service charge remittances to the board.

(5) Each local governmental agency, state governmental agency, or wireless or wireline provider of technology capable of transmitting voice traffic for an emergency 911 request to a PSAP that fails to provide the information required by this section shall not be eligible to receive distributions of state funds from the CMRS Board.

(6) The CMRS Board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish annual reporting requirements so that the board has the information needed to monitor the use of 911 funds and the rate of the 911 service charge.

(7) All information received by the CMRS Board pursuant to this section shall be subject to disclosure under KRS 61.870 to 61.884. Proprietary information given to the board by any wireless or wireline provider of technology capable of transmitting voice ***or text*** traffic for an emergency 911 request to a PSAP pursuant to this section shall be subject to the same confidentiality as provided for proprietary information under KRS 65.7639 ***and shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of CMRS customers or revenues attributable to an individual CMRS provider***.

(8) The CMRS Board shall ensure that the Legislative Research Commission has access to all data collected under this section and shall report this information to the Legislative Research Commission's Interim Joint Committee on Veterans, Military Affairs, and Public Protection by ***November***~~[August]~~ 1 of each year. ***Upon request, the board shall also report this information to any public entity as defined in KRS 65.310.***

➔Section 10. KRS 65.7631 is amended to read as follows:

(1) The moneys in the CMRS fund shall be apportioned among the approved uses of the fund as specified in this section. The board shall make individual disbursements from the fund upon such terms and conditions necessary in view of the amount of revenues on deposit at the time each request for disbursement is reviewed and approved.

(2)~~[(1)]~~ Not more than two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement by the board to pay the administrative costs and expenses incurred in the operation of the board ***in carrying out the functions and duties set forth in KRS 65.7621 to 65.7643***~~[, including the compensation of the administrator and expenses incurred pursuant to KRS 65.7629(10), (11), (13), (16), (17), and (18). An additional sum, not to exceed two hundred fifty thousand dollars ($250,000), shall be available to the board from the fund to implement the wireless workload formula under subsection (3)(b) of this section]~~.

(3)~~[(2)]~~ (a) ***Two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be used solely for the purpose of reimbursing the actual expenses incurred by tier III CMRS providers from June 30, 2011 to January 1, 2016 for complying with requirements established by the FCC order. Reimbursement under this subsection is only available to tier III CMRS providers that:***

1. Have a cost recovery plan that was approved by the CMRS Board, predecessor in name to the Kentucky 911 Services Board, prior to June 30, 2011; and

2. Had received approval for reimbursement from the CMRS Board, predecessor in name to the Kentucky 911 Services Board, prior to the effective date of this section.

(b) When all reimbursements approved under this subsection have been paid, the two and one-half percent (2.5%) apportioned under this subsection shall be used solely for the purposes specified in subsection (5) of this section~~[Not more than ten percent (10%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement by the board to provide direct grants or matching money:~~

~~1. For the establishment and improvement of E911 services in the Commonwealth;~~

~~2. For incentives to create more efficient delivery of E911 services by local governments receiving funding under subsection (3) of this section;~~

~~3. For improvement of 911 infrastructure by wireless carriers receiving funding under subsection (4) of this section; and~~

~~4. For consolidation reimbursement of one hundred thousand dollars ($100,000) per PSAP, not to exceed two hundred thousand dollars ($200,000) per county, to any PSAP that consolidates with a CMRS-certified PSAP, or creates a newly consolidated Phase II compliant PSAP. Funds shall be applied toward the cost of consolidating. If a PSAP consolidates and receives reimbursement, the CMRS Board shall not certify a new PSAP within the same county for a period of ten (10) years.~~

~~(b) When the balance of money collected under paragraph (a) of this subsection and not yet disbursed for direct grants or matching moneys exceeds two million dollars ($2,000,000), the excess amount shall be allocated under the provisions of subsections (3) and (4) of this section]~~.

(4)~~[(3)]~~ ***Ten percent (10%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement to provide direct grants, matching money, or funds to PSAPs as determined by the Kentucky 911 Services Board:***

(a) For the establishment and improvement of 911 services in the Commonwealth, including the implementation of next generation 911 capacity;

(b) For incentives to create more efficient delivery of 911 services by local governments receiving funding under subsection (5) of this section;

(c) For improvement of 911 infrastructure by Tier III wireless providers receiving funding under this section; and

(d) For consolidation reimbursement of two hundred thousand dollars ($200,000) per PSAP, not to exceed four hundred thousand dollars ($400,000) per county, to any PSAP that consolidates with a CMRS-certified PSAP, or creates a newly consolidated Phase II compliant PSAP. Funds shall be applied toward the cost of consolidating. If a PSAP consolidates and receives reimbursement, the Kentucky 911 Services Board shall not certify a new PSAP within the same county for a period of ten (10) years.

When the balance of money collected under this paragraph and not yet obligated for permitted uses exceeds two million dollars ($2,000,000) in any fiscal year, the excess amount shall be allocated under subsection (5) of this section.

(5) ~~[From]~~The balance of the total monthly revenues deposited into the CMRS fund after the amounts disbursed or reserved for disbursement under subsections ***(2), (3), and (4)*** ~~[(1) and (2)]~~ of this section have been subtracted~~[, eighty percent (80%)]~~ shall be distributed to PSAPs eligible to receive disbursement from the CMRS fund under subsection ***(6)*** ~~[(5)]~~ of this section who actually request disbursement, as follows:

(a) ***Fifty percent (50%) of the remaining balance to be allocated under this subsection*** ~~[Forty percent (40%)]~~ shall be distributed according to the "PSAP pro rata formula," whereby each receives a percentage determined by dividing one (1) by the total number of PSAPs eligible to request and actually requesting disbursements under subsection ***(6)*** ~~[(5)]~~ of this section. Any PSAPs certified before January 1, 2004, or for more than three (3) years, that choose to consolidate their operations shall continue to receive pro-rata shares as if they remained separate and distinct entities. The consolidated entity must be certified to receive funds under subsection ***(6)*** ~~[(5)]~~ of this section; and

(b) ***Fifty percent (50%) of the remaining balance to be allocated under this subsection*** ~~[Forty percent (40%)]~~ shall be distributed according to a method chosen by the board and based on the wireless workload of the PSAP. Methods to be considered may be based on the number of wireless 911 calls answered by each PSAP, the number of wireless phone users served by each PSAP, or any other method deemed by the board to be reasonable and equitable. The method chosen ***by the board*** shall be promulgated as a regulation under KRS 65.7633.

All amounts distributed to PSAPs under this subsection shall be used by the PSAPs solely for the purposes of answering, routing, and properly disposing of CMRS 911 calls, training PSAP staff, ***and*** public education concerning appropriate use of 911, ***in accordance with subsections (4) and (5) of Section 3 of this Act. Additionally, amounts distributed to PSAPs under this subsection may be used for the purposes of*** ~~[and of]~~complying with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission pursuant to the FCC order, including the payment of costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, testing, installing, or maintaining all necessary data, hardware, and software required in order to provide wireless E911 service.

~~[(4) The balance of the total monthly revenues deposited into the CMRS fund which remains after the disbursements or disbursement reservations prescribed by subsections (1), (2), and (3) of this section have been made shall be distributed to CMRS providers licensed to do business in the Commonwealth solely for the purpose of reimbursing the actual expenses incurred by the CMRS providers in complying with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC order, including but not limited to costs and expenses incurred for designing, upgrading, purchasing, leasing, programming, testing, installing, or maintaining all necessary data, hardware, and software required in order to provide wireless E911 service. Sworn invoices shall be presented to the board in connection with any request for reimbursement under this subsection, and approval by a majority vote of the board shall be required prior to any disbursement, which approval shall not be withheld unreasonably. No payment shall be made to any provider who is not in compliance with all requirements of this chapter and the FCC order. In no event shall any invoice for reimbursement be approved for payment of costs that are not related to compliance with requirements established by the FCC order. If the total amount of invoices submitted to the CMRS Board and approved for payment exceeds the amount in the CMRS fund in any month, CMRS providers that have invoices approved for payment shall receive a pro rata share of the fund available that month, based on approved invoices, and the balance of the payments shall be carried over to the following months until all of the approved payments are made.]~~

(6) ~~[(5)]~~ ***(a)*** Notwithstanding any other provision of the law, no PSAP shall be eligible to request or receive a disbursement from the CMRS fund under ***subsections (4)(a) or (b) or (5)*** ~~[subsection (3)]~~ of this section unless and until the PSAP:

1. ~~[(a)]~~ Is expressly certified as a PSAP by the ***Kentucky 911 Services*** ~~[CMRS]~~ Board, upon written application to the~~[CMRS]~~ board;

2. ~~[(b)]~~ Demonstrates that the PSAP is providing E911 services to a local government that has adopted an ordinance either imposing a special tax, license, or fee as authorized by KRS 65.760(3) or has established other means of funding wireline 911 emergency~~[telephone]~~ service;

3.~~[(c)]~~ Demonstrates that the administrator of the PSAP sent a request for wireless, E911 service to a CMRS provider, and that the infrastructure of the local exchange carrier will support wireless E911 service;

4.~~[(d)]~~ Provides an accounting of the number of wireless E911 calls received by the PSAP during the prior calendar year if requested by the board; and

5.~~[(e)]~~ Demonstrates that the PSAP has made the investment which is necessary to allow the PSAP to receive and utilize the data elements associated with wireless E911 service.

(b) In addition to the requirements of paragraph (a) of this subsection and in order to encourage the additional consolidation of PSAPs by local governments and state government agencies, after January 1, 2017, a PSAP shall receive priority consideration for distributions of funds from subsection (4)(a) and (b) of this section as follows:

1. A PSAP that is not a state police dispatch center and that covers all local governments within two (2) or more counties shall receive first priority in the distribution of the funds by the board;

2. A PSAP, including any state police dispatch center, that covers all the local governments within a single county shall receive second priority in the distribution of the funds by the board; and

3. A PSAP that does not cover all of the local governments within a single county shall receive the last priority for the distribution of the funds listed in this subsection by the board.

➔Section 11. KRS 65.7633 is amended to read as follows:

(1) The ***Kentucky 911 Services***~~[CMRS]~~ Board shall implement the provisions of KRS 65.7621 to 65.7643 through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.

(2) ~~[As soon as practicable after its creation,]~~The board shall promulgate regulations:

(a) Establishing procedures for the submission of plans or modifications of plans to the board, for its review and approval or disapproval, for complying with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC order, including but not limited to projections of anticipated costs and expenses necessary for designing, upgrading, purchasing, leasing, programming, testing, installing, or maintaining on an ongoing basis all necessary data, hardware, and software required in order to provide this service;

(b) Establishing procedures and guidelines to be followed by the board in reviewing, evaluating, and approving or disapproving the plans or modifications of plans that are submitted to it in accordance with the procedures promulgated under paragraph (a) of this subsection;

(c) Establishing procedures and guidelines to be followed by the board in reviewing, evaluating, and approving or disapproving disbursements from the CMRS fund and requests for disbursements under KRS 65.7631***(3), (4), and (5)***~~[(2), (3), and (4)]~~; and

(d) Establishing procedures and guidelines for resolving disputes regarding reimbursable costs and expenses under KRS 65.7631***(3), (4), and (5)***~~[(2), (3), and (4)]~~.

➔Section 12. KRS 65.7635 is amended to read as follows:

(1) Each CMRS provider shall act as a collection agent ***of the CMRS postpaid service charge*** for the CMRS fund. From its customers, the provider shall, as part of the provider's billing process, collect the CMRS ***postpaid*** service charges levied upon CMRS connections under KRS 65.7629(3) from each CMRS connection to whom the billing provider provides CMRS. Each billing provider shall list the CMRS ***postpaid*** service charge as a separate entry on each bill which includes a CMRS ***postpaid*** service charge. If a CMRS provider receives a partial payment for a monthly bill from a CMRS customer, the provider shall first apply the payment against the amount the CMRS customer owes the CMRS provider. For CMRS customers who purchase CMRS services on a prepaid basis, the CMRS service charge shall be determined according to one (1) of the following methodologies as elected by the CMRS provider***, until January 1, 2017, at which time the CMRS prepaid service charge imposed under Section 15 of this Act and collected under Sections 16 to 23 of this Act shall take effect and paragraphs (a) and (b) of this subsection shall no longer be in force***:

(a) The CMRS provider shall collect, on a monthly basis, the CMRS service charge specified in KRS 65.7629(3) from each active customer whose account balance is equal to or greater than the amount of service charge; or

(b) The CMRS provider shall divide its total earned prepaid wireless telephone revenue received with respect to its prepaid customers in the Commonwealth within the monthly 911 emergency~~[telephone]~~ service reporting period by fifty dollars ($50), multiply the quotient by the service charge amount, and pay the resulting amount to the board~~[; or~~

~~(c) In the case of CMRS providers that do not have the ability to access or debit end-user accounts, and do not have retail contact with the end-user or purchaser of prepaid wireless airtime, the CMRS service charge and collection methodology may be determined by administrative regulations promulgated by the board to collect the service charge from such end-users]~~.

(2) A CMRS provider has no obligation to take any legal action to enforce the collection of the CMRS ***postpaid*** service charges for which any CMRS customer is billed. Collection actions to enforce the collection of the CMRS ***postpaid*** service charge against any CMRS customer may, however, be initiated by the state, on behalf of the board, in the Circuit Court of the county where the bill for CMRS service is regularly delivered, and the reasonable costs and attorneys' fees which are incurred in connection with any such collection action may be awarded by the court to the prevailing party in the action.

(3) State and local taxes shall not apply to ***a separately stated*** CMRS ***postpaid*** service ***charge***~~[charges]~~.

(4) To reimburse itself for the cost of collecting and remitting the CMRS ***postpaid*** service charge, each CMRS provider may deduct and retain from the CMRS ***postpaid*** service charges it collects during each calendar month an amount not to exceed one and one-half percent (1.5%) of the gross aggregate amount of CMRS ***postpaid*** service charges it collected that month.

(5) All CMRS ***postpaid*** service charges imposed under KRS 65.7621 to 65.7643 collected by each CMRS provider, less the administrative fee described in subsection (4) of this section, are due and payable to the board monthly and shall be remitted on or before ***thirty (30)***~~[sixty (60)]~~ days after the end of the calendar month. Collection actions may be initiated by the state, on behalf of the board, in the Franklin Circuit Court or any other court of competent jurisdiction, and the reasonable costs and attorneys' fees which are incurred in connection with any such collection action may be awarded by the court to the prevailing party in the action.

➔Section 13. KRS 65.7641 is amended to read as follows:

Wireless emergency telephone service shall not be used for personal use but shall be used solely for the purpose of communications by the public in emergency situations. Any person who knowingly uses or attempts to use wireless emergency telephone service for a purpose other than obtaining public safety assistance or who knowingly uses or attempts to use wireless emergency telephone service in an effort to avoid any CMRS ***service*** charges shall be guilty of a Class A misdemeanor. If the value of the wireless emergency telephone service obtained in a manner prohibited by this section or the value of the CMRS ***service*** charges exceeds ***five***~~[one]~~ hundred dollars ***($500)***~~[($100)]~~, the offense may be prosecuted as a Class D felony.

➔Section 14. KRS 139.105 is amended to read as follows:

(1) (a) For purposes of the retailer's obligation to pay or collect and remit the taxes imposed by KRS 139.200**,**~~[and]~~ 139.310, ***and Section 15 of this Act,*** the retailer shall source retail sales not addressed in subsections (2), (3), and (4) of this section as follows:

1. Over the counter. When the purchaser receives tangible personal property, digital property, or service at a business location of the retailer, the sale is sourced to that business location;

2. Delivery to a specified address. When a purchaser or purchaser's donee receives tangible personal property, digital property, or service at a location specified by the purchaser, the sale is sourced to that location; or

3. Address unknown. When the retailer of a product does not know the address where the tangible personal property, digital property, or service is received, the sale is sourced to the first address listed in this paragraph that is known to the retailer:

a. The address of the purchaser;

b. The billing address of the purchaser;

c. The address of the purchaser's payment instrument; or

d. The address from which the tangible personal property was shipped; from which the computer software delivered electronically or the digital property transferred electronically was first available for transmission by the retailer; or from which the service was provided,

disregarding for these purposes any location that merely provided the actual digital transfer of the product sold.

(b) Nothing included in this subsection shall affect the obligation of a purchaser to remit use tax pursuant to KRS 139.310.

(2) The retailer shall source communications services as follows:

(a) A sale of mobile telecommunications services, other than air-ground radiotelephone service and prepaid wireless calling service, shall be sourced to the customer's or other purchaser's place of primary use;

(b) A sale of postpaid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either the retailer's telecommunications system or information received by the retailer from its service provider, where the system used to transport the signals is not that of the retailer;

(c) A sale of prepaid calling service or a sale of a prepaid wireless calling service shall be sourced according to the provisions of subsection (1) of this section. If the sale is of a prepaid wireless calling service and the retailer does not know the address where the service is received, the sale shall be sourced to the first of the following that is known by the retailer:

1. The address of the customer available from the business records of the retailer;

2. The billing address of the customer;

3. The address from which the service was provided; or

4. The location associated with the mobile telephone number;

(d) A sale of a private communications service shall be sourced as follows:

1. Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which the customer channel termination point is located.

2. Service where all customer termination points are located entirely within one (1) jurisdiction or levels of jurisdiction is sourced in the jurisdiction in which the customer channel termination points are located.

3. Service for segments of a channel between two (2) customer channel termination points located in different jurisdictions and which segments of channel are separately charged shall be sourced fifty percent (50%) in each level of jurisdiction in which the customer channel termination points are located.

4. Service for segments of a channel located in more than one (1) jurisdiction or levels of jurisdiction and which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in the jurisdiction by the total number of customer channel termination points;

(e) A sale of an ancillary service is sourced to the customer's place of primary use; and

(f) A sale of other communications services:

1. Sold on a call-by-call basis shall be sourced based on the taxing jurisdiction where the call either originates or terminates and in which the service address is also located; or

2. Sold on a basis other than a call-by-call basis shall be sourced to the customer's or other purchaser's place of primary use.

(3) Florist wire sales shall be sourced in accordance with an administrative regulation promulgated by the department.

(4) Advertising and promotional direct mail and other direct mail shall be sourced as provided in KRS 139.777.

➔SECTION 15. A NEW SECTION OF KRS 65.7621 TO 65.7643 IS CREATED TO READ AS FOLLOWS:

(1) Beginning January 1, 2017, a CMRS prepaid service charge shall be imposed at a flat rate of ninety-three cents ($0.93) on each retail transaction involving the purchase or sale of:

(a) Cellular phones preloaded with a set dollar amount for minutes or units of air time, or sold with rebates for air time;

(b) Calling cards for cellular phones preloaded with a set dollar amount for minutes of units or air time;

(c) The recharging of a reusable cellular phone calling card; and

(d) The recharging of a cellular phone itself with additional minutes or units of air time.

(2) The CMRS prepaid service charge imposed by subsection (1) of this section shall be collected by the retailer from the purchaser at the time of purchase for each purchase sourced to this state as provided in Section 14 of this Act. The amount of the CMRS prepaid service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the purchaser by the retailer, or otherwise disclosed to the purchaser.

(3) The CMRS prepaid service charge shall be paid by the purchaser, and shall not constitute a liability of the retailer or of any prepaid wireless telecommunications service provider.

(4) All amounts collected by the retailer shall be deemed to be held in trust by the retailer for and on account of the Commonwealth, shall constitute a debt of the retailer to the Commonwealth, and shall be remitted to the Department of Revenue as provided in Sections 16 to 23 of this Act.

(5) The CMRS prepaid service charge amount collected by a retailer from a purchaser shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by the state, any political subdivision of the state, or any intergovernmental agency if the amount is separately stated on an invoice, receipt, or a similar document provided to the consumer by the retailer.

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

As used in Sections 16 to 23 of this Act:

(1) "Board" means the Kentucky 911 Services Board established in Section 5 of this Act;

(2) "Department" means the Kentucky Department of Revenue;

(3) "Fund" means the CMRS fund established in Section 7 of this Act;

(4) "CMRS prepaid service charge" means the charge imposed on prepaid wireless telecommunications service under Section 15 of this Act;

(5) "Purchaser" means a person who purchases prepaid wireless telecommunications service in a retail transaction;

(6) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a retailer for any purpose other than resale; and

(7) "Retailer" means a person who sells prepaid wireless telecommunications service to any person for a purpose other than resale.

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) The department shall collect the CMRS prepaid service charge and remit the revenues to the CMRS fund as provided in Sections 16 to 23 of this Act.

(2) A retailer shall collect the CMRS prepaid service charge from consumers pursuant to Section 15 of this Act, and shall remit the amounts collected to the department on a monthly basis, on or before the twentieth day of the next calendar month.

(3) The CMRS prepaid service charge collected by the retailer from any consumer shall:

(a) Be deemed to be held in trust by the retailer for and on account of the Commonwealth; and

(b) Constitute a debt of the retailer to the Commonwealth.

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

Each retailer shall file an application for a certificate of registration with the department within sixty (60) days of the effective date of this Act. Each retailer seeking to sell or provide prepaid wireless telecommunications service in Kentucky for the first time shall, prior to selling or providing prepaid wireless telecommunications service, file an application for a certificate of registration with the department. The application shall be in the form and manner prescribed by the department. The application shall be signed by an executive officer or a person specifically authorized by the retailer to sign the application.

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) On or before the twentieth day of the month, each retailer shall file a return for the preceding month with the department in a form prescribed by the department, together with payment of any CMRS prepaid service charges collected during the preceding month.

(2) The return shall be signed by the person required to file the return or a duly authorized agent.

(3) To reimburse itself for the cost of collecting and remitting the CMRS prepaid service charge, each retailer may deduct and retain from the CMRS prepaid service charge it collects during each calendar month an amount not to exceed three percent (3%) of the gross aggregate amount of the CMRS prepaid service charges it collected that month.

➔SECTION 20. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) As soon as practicable after each return required by Section 19 of this Act is received, the department may examine and audit the return. If the amount due as computed by the department is greater than the amount remitted by the retailer, the difference shall be assessed by the department on behalf of the board within four (4) years from the date prescribed by law for filing of the return, except as provided in this section. A notice of assessment shall be mailed to the retailer.

(2) In case of a failure to file a return or the filing of a fraudulent return, the resulting arrearage may be assessed by the department at any time.

(3) A retailer may request a review of an action of the department and shall have the rights of protest and appeal as set forth in KRS 131.110.

➔SECTION 21. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) Each retailer shall keep records, receipts, invoices, and other pertinent papers in the form that the department requires.

(2) Each retailer who files the returns required by Section 19 of this Act shall keep records for not less than four (4) years from the making of the records, unless the department in writing authorizes their destruction at an earlier date.

➔SECTION 22. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) The department shall administer the provisions of Sections 16 to 23 of this Act, and shall have all of necessary powers, rights, duties, and authority with respect to the assessment, collection, and administration of the CMRS prepaid service charge.

(2) Any CMRS prepaid service charges not paid on or before the due date shall bear interest at the interest rate established by KRS 131.183 from the date due until the date of payment.

(3) The provisions of KRS 131.180 shall apply to the CMRS prepaid service charge for the purposes of assessing and imposing penalties.

(4) The board shall fully cooperate with the department and shall provide the department with any information requested to carry out the provisions of Sections 16 to 23 of this Act.

(5) The CMRS prepaid service charge imposed and collected pursuant to Section 15 and 16 to 23 of this Act may be refunded or credited as provided in KRS 134.580 in the case of over payment or payment when no fee was due.

➔SECTION 23. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) The department shall transmit the amounts remitted to it by retailers as required by Section 17 of this Act to the board on a monthly basis. From each deposit, the department may deduct an amount equal to the actual operating and overhead expenses incurred in the collection and administration of the CMRS prepaid service charge, not to exceed one percent (1%) of the amount collected. The department shall report its actual expenses to the board on a quarterly basis.

(2) The department shall provide a monthly report of receipts from the CMRS prepaid service charge to the board.

(3) Moneys held by the department prior to their transfer to the board shall not be considered property of the Commonwealth and shall not be subject to appropriation by the General Assembly. Such moneys shall not be:

(a) Loaned to the Commonwealth or to any instrumentality or agency thereof;

(b) Subject to transfer to the Commonwealth or any agency or instrumentality thereof, except for purposes specifically authorized by this section; or

(c) Expended for any purpose other than a purpose authorized by KRS 65.7621 to 65.7643.

➔Section 24. KRS 39G.040 is amended to read as follows:

The~~[Commercial Mobile Radio Service Emergency Telecommunications Board of]~~ Kentucky ***911 Services Board***, created in KRS 65.7623, shall be attached to the Office of Homeland Security for administrative purposes.

➔Section 25. KRS 65.755 is amended to read as follows:

Every telephone company within the Commonwealth shall reserve the initial digits 9-1-1 for use as an emergency telephone number. The company shall assign this number within an exchange only to a public body or other applicant for the establishment of 911 emergency~~[telephone]~~ service.

➔Section 26. KRS 278.541 is amended to read as follows:

In addition to the definitions set forth in KRS 278.010 and 278.516(2), the following definitions shall apply to KRS 278.541 to 278.544:

(1) "Basic local exchange service" means a retail telecommunications service consisting of a primary, single, voice-grade line provided to the premises of residential or business customers with the following features and functions only:

(a) Unlimited calls within the telephone utility's local exchange area;

(b) Dual-tone multifrequency dialing; and

(c) Access to the following:

1. ~~[Emergency]~~911 ***emergency***~~[telephone]~~ service;

2. All locally available interexchange companies;

3. Directory assistance;

4. Operator services;

5. Relay services; and

6. A standard alphabetical directory listing that includes names, addresses, and telephone numbers at no additional charge.

With respect to local exchange carriers, basic local exchange service also shall include any mandatory extended area service routes accessible as a local call within that exchange area on or before July 12, 2006. Basic local exchange service does not include any features or functions other than those listed in this subsection, nor any other communications service, even if such service should include features and functions listed herein;

(2) "Electing utility" means a telephone utility that elects to operate under KRS 278.543;

(3) "Local exchange carrier" or "LEC" has the same meaning as defined in 47 U.S.C. sec. 153(26);

(4) "Incumbent local exchange carrier" or "ILEC" has the same meaning as defined in 47 U.S.C. sec. 251(h);

(5) "Nonbasic service" means all retail telecommunications services provided to a residential or business customer, all arrangements with respect to those services, and all packages of products or services; provided, however, nonbasic service includes basic local exchange service only if the customer chooses to purchase a package that includes basic local exchange service as a component of the package;

(6) "Optional telephone feature" means any of those central office-based features that were tariffed by a local exchange carrier on or before February 1, 2006, that, where available:

(a) Are available to a line-side connection in a telephone switch:

(b) Are available on a stand-alone basis separate from a bundled offering; and

(c) Enhance the utility of basic local exchange service.

The term includes but is not limited to call forwarding, call waiting, and caller ID;

(7) "Package" means combinations of retail products or services offered, whether at a single price or with the availability of the price for one (1) product or service contingent on the purchase of others; and

(8) "Telephone utility" includes local exchange carriers and telecommunications carriers as those terms are defined in 47 U.S.C. sec. 153 and any federal regulations implementing that section, except that the definition shall not include commercial mobile radio service providers as defined in 47 U.S.C. sec. 332 and the Federal Communications Commission's lawful regulations promulgated thereunder.

➔Section 27. KRS 278.542 is amended to read as follows:

(1) Nothing in KRS 278.541 to 278.544 shall affect the commission's jurisdiction with respect to:

(a) Any agreement or arrangement between or among ILECs;

(b) Any agreement or arrangement between or among ILECs and other local exchange carriers;

(c) Consumer complaints as to compliance with basic local exchange service obligations, and the quality of basic voice-grade service transmission for basic and nonbasic services, consistent with accepted industry standards for telecommunications services;

(d) The~~[emergency]~~ 911 ***emergency***~~[telephone]~~ service as set forth in KRS 65.750 to 65.760 or wireless enhanced emergency 911 systems as set forth in KRS 65.7621 to 65.7643;

(e) Accuracy of billing for telecommunications services, in accordance with the truth-in-billing regulations prescribed by the Federal Communications Commission;

(f) Assessments as set forth in KRS 278.130, 278.140, and 278.150;

(g) Unauthorized change of telecommunications providers or "slamming" under KRS 278.535;

(h) Billing of telecommunications services not ordered by or on behalf of the consumer or "cramming" to the extent that such services do not comply with the truth-in-billing regulations prescribed by the Federal Communications Commission;

(i) The federal Universal Service Fund and Lifeline Services Program and any Kentucky state counterpart;

(j) Any special telephone service programs as set forth in KRS 278.547 to 278.5499;

(k) Tariffs, except as expressly provided for in KRS 278.541 to 278.544;

(l) Setting objectives for performance as to basic local exchange service; except that the objectives shall not exceed existing commission standards or associated penalties as of July 12, 2006;

(m) Prohibiting price differences among retail telecommunications customers to the extent that such differences are attributable to race, creed, color, religion, sex, or national origin; or

(n) Ensuring that a telephone utility furnishes safe, adequate, and reasonable basic local exchange service to customers within that utility's service area.

(2) Telephone utilities operating pursuant to KRS 278.541 to 278.544 shall file with the commission a form containing:

(a) The complete name of the telephone utility;

(b) The physical address of its principal office; and

(c) The name, title, and telephone number of the person responsible for answering consumer complaints on behalf of the telephone utility.

(3) No telephone utility shall engage in predatory pricing as defined by the United States Supreme Court in Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209 (1993).

(4) Nothing in KRS 278.541 to 278.544 shall affect the alternative regulation process for small telephone utilities as set forth in KRS 278.516.

➔Section 28. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use, or other consumption in this state of, tangible personal property or digital property which this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;

(2) Gross receipts from sales of, and the storage, use, or other consumption in this state of:

(a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container; and

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use, or other consumption in this state of, tangible personal property used for the performance of a lump-sum, fixed-fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property or digital property and the storage, use, or other consumption in this state of tangible personal property or digital property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the retailer via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;

(6) Gross receipts from sales of tangible personal property sold through coin-operated bulk vending machines, if the sale amounts to fifty cents ($0.50) or less, if the retailer is primarily engaged in making the sales and maintains records satisfactory to the department. As used in this subsection, "bulk vending machine" means a vending machine containing unsorted merchandise which, upon insertion of a coin, dispenses the same in approximately equal portions, at random and without selection by the customer;

(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities, or special districts as defined in KRS 65.005. This exemption shall apply only to purchases of tangible personal property, digital property, or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit shall not be entitled to the exemption even though the purchaser may be the recipient of public funds or grants;

(8) (a) Gross receipts from the sale of sewer services, water, and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other residential uses. As used in this subsection, "fuel" shall include but not be limited to natural gas, electricity, fuel oil, bottled gas, coal, coke, and wood. Determinations of eligibility for the exemption shall be made by the Department of Revenue;

(b) In making the determinations of eligibility, the department shall exempt from taxation all gross receipts derived from sales:

1. Classified as "residential" by a utility company as defined by applicable tariffs filed with and accepted by the Public Service Commission;

2. Classified as "residential" by a municipally owned electric distributor which purchases its power at wholesale from the Tennessee Valley Authority;

3. Classified as "residential" by the governing body of a municipally owned electric distributor which does not purchase its power from the Tennessee Valley Authority, if the "residential" classification is reasonably consistent with the definitions of "residential" contained in tariff filings accepted and approved by the Public Service Commission with respect to utilities which are subject to Public Service Commission regulation.

If the service is classified as residential, use other than for "residential" purposes by the customer shall not negate the exemption;

(c) The exemption shall not apply if charges for sewer service, water, and fuel are billed to an owner or operator of a multi-unit residential rental facility or mobile home and recreational vehicle park other than residential classification; and

(d) The exemption shall apply also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years;

(9) Gross receipts from sales to an out-of-state agency, organization, or institution exempt from sales and use tax in its state of residence when that agency, organization, or institution gives proof of its tax-exempt status to the retailer and the retailer maintains a file of the proof;

(10) Gross receipts derived from the sale of, and the storage, use, or other consumption in this state of, tangible personal property to be used in the manufacturing or industrial processing of tangible personal property at a plant facility and which will be for sale. The property shall be regarded as having been purchased for resale. "Plant facility" shall have the same meaning as defined in KRS 139.010. For purposes of this subsection, a manufacturer or industrial processor includes an individual or business entity that performs only part of the manufacturing or industrial processing activity and the person or business entity need not take title to tangible personal property that is incorporated into, or becomes the product of, the activity.

(a) Industrial processing includes refining, extraction of petroleum and natural gas, mining, quarrying, fabricating, and industrial assembling. As defined herein, tangible personal property to be used in the manufacturing or industrial processing of tangible personal property which will be for sale shall mean:

1. Materials which enter into and become an ingredient or component part of the manufactured product;

2. Other tangible personal property which is directly used in manufacturing or industrial processing, if the property has a useful life of less than one (1) year. Specifically these items are categorized as follows:

a. Materials. This refers to the raw materials which become an ingredient or component part of supplies or industrial tools exempt under subdivisions b. and c. below.

b. Supplies. This category includes supplies such as lubricating and compounding oils, grease, machine waste, abrasives, chemicals, solvents, fluxes, anodes, filtering materials, fire brick, catalysts, dyes, refrigerants, explosives, etc. The supplies indicated above need not come in direct contact with a manufactured product to be exempt. "Supplies" does not include repair, replacement, or spare parts of any kind.

c. Industrial tools. This group is limited to hand tools such as jigs, dies, drills, cutters, rolls, reamers, chucks, saws, spray guns, etc., and to tools attached to a machine such as molds, grinding balls, grinding wheels, dies, bits, cutting blades, etc. Normally, for industrial tools to be considered directly used in manufacturing, they shall come into direct contact with the product being manufactured; and

3. Materials and supplies that are not reusable in the same manufacturing process at the completion of a single manufacturing cycle, excluding repair, replacement, or spare parts of any kind. A single manufacturing cycle shall be considered to be the period elapsing from the time the raw materials enter into the manufacturing process until the finished product emerges at the end of the manufacturing process.

(b) It shall be noted that in none of the three (3) categories is any exemption provided for repair, replacement, or spare parts. Repair, replacement, or spare parts shall not be considered to be materials, supplies, or industrial tools directly used in manufacturing or industrial processing. "Repair, replacement, or spare parts" shall have the same meaning as set forth in KRS 139.010;

(11) Any water use fee paid or passed through to the Kentucky River Authority by facilities using water from the Kentucky River basin to the Kentucky River Authority in accordance with KRS 151.700 to 151.730 and administrative regulations promulgated by the authority;

(12) Gross receipts from the sale of newspaper inserts or catalogs purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is retailer's shipping point or purchaser's destination.

(a) As used in this subsection:

1. "Catalogs" means tangible personal property that is printed to the special order of the purchaser and composed substantially of information regarding goods and services offered for sale; and

2. "Newspaper inserts" means printed materials that are placed in or distributed with a newspaper of general circulation.

(b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;

(13) Gross receipts from the sale of water used in the raising of equine as a business;

(14) Gross receipts from the sale of metal retail fixtures manufactured in this state and purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or the purchaser's destination.

(a) As used in this subsection, "metal retail fixtures" means check stands and belted and nonbelted checkout counters, whether made in bulk or pursuant to specific purchaser specifications, that are to be used directly by the purchaser or to be distributed by the purchaser.

(b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;

(15) Gross receipts from the sale of unenriched or enriched uranium purchased for ultimate storage, use, or other consumption outside this state and delivered to a common carrier in this state for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer, or is an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or purchaser's destination;

(16) Amounts received from a tobacco buydown. As used in this subsection, "buydown" means an agreement whereby an amount, whether paid in money, credit, or otherwise, is received by a retailer from a manufacturer or wholesaler based upon the quantity and unit price of tobacco products sold at retail that requires the retailer to reduce the selling price of the product to the purchaser without the use of a manufacturer's or wholesaler's coupon or redemption certificate;

(17) Gross receipts from the sale of tangible personal property or digital property returned by a purchaser when the full sales price is refunded either in cash or credit. This exclusion shall not apply if the purchaser, in order to obtain the refund, is required to purchase other tangible personal property or digital property at a price greater than the amount charged for the property that is returned;

(18) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS Chapter 138;

(19) The amount of any tax imposed by the United States upon or with respect to retail sales, whether imposed on the retailer or the consumer, not including any manufacturer's excise or import duty;

(20) Gross receipts from the sale of any motor vehicle as defined in KRS 138.450 which is:

(a) Sold to a Kentucky resident, registered for use on the public highways, and upon which any applicable tax levied by KRS 138.460 has been paid; or

(b) Sold to a nonresident of Kentucky if the nonresident registers the motor vehicle in a state that:

1. Allows residents of Kentucky to purchase motor vehicles without payment of that state's sales tax at the time of sale; or

2. Allows residents of Kentucky to remove the vehicle from that state within a specific period for subsequent registration and use in Kentucky without payment of that state's sales tax;

(21) Gross receipts from the sale of a semi-trailer as defined in KRS 189.010(12) and trailer as defined in KRS 189.010(17);~~[and]~~

(22) Gross receipts from the first fifty thousand dollars ($50,000) in sales of admissions to county fairs held in Kentucky in any calendar year by a nonprofit county fair board***; and***

(23) Gross receipts from the collection of:

(a) Any fee or charge levied by a local government pursuant to Section 3 of this Act;

(b) The charge imposed by subsection (3) of Section 8 of this Act;

(c) The fee imposed by Section 15 of this Act; and

(d) The service charge imposed by Section 29 of this Act.

➔SECTION 29. A NEW SECTION OF KRS 65.7621 TO 65.7643 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "Lifeline provider" means a CMRS provider that the Kentucky Public Service Commission has deemed or deems eligible to participate in the wireless low-income Lifeline program and to receive reimbursement from the universal service fund managed by the Federal Communications Commission pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. secs. 151 et seq.

(2) A Lifeline provider shall be liable for a CMRS service charge equal to the amount of the CMRS postpaid service charge levied under Section 8 of this Act and shall remit payment to the Kentucky 911 Services Board, less the administrative fee described in subsection (6) of this section, as follows:

(a) Beginning February 1, 2017, an amount equal to the product of the following factors:

1. The amount of the postpaid CMRS service charge levied under Section 8 of this Act; and

2. The number of unique end users with Kentucky addresses for which the Lifeline provider received reimbursement from the universal service fund during the immediately preceding month.

(b) A Lifeline provider liable for the CMRS service charge levied under this subsection may bill and collect from each end user the charges calculated under this subsection with respect to each end user. The Lifeline provider shall determine the manner it uses to bill and collect the charges owed under this subsection. A Lifeline provider shall not bill or collect from an end user an amount greater than the charges paid by the Lifeline provider to the Kentucky 911 Services Board with respect to each end user.

(3) Each Lifeline provider shall act as a collection agent of the service charge levied by this section for the CMRS fund. Each Lifeline provider shall list the service charge as a separate entry on any bill which includes the service charge.

(4) A Lifeline provider has no obligation to take any legal action to enforce the collection of the service charge levied by this section. Collection actions to enforce the collection of the service charge against any CMRS customer may, however, be initiated by the state, on behalf of the board, in the Circuit Court of the county of residence of the end user, and the reasonable costs and attorney's fees which are incurred in connection with any such collection action may be awarded by the court to the prevailing party in the action.

(5) State and local taxes shall not apply to a separately stated service charge levied by this section.

(6) To reimburse itself for the cost of collecting and remitting the service charge levied by this section, each Lifeline provider may deduct and retain from the service charges it collects during each calendar month an amount not to exceed one and one-half percent (1.5%) of the gross aggregate amount of the service charges it collected that month.

(7) All service charges levied by this section collected by each Lifeline provider, less the administrative fee described in subsection (6) of this section, are due and payable to the board monthly and shall be remitted on or before thirty (30) days after the end of the calendar month. Collection actions may be initiated by the state, on behalf of the board, in the Franklin Circuit Court or any other court of competent jurisdiction, and the reasonable costs and attorney's fees which are incurred in connection with any such collection action may be awarded by the court to the prevailing party in the action.

(8) Nothing in this section shall be interpreted or otherwise construed to impact litigation pending in the courts of the Commonwealth commencing on or before March 1, 2016, regarding the application of CMRS fees imposed prior to the effective date of this Act to CMRS providers receiving reimbursement from the universal service fund.

➔Section 30. The Governor shall make appointments for the new members added to the Kentucky 911 Services Board under Section 5 of this Act no later than August 15, 2016. Of the initial appointments, one shall serve a term of four years, one shall serve a term of three years, one shall serve a term of two years, and one shall serve a term of one year, as determined by the Governor. After the initial appointments, the terms of successive appointments to those positions on the board shall be four years, and until their successors are appointed and qualified.

➔Section 31. Sections 14 to 23, Section 28, and Section 29 of this Act shall take effect on January 1, 2017.

Signed by Governor April 13, 2016.

CHAPTER 112

(HB 473)

AN ACT relating to public safety personnel training.

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

➔Section 1. KRS 15.404 is amended to read as follows:

(1) (a) Any peace officers employed or appointed after December 1, 1998, who have not successfully completed basic training at a school certified or recognized by the Kentucky Law Enforcement Council, shall within one (1) year of their appointment or employment, successfully complete ***a*** ~~[at least six hundred forty (640) hours of]~~ basic training ***course, as established by Section 2 of this Act,*** at a school certified or recognized by the Kentucky Law Enforcement Council.

(b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing basic training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

(c) Any peace officer who fails to successfully complete basic training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her precertification status shall lapse. Further, the peace officer shall be prohibited from serving as a peace officer for a period of one (1) year from the date that his or her precertification lapses.

(2) (a) All peace officers with active certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council, that is appropriate to the officer's rank and responsibility and the size and location of his department.

(b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training. If the officer is unable to complete the in-service training due to injury or illness that prevents him or her from working as a peace officer, the one hundred eighty (180) day extension shall begin on the date that the officer returns to work.

(c) Any peace officer who fails to successfully complete in-service training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her certification status shall be changed to training deficiency status.

(d) When a peace officer is deficient in required training, the commissioner of the department or his or her designee shall notify the council, which shall notify the peace officer and his or her agency.

(e) The requirements of this subsection shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces.

(f) This waiver shall be retroactive for peace officers from the date of September 11, 2001.

(3) An officer who has lost his or her law enforcement powers due solely to his or her failure to meet the in-service training requirements of this section may regain his or her certification status and law enforcement powers upon successful completion of the training deficiency.

➔Section 2. KRS 15.440 is amended to read as follows:

(1) Each local unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

(a) Employs one (1) or more police officers;

(b) Pays every police officer at least the minimum federal wage;

(c) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council, for employment of police officers on or after July 1, 1972, and for all sheriffs appointed or elected on or after July 15, 1998, and all deputy sheriffs, and state or public university police officers employed after July 15, 1998; provided, however, that all police officers employed prior to July 1, 1972, shall be deemed to have met the requirements of this subsection, and that

all sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to July 15, 1998, shall be deemed to have met the requirements of this subsection;

(d) ***1.*** Requires all police officers employed on or after July 1, 1972, and all sheriffs appointed or elected on or after July 15, 1998, and deputy sheriffs, and state or public university police officers employed on or after January 1, 1998, to successfully complete a basic training course of ***nine hundred twenty-eight (928)*** ~~[at least six hundred forty (640)]~~ hours' duration within one (1) year of the date of employment at a school certified or recognized by the Kentucky Law Enforcement Council***, which may provide a different number of hours of instruction as established in this paragraph***. All sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to January 1, 1998, shall be deemed to have met the requirements of this subsection.

2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, ***explicitly*** set the ***exact*** number of hours for basic training at a number ***different from*** ~~[higher than]~~ ***nine hundred twenty-eight (928)*** ~~[six hundred forty (640)]~~ hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis***.***

3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as set out in this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.

4. Nothing in this paragraph shall be interpreted to prevent the council pursuant to its authority under KRS 15.330 from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation set out by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as set out by subparagraphs 2. and 3. of this paragraph;

(e) Requires all police officers, whether originally employed before or after July 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998, and all deputy sheriffs and state or public police officers employed before, on, or after July 15, 1998, to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of his department, of ~~[at least]~~forty (40) hours' duration***, of which the number of hours shall not be changed by the council,*** at a school certified or recognized by the Kentucky Law Enforcement Council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;

(f) Requires compliance with all provisions of law applicable to local police, state or public university police, or sheriffs and their deputies, including transmission of data to the centralized criminal history record information system as required by KRS 17.150;

(g) Requires compliance with all reasonable rules and regulations, appropriate to the size and location of the local police department, state or public university police department, or sheriff's office, issued by the Justice and Public Safety Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510; and

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include purpose statements; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to

the Cabinet for Families and Children, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records.

(2) No local unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund unless the local police department, state or public university police department, or sheriff's office actually begins and continues to comply with the requirements of this section; provided, further, that no local unit shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the local police department, state or public university police department, or sheriff's office has substantially complied with subsection (1)(f) and (g) of this section.

(3) A sheriff's office shall not lose eligibility to share in the distribution of funds from the Law Enforcement Foundation Program fund if the sheriff does not participate in the Law Enforcement Foundation Program fund.

➔Section 3. KRS 70.263 is amended to read as follows:

(1) Each person serving as a covered deputy sheriff on the effective date of an ordinance that creates a deputy sheriff merit board for the county in which he serves shall have successfully completed, within one (1) year following the effective date of that ordinance, ***a basic training course as established by Section 2 of this Act at a school certified or recognized*** ~~[at least six hundred forty (640) hours of training approved]~~ by the Kentucky Law Enforcement Council. Training approved by the Kentucky Law Enforcement Council received before the effective date of the ordinance may be used to satisfy all or part of this requirement.

(2) Each person appointed as a covered deputy sheriff in a county that has adopted a deputy sheriff merit board before the date of his appointment shall have successfully completed, within one (1) year following the appointment, ***a basic training course as established by Section 2 of this Act at a school certified or recognized*** ~~[at least six hundred forty (640) hours of training approved]~~ by the Kentucky Law Enforcement Council. Training approved by the Kentucky Law Enforcement Council received before the effective date of the ordinance may be used to satisfy all or part of this requirement.

(3) A deputy sheriff whose official duty is to provide security service to the courts, and who is compensated pursuant to KRS 64.092, shall, the provisions of subsections (1) and (2) of this section notwithstanding, satisfy the training requirements for employment if he completes law enforcement training which the Administrative Office of the Courts certifies to the sheriff as acceptable. If the training was not received prior to the effective date of the ordinance creating the deputy sheriff merit board, in the case of a deputy sheriff serving when the ordinance was passed, or prior to appointment in the case of a deputy sheriff appointed after the effective date of the ordinance, then it shall be received within one (1) year following the effective date of the ordinance or the date of appointment, as the case may be.

(4) A person failing to meet the requirements of this section shall forfeit his position as deputy sheriff immediately upon the expiration of the applicable one (1) year time limit.

➔Section 4. KRS 95.955 is amended to read as follows:

(1) All police officers and auxiliary police officers originally appointed or employed by a city, urban-county, or charter county government after July 14, 1992, shall, within one (1) year of their appointment or employment, successfully complete ***a basic training course as established by Section 2 of this Act at a school certified or recognized*** ~~[at least six hundred forty (640) hours of basic training administered or approved]~~ by the ***Kentucky Law Enforcement Council*** ~~[Department of Criminal Justice Training]~~.

(2) All police officers and auxiliary police officers specified in subsection (1) of this section shall, upon completion of the basic training required in the same section, successfully complete forty (40) hours of annual in-service training ***as established by subsection (1)(e) of Section 2 of this Act at a school certified or recognized*** ~~[administered or approved]~~ by the ***Kentucky Law Enforcement Council*** ~~[Department of Criminal Justice Training]~~.

(3) All police officers and auxiliary police officers appointed or employed before July 14, 1992, shall successfully complete forty (40) hours of annual in-service training ***as established by subsection (1)(e) of Section 2 of this Act at a school certified or recognized*** ~~[administered or approved]~~ by the ***Kentucky Law Enforcement Council*** ~~[Department of Criminal Justice Training]~~.

(4) In the event of extenuating circumstances beyond the control of the officer such as injury, illness, or personal tragedy which prevents the officer from completing the basic or in-service training within the time specified in subsections (1) to (3) of this section, the officer shall complete the training within one hundred eighty (180) days after return to duty. Any police officer or auxiliary police officer who fails to successfully complete the basic or

in-service training within the specified time period shall not be authorized thereafter to carry deadly weapons or make arrests and may be dismissed from employment as a police officer or from membership on the auxiliary police force.

➔Section 5. KRS 15.530 is amended to read as follows:

For the purposes of KRS 15.530 to 15.590:

(1) "CJIS" means the Criminal Justice Information System;

(2) "CJIS-full access course" means a training program of ~~[at least]~~forty (40) hours approved by the Kentucky Law Enforcement Council;

(3) "CJIS telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that utilizes the Criminal Justice Information System, and is part of or administered by the state or any political subdivision;

(4) "Commissioner" means the commissioner of the Department of Criminal Justice Training;

(5) "Non-CJIS telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that does not utilize the Criminal Justice Information System and is part of or administered by the state or any political subdivision;

(6) "Non-CJIS telecommunicator academy" means a training course of ~~[at least]~~one hundred twenty (120) hours approved by the Kentucky Law Enforcement Council; and

(7) "Telecommunications academy" means a training course of ~~[at least]~~one hundred sixty (160) hours approved by the Kentucky Law Enforcement Council.

➔Section 6. KRS 15.550 is amended to read as follows:

The basic course offered by the training program shall consist of ~~[not less than]~~forty (40) hours of instruction or training and shall consist of subjects appropriate for the basic training of law enforcement telecommunicators in the technique of emergency services communications. The Kentucky Law Enforcement Council shall approve all training curriculum and instructions.

➔Section 7. KRS 15.560 is amended to read as follows:

(1) No person shall receive an official appointment on a permanent basis as a law enforcement telecommunicator unless the person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to such person's satisfactory completion of a non-CJIS telecommunications academy. Every person who is employed after June 24, 2003, as a law enforcement telecommunicator by any law enforcement agency in this state, regardless of prior experience as a non-CJIS telecommunicator, shall forfeit his or her position as such unless, within twelve (12) months from the date of his or her employment, he or she satisfactorily completes the non-CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section for all law enforcement telecommunicators who are serving on July 15, 2006, and possess a certificate of completion of an approved law enforcement telecommunicator basic training program.

(2) All non-CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of ~~[at least]~~eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council.

(3) In the event of extenuating circumstances beyond the control of a non-CJIS telecommunicator that prevent completion of training within the time specified, the commissioner or the commissioner's designee may grant the non-CJIS telecommunicator an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

(4) A non-CJIS telecommunicator who fails to complete the training within a period of twelve (12) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 8. KRS 15.565 is amended to read as follows:

(1) No person shall receive an official appointment on a permanent basis as a CJIS telecommunicator unless that person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to that person's satisfactory completion of the CJIS telecommunications academy. Every person who is employed after July 15, 2006, as a CJIS telecommunicator shall forfeit his or her position as such unless, within six (6) months from the date of employment, that person satisfactorily completes the CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section and award a CJIS telecommunicator certificate for all CJIS telecommunicators who are serving on July 15, 2006, and have successfully completed the CJIS-full access course.

(2) A non-CJIS telecommunicator who gains employment as a CJIS telecommunicator shall successfully complete the CJIS-full access course within six (6) months from the date of his or her employment. A non-CJIS telecommunicator whose employing agency initiates the use of CJIS shall successfully complete the CJIS-full access course within six (6) months from the date that the agency initiates the use of CJIS.

(3) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of ~~[at least]~~eight (8) hours' duration***, of which the number of hours shall not be changed by the Kentucky Law Enforcement Council,*** at a school certified or recognized by the ~~[Kentucky Law Enforcement]~~council.

(4) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete eight (8) hours of CJIS in-service training every two (2) years at a school certified or recognized by the Kentucky Law Enforcement Council.

(5) Extensions of time in which to complete the training specified in this section may be granted by the commissioner of the Department of Kentucky State Police or the commissioner's designee.

(6) A CJIS telecommunicator who fails to complete the training within a period of six (6) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 9. KRS 15.590 is amended to read as follows:

(1) KRS 15.530 to 15.590 shall be administered by the Kentucky Law Enforcement Council, which shall promulgate administrative regulations as necessary regarding training, in-service training, and telecommunications practices.

(2) The Kentucky Law Enforcement Council may, by administrative regulations promulgated in accordance with KRS Chapter 13A, explicitly set the exact number at a different number of hours from that established in Section 5 of this Act required for completion of the:

(a) Non-CJIS telecommunicators academy; and

(b) Telecommunications academy.

If the council sets an exact number of hours at a different number from that established in Section 5 of this Act in an administrative regulation as set out in this subsection, it shall not further change the number of hours without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A to set the exact number of hours required for each of the academies.

(3) Nothing in KRS 15.530 to 15.590 shall be interpreted to permit the Kentucky Law Enforcement Council to increase or decrease the eight (8) hours required to be completed by telecommunicators for in-service training as established in subsection (2) of Section 7 of this Act and subsections (3) and (4) of Section 8 of this Act.

➔Section 10. KRS 15A.070 is amended to read as follows:

(1) The Department of Criminal Justice Training shall establish, supervise and coordinate training programs and schools for law enforcement personnel, ***subject to the limitations of paragraphs (d) and (e) of subsection (1) of Section 2 of this Act and Section 7 of this Act,*** and any other justice or nonlaw-enforcement-related personnel as prescribed by the secretary.

(2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management, and operation of any law enforcement agency in Kentucky.

(3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.

(4) The Department of Criminal Justice Training may by administrative regulation provide for administrative hearings to be conducted in accordance with KRS Chapter 13B.

(5) The commissioner of the Department of Criminal Justice Training may promulgate administrative regulations in accordance with KRS Chapter 13A.

➔Section 11. KRS 95A.230 is amended to read as follows:

Each local government which meets the following requirements shall be eligible to share in the distribution of funds from the fund:

(1) Employs one (1) or more firefighters.

(2) Pays every firefighter a minimum annual salary of eight thousand dollars ($8,000).

(3) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the commission, for employment of firefighters on or after August 1, 1980. All firefighters employed prior to August 1, 1980, shall be deemed to have met requirements of this subsection.

(4) Requires all firefighters employed on or after July 15, 1982, to successfully complete a basic training course of ~~[a minimum of]~~four hundred (400) hours duration ***or a lesser duration as established by the commission pursuant to subsection (5) of Section 12 of this Act*** as mandated by the commission as to subject matter and number of hours for each subject, within one (1) year of the date of employment at a school or method certified or recognized by the commission. ***The training requirement may be met through training and educational programs of a local government conducting its own annual in-service training school certified or recognized by the commission which may provide a different number of hours of instruction as established in Section 12 of this Act.***

(5) Requires all firefighters, whether originally employed before or after August 1, 1980, to successfully complete in each calendar year an in-service training program appropriate to the firefighters rank and responsibility, of ~~[at least]~~one hundred (100) hours duration ***or a lesser duration as established by the commission pursuant to subsection (5) of Section 12 of this Act*** at a school certified or recognized by the commission. This requirement shall be waived for the period of time that a professional firefighter is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for professional firefighters from the date of September 11, 2001.

(6) Requires compliance with all provisions of law applicable to local firefighters.

(7) Requires compliance with all rules and regulations, appropriate to the size and location of the local fire department or fire prevention district, issued by the commission to facilitate the administration of the fund and further the provisions of KRS 95A.200 to 95A.300.

➔Section 12. KRS 95A.240 is amended to read as follows:

(1) The commission shall administer the fund pursuant to the provisions of KRS 95A.200 to 95A.300 and may issue such reasonable rules and regulations as, in its discretion, will facilitate the administration of the fund and further the purposes of KRS 95A.200 to 95A.300.

(2) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS 95A.200 to 95A.300 or the rules and regulations issued by the commission thereunder.

(3) The commission shall, from the moneys appropriated to and accruing to the fund from any source, reimburse the Kentucky Community and Technical College System for salaries and other costs of administering the fund, including, but not limited to the costs of commission operations. The amount of reimbursement for any given year shall be determined by the commission and shall not exceed five percent (5%) of the total appropriation to the fund for that year.

(4) The commission or its personnel shall not:

(a) Increase the amount of the four hundred (400) hour training requirement required to be completed by firefighters for basic training as set out in subsection (4) of Section 11 of this Act, except that the commission may certify the basic training educational programs and schools of a local government conducting its own basic training courses of a different amount of hours from four hundred (400) hours that are approved by the commission in accordance with KRS 95A.040; or

(b) Increase the amount of the one hundred (100) hour training requirement required to be completed for annual in-service training established by subsection (5) of Section 11 of this Act, except that the

commission may certify the training and educational programs of a local government conducting its own annual in-service training school of a different amount of hours from one hundred (100) hours that is approved by the commission in accordance with KRS 95A.040.

(5) The commission shall have the authority to reduce or provide an alternative procedure to the required four hundred (400) hours of basic training established in subsection (4) of Section 11 of this Act as well as the required one hundred (100) hours of required in-service training also established in subsection (5) of Section 11 of this Act if the reduction in hours or alternative procedure is based on a certification or equivalence-based testing process determined by the commission. The commission shall specifically establish the lower required hours or alternative procedure based on specific standards through an administrative regulation promulgated in accordance with KRS Chapter 13A as it is authorized to do under KRS 95A.050.

(6) Nothing in this chapter shall be interpreted to authorize the commission or its personnel to increase the amount of the one hundred fifty (150) hour requirement required to be completed by firefighters in a volunteer fire department in order for the department to qualify for volunteer department aid under subsection (2) of Section 13 of this Act. The commission shall have the authority to reduce or provide an alternative procedure to achieve the required number of hours if the reduction in hours is based on a certification or equivalence-based testing process determined by the commission. If the commission seeks to reduce the hours or provide an alternative procedure to achieve the required number of hours, it shall specifically establish the lower required hours or alternative procedure through an administrative regulation promulgated in accordance with KRS Chapter 13A as it is authorized to do so under KRS 95A.050.

➔Section 13. KRS 95A.262 is amended to read as follows:

(1) The Commission on Fire Protection Personnel Standards and Education shall, in cooperation with the Cabinet for Health and Family Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190. Any fire department which has inoculated its personnel during the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred up to the amount allowed by the Cabinet for Human Resources for hepatitis B inoculations.

(2) Except as provided in subsection (3) of this section, the Commission on Fire Protection Personnel Standards and Education shall allot on an annual basis a share of the funds accruing to and appropriated for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273. The commission shall allot eight thousand dollars ($8,000) annually to each qualifying department, and beginning on July 1, 2001, the commission shall allot eight thousand two hundred fifty dollars ($8,250) annually to each qualifying department. Any qualifying department which fails to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380 shall forfeit annually five hundred dollars ($500) of its allotment. If two (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be in accordance with the provisions of KRS 95A.500 to 95A.560. Administrative regulations for determining qualifications shall be based on the number of both paid firefighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available, and such other matters or standards as will best effect the purposes of the volunteer fire department aid law. A qualifying department shall include at least twelve (12) firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on order. Fifty percent (50%) of the firefighters shall have completed at least one-half (1/2) of one hundred fifty (150) training hours***, or as otherwise established by the commission under subsection (6) of Section 12 of this Act,*** toward certification within the first six (6) months of the first year of the department's application for certification, and there shall be a plan to complete the one hundred fifty (150) training hours***, or as otherwise established by the commission by subsection (6) of Section 12 of this Act,*** within the second year. These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations. No allotment shall exceed the total value of the funds, equipment, lands, and buildings made available to the local fire units from any source whatever for the year in which the allotment is made. A portion of the funds provided for above may be used to purchase group or blanket health insurance and shall be used to purchase workers' compensation insurance, and the remaining funds shall be distributed as set forth in this section.

(3) There shall be allotted two hundred thousand dollars ($200,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund that shall be allocated each fiscal year of the biennium to the firefighters training center fund, which is hereby created and established, for the purposes of constructing

new or upgrading existing training centers for firefighters. If any moneys in the training center fund remain uncommitted, unobligated, or unexpended at the close of the first fiscal year of the biennium, then such moneys shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second fiscal year's allocation of two hundred thousand dollars ($200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the Commission on Fire Protection Personnel Standards and Education as provided in subsection (4) of this section and shall comply with state laws applicable to capital construction projects.

(4) Applications for funding low-interest loans and firefighters' training centers shall be submitted to the Commission on Fire Protection Personnel Standards and Education for their recommendation, approval, disapproval, or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.

(5) Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Commission on Fire Protection Personnel Standards and Education.

(6) Upon the written request of any department, the Commission on Fire Protection Personnel Standards and Education shall make available a certified training program in a county of which such department is located.

(7) The amount of reimbursement for any given year for costs incurred by the Kentucky Community and Technical College System for administering these funds, including but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the Firefighters Foundation Program fund which are allotted for the purposes specified in this section during any fiscal year.

(8) The commission shall withhold from the general distribution of funds under subsection (2) of this section an amount which it deems sufficient to reimburse volunteer fire departments for equipment lost or damaged beyond repair due to hazardous material incidents.

(9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only under the following terms and conditions:

(a) A volunteer fire department has lost or damaged beyond repair items of personal protective clothing or equipment due to that equipment having been lost or damaged as a result of an incident in which a hazardous material (as defined in any state or federal statute or regulation) was the causative agent of the loss;

(b) The volunteer fire department has made application in writing to the commission for reimbursement in a manner approved by the commission and the loss and the circumstances thereof have been verified by the commission;

(c) The loss of or damage to the equipment has not been reimbursed by the person responsible for the hazardous materials incident or by any other person;

(d) The commission has determined that the volunteer fire department does not have the fiscal resources to replace the equipment;

(e) The commission has determined that the equipment sought to be replaced is immediately necessary to protect the lives of the volunteer firefighters of the fire department;

(f) The fire department has agreed in writing to subrogate all claims for and rights to reimbursement for the lost or damaged equipment to the Commonwealth to the extent that the Commonwealth provides reimbursement to the department; and

(g) The department has shown to the satisfaction of the commission that it has made reasonable attempts to secure reimbursement for its losses from the person responsible for the hazardous materials incident and has been unsuccessful in the effort.

(10) If a volunteer fire department has met all of the requirements of subsection (9) of this section, the commission may authorize a reimbursement of equipment losses not exceeding ten thousand dollars ($10,000) or the actual amount of the loss, whichever is less.

(11) Moneys which have been withheld during any fiscal year which remain unexpended at the end of the fiscal year shall be distributed in the normal manner required by subsection (2) of this section during the following fiscal year.

(12) No volunteer fire department may receive funding for equipment losses more than once during any fiscal year.

(13) The commission shall make reasonable efforts to secure reimbursement from the responsible party for any moneys awarded to a fire department pursuant to this section.

(14) There shall be allotted each year of the 1992-93 biennium one million dollars ($1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01 bienniums one million dollars ($1,000,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund for the purpose of creating a revolving low-interest loan fund, which shall thereafter be self-sufficient and derive its operating revenues from principal and interest payments. The commission, in accordance with the procedures in subsection (4) of this section, may make low-interest loans, and the interest thereon shall not exceed three percent (3%) annually or the amount needed to sustain operating expenses of the loan fund, whichever is less, to volunteer fire departments for the purposes of major equipment purchases and facility construction. Loans shall be made to departments which achieve the training standards necessary to qualify for volunteer fire department aid allotted pursuant to subsection (2) of this section, and which do not have other sources of funds at rates which are favorable given their financial resources. The proceeds of loan payments shall be returned to the loan fund for the purpose of providing future loans. If a department does not make scheduled loan payments, the commission may withhold any grants payable to the department pursuant to subsection (2) of this section until the department is current on its payments. Money in the low-interest loan fund shall be used only for the purposes specified in this subsection. Any funds remaining in the fund at the end of a fiscal year shall be carried forward to the next fiscal year for the purposes of the fund.

(15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one million dollars ($1,000,000) from the fund established in KRS 95A.220 to be used by the commission to conduct training-related activities.

(16) If funding is available from the fund established in KRS 95A.220, the Commission on Fire Protection Personnel Standards and Education may implement the following:

(a) A program to prepare emergency service personnel for handling potential man-made and non-man-made threats. The commission shall work in conjunction with the state fire marshal and other appropriate agencies and associations to identify and make maps of gas transmission and hazardous liquids pipelines in the state;

(b) A program to provide and maintain a mobile test facility in each training region established by the Commission on Fire Protection Personnel Standards and Education with equipment to administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the physical requirements necessary to be an effective and safe firefighter;

(c) A program to provide defensive driving training tactics to firefighters. The commission shall purchase, instruct in the use of, and maintain mobile equipment in each of the training regions, and fund expenses related to equipment replacement;

(d) A program to annually evaluate equipment adequacy and to provide for annual physical examinations for instructors, adequate protective clothing and personal equipment to meet NFPA guidelines, and to establish procedures for replacing this equipment as needed;

(e) A program to establish a rotational expansion and replacement program for mobile fleet equipment currently used for training and recertification of fire departments;

(f) A program to expand and update current EMS, first responder, EMT, and paramedic training and certification instruction; and

(g) A program to purchase thermal vision devices to comply with the provisions of KRS 95A.400 to 95A.440.

Signed by Governor April 13, 2016.

CHAPTER 113

(SB 209)

AN ACT relating to agencies that discontinue participation in Kentucky Retirement Systems.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

The following shall apply if an employer ceases participation in the Kentucky Employees Retirement System or the County Employees Retirement System under KRS 61.522 and, after ceasing participation, establishes an alternative retirement plan as required by KRS 61.522, which is a governmental plan within the meaning of 26 U.S.C. sec. 414(d) that provides for mandatory employee contributions:

(1) Each employee of the employer participating in the governmental plan shall contribute a fixed percentage of compensation for each pay period he or she receives compensation. The fixed percentage of compensation provided by this subsection shall:

(a) Be established in a written plan document by the board of directors or other governing body of the employer for specific classes of employees;

(b) Comply with subsections (2) to (4) of this section; and

(c) Only be changed by the board of directors or other governing body of the employer prospectively, provided the written plan document established by paragraph (a) of this subsection is amended to reflect the change;

(2) The employer shall cause to be deducted from the compensation of each employee the contribution rate specified by subsection (1) of this section;

(3) The deductions provided by this section shall be made notwithstanding that the minimum compensation provided by law for any employee shall be reduced thereby. Every employee shall be deemed to consent and agree to the deductions made as provided by this section, and payment of salary or compensation less these deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by such payment, except as to benefits payable under the plans established by the employer that are covered by this section;

(4) Each employer shall, solely for the purpose of compliance with 26 U.S.C. sec. 414(h), pick up the employee contributions required by this section and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and subsection (10) of Section 2 of this Act, except for purposes of the Federal Insurance Contributions Act. The picked-up employee contribution shall:

(a) Be in lieu of employee contributions;

(b) Not be included as gross income of the employee until such time as the contributions are distributed or made available to the employee; and

(c) Be paid by the employer from the same source of funds which is used to pay compensation to the employee.

The employee shall not be permitted to opt-out of the picked-up employee contributions, to receive the picked-up employee contributions directly instead of having them paid by the employer to the retirement plan, or to have any other cash or deferred election right to the picked-up contributions within the meaning of 26 C.F.R. sec. 1.401(k)-1(a)(3); and

(5) The provisions of this section shall not be construed to be a determination or opinion by the Kentucky General Assembly as to whether or not an employer who ceases participation in the Kentucky Employees Retirement System or the County Employees Retirement System under KRS 61.522 is a governmental agency for purposes of establishing a governmental plan within the meaning of 26 U.S.C. sec. 414(d).

➔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, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2013, that would otherwise terminate, and as modified by KRS 141.0101;

(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, ***Section 1 of this Act,*** 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 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;

f. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under this chapter;

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.

Signed by Governor April 13, 2016.

CHAPTER 114

(SB 203)

AN ACT relating to death in the line of duty benefits and declaring an emergency.

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

➔Section 1. KRS 16.601 is amended to read as follows:

(1) If the death of a member in service occurs on or after August 1, 1992, as a direct result of an "act in line of duty" and the member has on file in the retirement office at the time of his ***or her*** death a written designation of only one (1) beneficiary, who is his ***or her*** spouse, the beneficiary may elect to receive a lump-sum payment of ten thousand dollars ($10,000) and a monthly payment equal to twenty-five percent (25%) of the member's monthly final rate of pay beginning in the month following the member's death and continuing each month until death.

(2) If the death of a member in service occurs on or after July 1, 1968, as a direct result of an "act in line of duty" and the member has on file in the retirement office at the time of his ***or her*** death a written designation of only one (1) beneficiary other than his ***or her*** spouse, who is a dependent receiving at least one-half (1/2) of his ***or her*** support from the deceased member, the beneficiary may elect to receive a lump-sum payment of ten thousand dollars ($10,000).

(3) In the period of time following a member's death during which dependent children survive, monthly payments shall be made for each dependent child who is alive, equal to ten percent (10%) of the deceased member's monthly final rate of pay; however, total maximum dependent children's benefits shall not be greater than forty percent (40%) of the deceased member's monthly final rate of pay at the time any particular payment is due. The payments shall commence in the month following the date of death of the member and shall be payable to the beneficiaries, or to a legally appointed guardian or as directed by the system. Benefits shall be payable under this subsection notwithstanding an election by a beneficiary to withdraw the deceased member's accumulated account balance as provided in KRS 61.625 or benefits under any other provisions of KRS 16.510 to 16.652.

(4) A beneficiary eligible for benefits under subsection (1) or (2) of this section who is also eligible for benefits under any other provisions of KRS 16.510 to 16.652 may elect benefits under this section or any other section of KRS 16.510 to 16.652 but cannot elect to receive both.

(5) (a) A beneficiary applying for benefits under subsection (1) or (2) of this section who is also eligible for benefits under KRS 16.578 may elect to receive benefits under KRS 16.578(2)(a) or (b) while the application for benefits under subsection (1) or (2) of this section is pending.

(b) If a final determination results in a finding of eligibility for benefits under subsection (1) or (2) of this section, the system shall recalculate the benefits due the beneficiary in accordance with this subsection.

(c) If the beneficiary has been paid less than the amount of benefits to which the beneficiary was entitled to receive under this section, the system shall pay the additional funds due to the beneficiary.

(d) If the beneficiary has been paid more than the amount of benefits to which the beneficiary was entitled to receive under this section, the system shall deduct the amount overpaid to the beneficiary from the ten thousand dollars ($10,000) lump-sum payment and from the monthly retirement allowance payments until the amount owed to the systems has been recovered.

➔Section 2. KRS 61.621 is amended to read as follows:

(1) Notwithstanding any provision of any statutes to the contrary, effective June 1, 2000, any employee participating in one (1) of the state-administered retirement systems who is not in a hazardous duty position, as defined in KRS 61.592, shall be eligible for minimum benefits equal to the benefits payable under this section or KRS 61.702 if the employee dies or becomes totally and permanently disabled to engage in any occupation for remuneration or profit as a result of a duty-related injury.

(2) (a) For purposes of this section, "duty-related injury" means:

1. a. A single traumatic event that occurs while the employee is performing the duties of his position; or

b. A single act of violence committed against the employee that is found to be related to his job duties, whether or not it occurs at his job site; and

2. The event or act of violence produces a harmful change in the human organism evidenced by objective medical findings.

(b) Duty-related injury does not include the effects of the natural aging process, a communicable disease unless the risk of contracting the disease is increased by nature of the employment, or a psychological, psychiatric, or stress-related change in the human organism unless it is the direct result of a physical injury.

(3) (a) If the employee dies as a result of a duty-related injury and is survived by a spouse, the surviving spouse shall be the beneficiary, and this shall supersede the designation of all previous beneficiaries of the deceased employee's retirement account.

(b) The surviving spouse may elect to receive the benefits payable under KRS 61.640 or other applicable death benefit statutes, or may elect to receive a lump-sum payment of ten thousand dollars ($10,000) and a monthly payment equal to twenty-five percent (25%) of the member's monthly final rate of pay beginning in the month following the member's death and continuing each month until death.

(4) If the employee is determined to be disabled as provided in KRS 61.600, or other applicable disability statutes in any other state-administered retirement system, as the result of a duty-related injury, the employee may elect to receive benefits determined under the provisions of KRS 61.605, or other applicable disability statutes in any other state-administered retirement system, except that the monthly retirement allowance shall not be less than twenty-five percent (25%) of the employee's monthly final rate of pay. For purposes of determining disability, the service requirement in KRS 61.600(1)(a), or other applicable statutes in any other state-administered retirement system, shall be waived.

(5) In the period of time following a member's death or disability during which dependent children survive, a monthly payment shall be made for each dependent child who is alive which shall be equal to ten percent (10%) of the deceased or disabled member's monthly final rate of pay; however, total maximum dependent children's benefits shall not exceed forty percent (40%) of the deceased or disabled member's monthly final rate of pay at the time any particular payment is due. The payment shall commence in the month following the date of death or disability of the member and shall be payable to the beneficiaries, or to a legally appointed guardian, or as directed by the system. Benefits for death as a result of a duty-related injury shall be payable under this subsection notwithstanding an election by a beneficiary to withdraw the deceased member's accumulated account balance as provided in KRS 61.625 or benefits under any other provisions of KRS 61.515 to 61.705 or other applicable death benefit statutes in any other state-administered retirement system.

(6) ***(a) A spouse applying for benefits under this section who is also eligible for benefits under KRS 61.640 may elect to receive benefits under KRS 61.640(2)(a) or (b) while the application for benefits under this section is pending.***

(b) If a final determination results in a finding of eligibility for benefits under this section, the system shall recalculate the benefits due the spouse in accordance with this subsection.

(c) If the spouse has been paid less than the amount of benefits to which the spouse was entitled to receive under this section, the system shall pay the additional funds due to the spouse.

(d) If the spouse has been paid more than the benefit the spouse was eligible to receive under this section, then the system shall deduct the amount owed by the spouse from the ten thousand dollars ($10,000) lump sum payment and from the monthly retirement allowance payments until the amount owed to the systems has been recovered.

(7) ~~[(6)]~~ This section shall be known as "The Fred Capps Memorial Act."

➔Section 3. This Act shall have retroactive effect to any matters pending before the Kentucky Retirement Systems or appeals of any of those matters pending on the effective date of this Act.

➔Section 4. Whereas ensuring that benefits for public employees suffering death in the line of duty are promptly distributed is important to the public employees serving in the line of duty, to their families, and to the Commonwealth of 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 13, 2016.

CHAPTER 115

(SB 174)

AN ACT relating to children's services.

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

➔Section 1. KRS 199.011 is amended to read as follows:

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

(1) "Secretary" means the secretary for health and family services;

(2) "Cabinet" means the Cabinet for Health and Family Services;

(3) "Department" means the Department for Community Based Services;

(4) "Child" means any person who has not reached his eighteenth birthday;

(5) "Adult adopted person" means any adopted person who is twenty-one (21) years of age or older;

(6) "Child-caring facility" means any institution or group home, including institutions and group homes that are publicly operated, 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, other than an institution or group home certified by an appropriate agency as operated primarily for educational or medical purposes, or a residential program operated or contracted by the Department of Juvenile Justice that maintains accreditation, or obtains accreditation within two (2) years of opening from a nationally recognized accrediting organization;

(7) "Child-placing agency" means any agency licensed by the cabinet which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption;

(8) "Adoption worker" means an employee of the cabinet so designated by the secretary for health and family services, a social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, adoption placement services to children, or a social worker employed by or under contract to a child-placing adoption agency;

(9) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency;

(10) "Group home" means a homelike facility, excluding Department of Juvenile Justice operated or contracted facilities, for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources;

(11) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children;

(12) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons;

(13) "Placement services" means those social services customarily provided by a licensed child-placing or a public agency which are necessary for the arrangement and placement of children in foster family homes, child-placing facilities, or adoptive homes. Placement services are provided through a licensed child-placing or a public agency for children who cannot be cared for by their biological parents and who need and can benefit from new and permanent family ties established through legal adoption. Licensed child-placing agencies and public agencies have a responsibility to act in the best interests of children, biological parents, and adoptive parents by providing social services to all the parties involved in an adoption;~~[and]~~

(14) ***"Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10); and***

(15) "Voluntary and informed consent" means that at the time of the execution of the consent the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value except those expenses allowable under KRS 199.590(6), that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed. The consent shall be in writing, signed and sworn to by the consenting person and include the following:

(a) Date, time, and place of the execution of the consent;

(b) Name of the child, if any, to be adopted and the date and place of the child's birth;

(c) Consenting person's relationship to the child;

(d) Identity of the proposed adoptive parents or a statement that the consenting person does not desire to know the identification of the proposed adoptive parents;

(e) A statement that the consenting person understands that the consent will be final and irrevocable under this paragraph unless withdrawn under this paragraph.

1. If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the later of the placement approval or the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail.

2. If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail;

(f) Disposition of the child if the adoption is not adjudged;

(g) A statement that the consenting person has received a completed and signed copy of the consent at the time of the execution of the consent;

(h) Name and address of the person who prepared the consent, name and address of the person who reviewed and explained the consent to the consenting person, and a verified statement from the consenting person that the consent has been reviewed with and fully explained to the consenting person; and

(i) Total amount of the consenting person's legal fees, if any, for any purpose related to the execution of the consent and the source of payment of the legal fees.

➔Section 2. KRS 199.650 is amended to read as follows:

(1) Any licensed child-caring facility or child-placing agency may contract to provide care, maintenance, and services for a child in accordance with the terms of its license.

(2) Any licensed child-caring facility or child-placing agency may receive children committed to its custody and provide care and services for the child until the child is discharged from custody pursuant to law.

(3) Each licensed child-caring facility shall designate an on-site official who is trained and authorized to apply the reasonable and prudent parent standard as defined in Section 1 of this Act in accordance with 42 U.S.C. sec. 671.

➔Section 3. 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) ***"Age or developmentally-appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);***

(3) "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;

(4) ~~[(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;

(5) ~~[(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;

(6) ~~[(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;

(7) ~~[(6)]~~ "Cabinet" means the Cabinet for Health and Family Services;

(8) ~~[(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;

(9) ~~[(8)]~~ "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;

(10) ~~[(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;

(11) ~~[(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;

(12) ~~[(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;

(13) ~~[(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;

(14) ~~[(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;

(15) ~~[(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;

(16) ~~[(15)]~~ "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;

(17) ~~[(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;

(18) ~~[(17)]~~ "Deadly weapon" has the same meaning as it does in KRS 500.080;

(19) ~~[(18)]~~ "Department" means the Department for Community Based Services;

(20) ~~[(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;

(21) ~~[(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;

(22) ~~[(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;

(23) ~~[(22)]~~ "Diversion agreement" means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;

(24) ~~[(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;

(25) ~~[(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;

(26) ~~[(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;

(27) ~~[(26)]~~ "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;

(28) ~~[(27)]~~ "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

(29) ~~[(28)]~~ "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;

(30) ~~[(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;

(31) ~~[(30)]~~ "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;

(32) ~~[(31)]~~ "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;

(33) ~~[(32)]~~ "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;

(34) ~~[(33)]~~ "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;

(35) ~~[(34)]~~ "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;

(36) ~~[(35)]~~ "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;

(37) ~~[(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;

(38) ~~[(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;

(39) ~~[(38)]~~ "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;

(40) ~~[(39)]~~ "Needs of the child" means necessary food, clothing, health, shelter, and education;

(41) ~~[(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;

(42) ~~[(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;

(43) ~~[(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;

(44) ~~[(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;

(45) ~~[(44)]~~ "Parent" means the biological or adoptive mother or father of a child;

(46) ~~[(45)]~~ "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;

(47) ~~[(46)]~~ "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;

(48) ~~[(47)]~~ "Physical injury" means substantial physical pain or any impairment of physical condition;

(49) ~~[(48)]~~ "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;

(50) ~~[(49)]~~ "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;

(51) ~~[(50)]~~ "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;

(52) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);

(53) ~~[(51]~~) "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;

(54) ~~[(52)]~~ "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;

(55) ~~[(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;

(56) ~~[(54)]~~ "School personnel" means those certified persons under the supervision of the local public or private education agency;

(57) ~~[(55)]~~ "Secretary" means the secretary of the Cabinet for Health and Family Services;

(58) ~~[(56)]~~ "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;

(59) ~~[(57)]~~ "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;

(60) ~~[(58)]~~ "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;

(61) ~~[(59)]~~ "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;

(62) ~~[(60)]~~ "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;

(63) ~~[(61)]~~ "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;

(64) ~~[(62)]~~ (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;

(65) ~~[(63)]~~ "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;

(66) ~~[(64)]~~ "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;

(67) ~~[(65)]~~ "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;

(68) ~~[(66)]~~ "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;

(69) ~~[(67)]~~ "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;

(70) ~~[(68)]~~ "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

(71) ~~[(69)]~~ "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 4. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section, "caregiver" has the same meaning as in 42 U.S.C. sec. 675(10)(B).

(2) In accordance with 42 U.S.C. sec. 671, a caregiver shall use the reasonable and prudent parent standard to determine whether to allow a child in the custody of the cabinet to participate in an age or developmentally appropriate extracurricular, enrichment, or social activity.

(3) A caregiver shall not be liable as a result of the caregiver's approval of the participation of a child who is in the custody of the cabinet in an age or developmentally appropriate activity, so long as the caregiver acts in accordance with the reasonable and prudent parent standard. No provision in any agreement between the cabinet and a caregiver shall diminish the standard of care as set forth by this statute.

(4) Nothing in this section is intended to abrogate or diminish the immunities of a cabinet official acting in the course and scope of the cabinet official's employment or create a legal duty on the part of a cabinet official.

➔Section 5. KRS 610.125 is amended to read as follows:

(1) If a child has been removed from the home and placed in the custody of the Department of Juvenile Justice or the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter if custody and out-of-home placement continues, to determine the future status of the child. For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is sixty (60) days after the date on which the child is removed from the home.

The court shall address the following areas:

(a) If parental rights have not been terminated, whether the child should be returned to the parent;

(b) Whether the child should be placed for adoption;

(c) Whether the child should be placed with a permanent custodian; and

(d) Whether the cabinet has documented a compelling reason that it is in the best interest of the child ***who is age sixteen (16) or older*** to be placed in another planned permanent living arrangement other than those listed in this subsection. ***Prior to the approval of this permanency goal, the court shall:***

1. Ask the child about the desired permanency outcome; and

2. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency goal for the child and provide compelling reasons why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.

(2) If the cabinet or the Department of Juvenile Justice determines that reasonable efforts to reunify the child with the child's parent will not be made, the cabinet or Department of Juvenile Justice shall file a case permanency plan as defined by KRS 620.230 or case progress report with the court that documents the reasons for not making reasonable efforts. The court shall hold a permanency hearing within thirty (30) days of the filing of the cabinet's or Department of Juvenile Justice's plan or report with the Court.

(3) The Department of Juvenile Justice or the cabinet shall inform the court not less than sixty (60) days prior to the expiration of the time in which the hearing shall be held and within the time established in subsection (1) of this section, and shall further inform the court of the name and address of the child's foster parents, preadoptive parents, or relatives providing care to the child; court-appointed special advocate; and foster care review board member assigned to the case. For the hearing to be held pursuant to subsection (2) of this section, the names and addresses of the persons identified in this subsection shall be provided in the case permanency plan or case progress report to be filed with the court. The court shall set a time for the hearing and notify the child's parent,

foster parents, preadoptive parents, or relatives providing care to the child and who also shall have a right to be heard; court-appointed special advocate; foster care review board member assigned to the case; attorney for the child; attorney for the parent, if any; and the Department of Juvenile Justice or the cabinet.

(4) The Department of Juvenile Justice or the cabinet shall present evidence to the court concerning the care and progress of the child since the last permanency hearing, including the following:

(a) The length of time the child has been committed to the Department of Juvenile Justice or the cabinet;

(b) The number, location, and date for each placement during the total period of the child's commitment;

(c) A description of the services and assistance provided to the parent or arranged by the Department of Juvenile Justice or the cabinet since the last case permanency plan or case progress report, and the results achieved;

(d) A description of the efforts and progress of the child's parent since the last case permanency plan and case progress report, including the number and dates of parental visits and the extent, quality, and frequency of the parent's communication with the child;

(e) The familial and institutional barriers to:

1. Returning the child to the home;

2. Ending the commitment of the child to the Department of Juvenile Justice or the cabinet; and

3. Delivery of appropriate services needed by the child;

(f) Recommendations of services needed to make the transition from out-of-home care to independent living for children who have reached the age of ***fourteen (14)*** ~~[sixteen (16)]~~ years;

(g) An evaluation of the child's current placement and services provided to the child;

(h) Recommendations for necessary services required to terminate the commitment of the child to the cabinet, to return the child home, or to facilitate another permanent placement; ~~[and]~~

(i) Recommendations as to the permanency goal for the child***; and***

(j) For a child with another planned permanency arrangement as the child's permanency goal:

1. The intensive, ongoing efforts to return the child to the home or secure a placement with a fit and willing relative, legal guardian, or adoptive parent, including efforts that utilize search technology to find the biological family;

2. The steps the agency is taking to ensure that the child's foster family home or licensed child-caring facility is following the reasonable and prudent parent standard in accordance with 42 U.S.C. sec. 671; and

3. The cabinet's efforts to ensure the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the child in an age and developmentally appropriate manner about the opportunities of the child to participate in the activities.

(5) (a) The child's parent, foster parent, preadoptive parent, or relative providing care to the child shall have the right to be heard; and

(b) The attorney for the parent, attorney for the child, or court-appointed special advocate, if deemed appropriate by the court, may present any evidence relevant to the determination of a permanency goal for the child.

(6) Upon conclusion of the hearing the court shall make a written order determining the permanency plan for the child.

(7) If necessary, the case may be redocketed for further review of the progress toward the implementation of the permanency plan established at the permanency hearing.

➔Section 6. KRS 620.050 is amended to read as follows:

(1) Anyone acting upon reasonable cause in the making of a report or acting under KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting

from such report or action. However, any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor.

(2) Any employee or designated agent of a children's advocacy center shall be immune from any civil liability arising from performance within the scope of the person's duties as provided in KRS 620.030 to 620.050. Any such person shall have the same immunity with respect to participation in any judicial proceeding. Nothing in this subsection shall limit liability for negligence. Upon the request of an employee or designated agent of a children's advocacy center, the Attorney General shall provide for the defense of any civil action brought against the employee or designated agent as provided under KRS 12.211 to 12.215.

(3) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.

(4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this chapter, the cabinet as the designated agency or its delegated representative shall initiate a prompt investigation or assessment of family needs, take necessary action, and shall offer protective services toward safeguarding the welfare of the child. The cabinet shall work toward preventing further dependency, neglect, or abuse of the child or any other child under the same care, and preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.

(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:

(a) Persons suspected of causing dependency, neglect, or abuse;

(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;

(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;

(d) ***A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;***

(e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;

(f) ~~[(e)]~~ A noncustodial parent when the dependency, neglect, or abuse is substantiated;

(g) ~~[(f)]~~ Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;

(h) ~~[(g)]~~ Employees or designated agents of a children's advocacy center;

(i) ~~[(h)]~~ Those persons so authorized by court order; or

(j) ~~[(i)]~~ The external child fatality and near fatality review panel established by KRS 620.055.

(6) (a) Files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by a children's advocacy center in providing services under this chapter are confidential and shall not be disclosed except to the following persons:

1. Staff employed by the cabinet, law enforcement officers, and Commonwealth's and county attorneys who are directly involved in the investigation or prosecution of the case;

2. Medical and mental health professionals listed by name in a release of information signed by the guardian of the child, provided that the information shared is limited to that necessary to promote the physical or psychological health of the child or to treat the child for abuse-related symptoms;

3. The court and those persons so authorized by a court order; and

4. The external child fatality and near fatality review panel established by KRS 620.055.

(b) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.

(7) Nothing in this section shall prohibit a parent or guardian from accessing records for his or her child providing that the parent or guardian is not currently under investigation by a law enforcement agency or the cabinet relating to the abuse of a child.

(8) Nothing in this section shall prohibit employees or designated agents of a children's advocacy center from disclosing information during a multidisciplinary team review of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this information shall sign a confidentiality statement consistent with statutory prohibitions on disclosure of this information.

(9) Employees or designated agents of a children's advocacy center may confirm to another children's advocacy center that a child has been seen for services. If an information release has been signed by the guardian of the child, a children's advocacy center may disclose relevant information to another children's advocacy center.

(10) (a) An interview of a child recorded at a children's advocacy center shall not be duplicated, except that the Commonwealth's or county attorney prosecuting the case may:

1. Make and retain one (1) copy of the interview; and

2. Make one (1) copy for the defendant's counsel that the defendant's counsel shall not duplicate.

(b) The defendant's counsel shall file the copy with the court clerk at the close of the case.

(c) Unless objected to by the victim or victims, the court, on its own motion, or on motion of the attorney for the Commonwealth shall order all recorded interviews that are introduced into evidence or are in the possession of the children's advocacy center, law enforcement, the prosecution, or the court to be sealed.

(d) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.

(11) Identifying information concerning the individual initiating the report under KRS 620.030 shall not be disclosed except:

(a) To law enforcement officials that have a legitimate interest in the case;

(b) To the agency designated by the cabinet to investigate or assess the report;

(c) To members of multidisciplinary teams as defined by KRS 620.020 that operated under KRS 431.600

(d) Under a court order, after the court has conducted an in camera review of the record of the state related to the report and has found reasonable cause to believe that the reporter knowingly made a false report; or

(e) The external child fatality and near fatality review panel established by KRS 620.055.

(12) (a) Information may be publicly disclosed by the cabinet in a case where child abuse or neglect has resulted in a child fatality or near fatality.

(b) The cabinet shall conduct an internal review of any case where child abuse or neglect has resulted in a child fatality or near fatality and the cabinet had prior involvement with the child or family. The cabinet shall prepare a summary that includes an account of:

1. The cabinet's actions and any policy or personnel changes taken or to be taken, including the results of appeals, as a result of the findings from the internal review; and

2. Any cooperation, assistance, or information from any agency of the state or any other agency, institution, or facility providing services to the child or family that were requested and received by the cabinet during the investigation of a child fatality or near fatality.

(c) The cabinet shall submit a report by September 1 of each year containing an analysis of all summaries of internal reviews occurring during the previous year and an analysis of historical trends to the Governor, the General Assembly, and the state child fatality review team created under KRS 211.684.

(13) When an adult who is the subject of information made confidential by subsection (5) of this section publicly reveals or causes to be revealed any significant part of the confidential matter or information, the confidentiality afforded by subsection (5) of this section is presumed voluntarily waived, and confidential information and records about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed if disclosure is in the best interest of the child or is necessary for the administration of the cabinet's duties under this chapter.

(14) As a result of any report of suspected child abuse or neglect, photographs and X-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person exercising custodial control or supervision of the child, as a part of the medical evaluation or investigation of these reports. These photographs and X-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings. The person performing the diagnostic procedures or taking photographs or X-rays shall be immune from criminal or civil liability for having performed the act. Nothing herein shall limit liability for negligence.

(15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a child in the custody of the cabinet with a relative or a parent of the child's sibling for the purposes of:

(a) Evaluating or arranging a placement for the child;

(b) Arranging appropriate treatment services for the child; or

(c) Establishing visitation between the child and a relative, including a sibling of the child.

Signed by Governor April 13, 2016.

CHAPTER 116

(SB 242)

AN ACT relating to veterinarians.

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

➔Section 1. KRS 321.175 is amended to read as follows:

It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of public health, safety, and welfare. To protect the public from being misled by incompetent, unscrupulous, and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice veterinary medicine, ***this chapter is*** ~~[KRS 321.175, 321.181, 321.185, 321.190, 321.193, 321.195, 321.200, 321.201, 321.205, 321.211, 321.221, 321.230, 321.235, 321.237, 321.240, 321.320, 321.351, 321.360, 321.441, 321.443, and 321.990 are]~~ enacted in the interest of the health, safety, and welfare of the animal population and the citizens of Kentucky.

➔Section 2. KRS 321.181 is amended to read as follows:

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

(1) "Board" means the Kentucky Board of Veterinary Examiners;

(2) "Animal" means any animal, except human beings;

(3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;

(4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky;

(5) "Practice of veterinary medicine" means:

(a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above;

(b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, ***laser therapy,*** manipulation, and all other branches or specialties of veterinary medicine and the prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in accordance with the applicable federal statutes and regulations governing controlled prescription and legend drugs; and

(c) To use ***the words "veterinarian," or "veterinary," or*** any title, words, abbreviation, or letters in a manner or under circumstances which ***may*** induce the belief that the person using them is qualified to do any act described in paragraphs (a) and (b) of this subsection;

(6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into any animal, including food and companion animals;

(7) "Chemical restraint" means the use of any prescription or legend drug that restrains or tranquilizes the animal;

(8) "Direct supervision" means the veterinarian is on the premises, and is quickly and easily available, and the animal has been examined by a veterinarian at the times acceptable veterinary medical practice requires, consistent with the particular delegated animal health care tasks;

(9) "Indirect supervision" means the veterinarian does not have to be on the premises as long as a valid veterinary/client/patient relationship has been established and the~~[veterinary technologist,]~~ veterinary technician~~[,]~~ or veterinary assistant has been instructed on the applicable animal health care tasks in accordance with KRS 321.441 and 321.443;

(10) "Emergency" means the animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life;

(11) ***"Veterinary wellness program"***~~["Impaired veterinarian program"]~~ means the ***board***~~[Kentucky Veterinary Medical Association]~~ sponsored program for the identification, intervention, and monitoring of ***credential holders or applicants***~~[veterinarians]~~ ***who may be*** impaired as a result of ***alcohol abuse***~~[alcoholism]~~, chemical dependence,~~[or]~~ drug abuse***, or any physical or mental condition***;

(12) "Veterinary ***wellness***~~[medical impairment]~~ committee" means a committee ***appointed by the board that shall be composed***~~[of the Kentucky Veterinary Medical Association, comprised]~~ of individuals who have expertise in the areas of ***alcohol abuse***~~[alcoholism]~~, chemical dependence, drug abuse, or physical or mental ***condition***~~[illness, that has been]~~ designated by the ***board***~~[Kentucky Veterinary Medical Association]~~ to perform activities related to the ***veterinary wellness***~~[impaired veterinarian]~~ program;

(13) ~~["Veterinary technologist" means a person who has successfully completed an accredited program of veterinary technology approved by the board and who is registered in accordance with KRS 321.441;~~

~~(14)]~~ "Veterinary technician" means a person who has ***completed*** an associate ***or bachelor's*** degree ***level accredited program of veterinary technology***~~[related to veterinary sciences, or its equivalent as]~~ approved by the board, and who is ***licensed***~~[registered]~~ in accordance with KRS 321.441;

(14)~~[(15)]~~ "Veterinary assistant" means a lay person employed by a licensed veterinarian in accordance with KRS 321.443;

(15)~~[(16)]~~ "Certified animal control agency" means a county or municipal animal shelter or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination of those entities that temporarily houses stray, unwanted, or injured animals and that is certified under the provisions of KRS 321.207;~~[and]~~

(16)~~[(17)]~~ "Certified animal euthanasia specialist" means a person employed by a certified animal control agency who is authorized by the board, under KRS 321.207, to humanely euthanize animals by administering drugs designated by the board for euthanasia***; and***

(17) "Student" means:

(a) A person enrolled in any veterinary school or college approved by the American Veterinary Medical Association while pursuing a degree in veterinary medicine; or

(b) A person in a post-Doctor of Veterinary Medicine temporary private internship, residency, or veterinary hospital-based program, not to exceed thirty (30) days in a calendar year.

➔Section 3. KRS 321.185 is amended to read as follows:

(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:

(a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;

(b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and

is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.

(2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.

(3) (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.

(b) A veterinarian shall not release information concerning a client or care of a client's animal, except on the veterinarian's receipt of:

1. A written authorization or other form of waiver executed by the client; or

2. An appropriate court order or subpoena.

(c) A veterinarian who releases information~~[as required]~~ under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.

(d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:

1. The nature and extent of the animal's injuries; or

2. The care and treatment of the animal provided by the veterinarian.

(e) This subsection shall not apply to:

1. An inspection or investigation conducted by the board or an agent of the board; or

2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.

(4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.

➔Section 4. KRS 321.190 is amended to read as follows:

Except as provided in KRS 321.200, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless the person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth, as provided in this chapter~~[. No person who violates any of the provisions of this section shall receive or accept any compensation for services rendered]~~.

➔Section 5. KRS 321.193 is amended to read as follows:

~~[(1)]~~ The board shall issue a license as a "veterinarian" to an applicant who meets the following requirements:

(1)~~[(a)]~~ Has paid the application fee and the appropriate examination fee;

(2)~~[(b)]~~ Is a person of good moral character;

(3)~~[(c)]~~ Has received a degree from a veterinary college approved by the board; ~~[and]~~

(4)~~[(d)]~~ Has achieved a passing score, as set by the board ***by administrative regulation***, on examinations required by administrative regulation promulgated by the board***; and***

(5) Has complied with any other requirement of the board by administrative regulation.

~~[(2) The application fee for licensure and examination fee shall be promulgated by administrative regulation of the board.]~~

➔Section 6. KRS 321.200 is amended to read as follows:

(1) No provision of this chapter shall be construed to prohibit any of the following:

(a) Any persons from gratuitously treating animals in cases of emergency ***provided*** ~~[if]~~ they do not ***use the word "veterinarian," "veterinary," or any title, words, abbreviation, or letters in a manner or under circumstances which may induce the belief that the person using them is qualified to practice veterinary medicine as described in KRS 321.181(5)*** ~~[represent themselves to be veterinarians or use any title or degree pertaining to veterinary practice]~~;

(b) The owner of any animal or animals and the owner's full-time, or part-time, regular employees from caring for and treating, including administering drugs to, any animals belonging to the owner. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;

(c) Any person from castrating food animals and dehorning cattle, as long as any drugs or medications are obtained and used in accordance with applicable federal statutes and regulations governing controlled and legend drugs;

(d) Any student ***as defined in Section 2 of this Act*** ~~[enrolled in any approved veterinary school or college]~~ from working under the direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth~~[and whose compensation is paid solely by the licensed veterinarian]~~;

(e) Nonlicensed graduate veterinarians in the United States Armed Services or employees of the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the Kentucky Department of Agriculture, Division of Animal Health while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other states, from meeting licensed veterinarians of this Commonwealth in consultation;

(f) A trainer, sales agent, or herdsman from caring for animals, ***upon instruction from a Kentucky-licensed veterinarian,*** provided there is a veterinary-client-patient relationship, as defined in KRS 321.185;

(g) A university faculty member from teaching veterinary science or related courses, or a faculty member or staff member from engaging in veterinary research, including drug and drug testing research, provided that research is conducted in accordance with applicable federal statutes and regulations governing controlled and legend drugs;

(h) Any person who holds a postgraduate degree in reproductive physiology or a related field, and who has performed embryo transfers in Kentucky during the five (5) years immediately preceding July 14, 1992, from performing embryo transfers;~~[or]~~

(i) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366***; or***

(j) A retailer or its agent from providing information and suggestions regarding the over-the-counter products it sells to treat animals so long as the information and suggestions are consistent with the product label.

(2) ***(a) A nonresident of the United States may be employed in this state to practice veterinary medicine for not more than thirty (30) days of each year provided he or she:***

1. Holds a valid, current license as a veterinarian in his or her home country;

2. Practices under the direct supervision of a veterinarian licensed in Kentucky;

3. Registers with the board prior to commencing practice in the state; and

4. Agrees to practice and follow all the rules and administrative regulations of this chapter and be subject to discipline for violations of those rules and administrative regulations by the Kentucky Board of Veterinary Examiners.

(b) This subsection shall not apply to a nonresident of the United States who is otherwise eligible for a Kentucky license under this chapter.

(3) Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist.

➔Section 7. KRS 321.201 is amended to read as follows:

(1) The board may issue a special permit to practice veterinary medicine to~~[:~~

~~(a)]~~a nonlicensed veterinarian who is a qualified applicant to become a licensed veterinarian by examination, and who is employed by and under the direct supervision of a Kentucky licensed veterinarian. The special permit shall be issued after the application has been made to take the next examination given by the board and the required fees paid. A letter of recommendation from the supervising licensed veterinarian shall

be submitted with the application. The special permit shall expire the day after the notice of results of the first examination given after the permit was issued.

~~[(b) A veterinarian who is licensed in, and who has practiced for one (1) year immediately preceding application in another state, territory, or district of the United States whose licensing requirements are equal to or higher than those of Kentucky, and who has made application to take the next examination given by the board and paid the required fees. The special permit shall expire the day after the notice of results of the first examination given after the permit was issued.]~~

(2) A special permit may be subject to the disciplinary procedures as set forth in KRS 321.351.

➔Section 8. KRS 321.207 is amended to read as follows:

(1) The Board of Veterinary Examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency that it determines to be qualified, authorization to apply to the federal Drug Enforcement Agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession, and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia specialist to euthanize injured, sick, or abandoned animals.

(2) To satisfy the board's authorization, the applicant shall comply with administrative regulations promulgated by the board which contain standards for proper storage and handling of the drugs the board has authorized for use, and any other provisions as may be necessary to ensure that the drugs are used safely and solely for the purpose set forth in this section.

(3) ~~[If the registration certificate is granted by the federal Drug Enforcement Agency, and the applicant otherwise satisfies the requirements of the Board of Veterinary Examiners, the board shall certify the animal control agency to euthanize animals.]~~

~~[(4)]~~ Upon submission of a complete application, payment of a fee established by the board, and successful completion of a board-approved animal euthanasia specialist training course by the applicant, the Board of Veterinary Examiners shall issue to any person whom it determines to be qualified, a certificate for the person to function as a certified animal euthanasia specialist.

(4)~~[(5)]~~ Euthanasia of animals in a certified animal control agency shall be performed by a licensed veterinarian, including a ***licensed***~~[registered]~~ veterinary technician~~[or technologist]~~ employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia specialist as provided for in subsection ***(3)***~~[(4)]~~ of this section. A certified animal control agency that employs a certified animal euthanasia specialist may purchase, possess, and administer sodium pentobarbital or other drugs that the board approves for the euthanasia of animals. Sodium pentobarbital and other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.

(5)~~[(6)]~~ Certified animal control agencies and certified animal euthanasia specialists shall be required to renew their certificates at intervals, upon conditions, and upon the payment of fees established by the board.

➔Section 9. KRS 321.211 is amended to read as follows:

(1) Each person licensed as a veterinarian shall, on or before September 30 of each even-numbered year, pay to the board a renewal fee to be promulgated by administrative regulation of the board for the renewal of his license. All licenses not renewed by September 30 of each even-numbered year shall expire based on the failure of the individual to renew in a timely manner.

(2) A sixty (60) day grace period shall be allowed after September 30, as required for renewal in subsection (1) of this section, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.

(3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.

(4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.

(5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (3) of this section and the renewal fee as set forth in subsection (1) of this section.

(6) A person who fails to reinstate his license within five (5) years after its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.

(7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

(8) The board may grant retired or inactive licensure status and may establish conditions under which retired or inactive licenses may be renewed as set forth by administrative regulations promulgated by the board.

➔Section 10. KRS 321.230 is amended to read as follows:

There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." The board shall consist of ***nine (9)***~~[eight (8)]~~ members appointed by the Governor, and the Commissioner of Agriculture or ***the Commissioner's***~~[his]~~ designee. Seven (7) members shall be citizens of the Commonwealth of Kentucky and shall each have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least two (2) years next preceding the date of ***the member's***~~[his]~~ appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. ***One (1) member shall be a citizen of the Commonwealth and a licensed veterinary technician who has been employed in the veterinary field in the Commonwealth for at least two (2) years preceding the date of his or her appointment.***~~[The four (4) appointed members serving on July 14, 1992, shall continue to serve as board members until their respective terms expire. The four (4) appointed members to be added to the board by this section, shall originally be appointed as follows: one (1) member to a one (1) year term, one (1) member for a two (2) year term, one (1) member for a three (3) year term, and one (1) member for a four (4) year term.]~~ All appointed members~~[thereafter]~~ shall be appointed for a term of four (4) years ***and shall serve until the member is reappointed or a successor is appointed***. Any vacancy in the appointed membership of the board shall be filled for the unexpired term by appointment by the Governor. Each member of the board shall receive one hundred dollars ($100) per day for each day of service actually given in carrying out his duties under this chapter, in addition to his necessary traveling, hotel, and contingent expenses incurred in attending the meetings of the board and in the performance of his duties.

➔Section 11. KRS 321.235 is amended to read as follows:

(1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure and certification.

(2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter.

(3) The board may promulgate administrative regulations ***in accordance with***~~[pursuant to]~~ Chapter 13A and this chapter to carry out the provisions of this chapter.

(4) The board may conduct hearings and keep records and minutes necessary to carry out the function of this chapter.

(5) The board may evaluate the qualifications and authorize the issuance of licenses, registration, or certification to qualified candidates.

(6) The board may renew licenses, registrations, and certifications***,***~~[and]~~ require continuing education as a condition for renewal***, and promulgate administrative regulations regarding the issuance and renewal of retired and inactive licenses***.

(7) The board may suspend, or revoke licenses or certifications, or impose supervisory or probationary conditions upon licensees or certificate holders, or impose administrative disciplinary fines, issue written reprimands, or any combination thereof.

(8) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of veterinary medicine by unlicensed persons.

(9) Members of the board, its agents, and employees shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

(1) The board may, by a majority vote, issue an emergency order for the immediate, temporary suspension of a license against which disciplinary action, an investigation, or initiating complaint is pending if the order is necessary to protect the public.

(2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of the licensee's clients or animals, or the general public.

(3) A licensee may appeal the emergency order by filing a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.

(4) The appeal of an emergency order shall address only the necessity for the action and shall not constitute an appeal of the merits of the underlying complaint or charge.

(5) The emergency order shall remain in effect until modified or vacated by the board or hearing officer or superseded by final disciplinary action of the board or hearing officer on the underlying complaint or charge.

(6) The board shall expedite disciplinary hearings in which a licensee has been suspended under subsection (1) of this section.

(7) Any party aggrieved by a final order of the board may appeal to the Franklin Circuit Court after a written decision is issued by the board in accordance with KRS Chapter 13B.

➔Section 13. KRS 321.237 is amended to read as follows:

(1) The board shall have the authority to ***establish***~~[enter into an agreement with the Kentucky Veterinary Medical Association for]~~ a veterinary ***wellness***~~[medical impairment]~~ committee to undertake the functions and responsibilities of ***a veterinary wellness***~~[an impaired veterinarian]~~ program~~[, as specified in the agreement]~~. The functions and responsibilities may include any of the following:

(a) Receiving and evaluating reports of suspected impairment from any source;

(b) Intervening in cases of verified impairment; or

(c) Referring impaired veterinarians to treatment programs.

(2) Other provisions of law notwithstanding, all board and committee records pertaining to the ***veterinary wellness***~~[impaired veterinarian]~~ program shall be kept confidential. No person in attendance at any meeting of the committee shall be required to testify as to any committee discussions or proceedings.

(3) Other provisions of law notwithstanding, no member of the board~~[of the Kentucky Veterinary Medical Association]~~ or the veterinary ***wellness***~~[medical impairment]~~ committee shall be liable for damages to any person for any acts, omissions, or recommendations made by ***the member***~~[him]~~ in good faith while acting within the scope of ***the member's***~~[his]~~ responsibilities ***in accordance with***~~[pursuant to]~~ this section.

➔Section 14. KRS 321.240 is amended to read as follows:

(1) The board shall annually elect a ***chair and a vice chair***~~[chairman, a vice-chairman, and a secretary-treasurer]~~ from the appointed members of the board.

(2) The board shall hold at least two (2) meetings annually~~[for the purpose of giving examinations under this chapter]~~ and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the ***chair***~~[chairman]~~ or upon written request of three (3) members of the board. Five (5) members of the board shall constitute a quorum to conduct business.

(3) The board may employ ***or contract with*** any other persons it deems necessary to carry on the work of the board and shall define their duties and fix their compensation.

(4) Upon recommendation of the board, the Governor may remove any member of the board for a poor attendance record, neglect of duty, or malfeasance in office.

(5) The board shall promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of this chapter, including regulations to establish authorized fees. Fees may not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of this chapter.

(6) The board shall promulgate a code of conduct governing the practice of veterinary medicine which shall be based upon generally recognized principles of professional ethical conduct.

➔Section 15. KRS 321.351 is amended to read as follows:

(1) The board may refuse to issue a license, or may suspend, revoke, impose probationary or supervisory conditions upon, impose an administrative fine ***not to exceed five thousand dollars ($5,000) per violation***, issue a written reprimand, ***issue a private admonishment,*** or any combination ***of actions***~~[thereof]~~ regarding any licensee upon proof that the licensee has:

(a) Committed any act of dishonesty or corruption. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant. ***"Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere***~~[Conviction includes all instances in which a plea of no contest on the basis of the conviction]~~;

(b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement ***of a license***~~[thereof]~~;

(c) Committed any unfair, false, misleading, or deceptive act or practice;

(d) Been incompetent or negligent in the practice of veterinary medicine;

(e) Violated any state statute or administrative regulation governing the practice of veterinary medicine or any activities undertaken by a veterinarian;

(f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;

(g) Violated the code of ethical conduct as set forth by the board by administrative regulation; or

(h) Violated any applicable provision of any federal or state law or regulation regarding the dispensing of controlled or legend drugs.

(2) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of veterinary medicine.

(3) When in the judgment of the board, an alleged violation is not of a serious nature, and the evidence presented to the board after the investigation and appropriate opportunity for the licensee to respond, provides a clear indication that the alleged violation did in fact occur, the board may issue a written reprimand to the licensee. A copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the reprimand within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request the board shall set aside the written reprimand and set the matter for hearing.

(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 licensee which effectively deals with the complaint.

(5) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary action.

(6) Private admonishment shall not be subject to disclosure to the public under KRS 61.878 and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in a subsequent disciplinary action against the licensee or applicant.

➔Section 16. KRS 321.360 is amended to read as follows:

(1) ***Except as provided in Section 12 of this Act,*** the board, before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, or any combination of actions regarding any license under the provisions of this chapter, shall set the matter for hearing in accordance with KRS Chapter 13B. After denying an application under the provisions of this chapter, or issuing a written reprimand, the board shall grant a hearing in accordance with KRS Chapter 13B to the denied applicant only upon written request of the applicant made within thirty (30) days of the date of the letter advising of the denial or the reprimand.

(2) Any party aggrieved by a final order of the board may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

➔Section 17. KRS 321.441 is amended to read as follows:

(1) ***The board shall issue a license as a veterinary technician to an applicant who:***

(a) Is a graduate of an accredited program of veterinary technology or its equivalent as approved by the board, with an associate or bachelor's degree related to veterinary technology;

(b) Obtains a passing score on an examination as determined by the board to assess the qualifications and fitness of an applicant to engage in the practice; and

(c) Has met all the requirements of the board as established by administrative regulation of the board~~[An applicant for registration as a veterinary technologist shall be a graduate of an accredited program of veterinary technology approved by the board and have met all the requirements of the board. An applicant for registration as a veterinary technician shall possess an associate degree related to veterinary sciences, or its equivalent, approved by the board and have met all the requirements of the board. An applicant for registration as a veterinary technologist or veterinary technician shall pass a written and practical examination as determined by the board to assess the qualifications and fitness of an applicant to engage in the practice]~~.

(2) ***The board shall promulgate administrative regulations defining the scope of practice of the veterinary technician as well as the delegable duties from a licensed veterinarian***~~[Registration issued to a veterinary technologist or veterinary technician shall not be active until the veterinary technologist or veterinary technician is employed and is under the direct supervision of a veterinarian licensed in this Commonwealth. A veterinary technologist or veterinary technician's registration is considered to be inactive until registration is activated by returning a renewal application signed by the supervising veterinarian and the application is approved by the board]~~.

(3) Each~~[veterinary technologist or]~~ veterinary technician ***licensed***~~[registered]~~ by the board shall pay an annual fee as prescribed by the board. Each~~[veterinary technologist or]~~ veterinary technician ***licensed***~~[registered]~~ by the board shall attend annual continuing education hours as required by the board to renew the ***license***~~[registration]~~. Failure to renew shall result in the termination of ***the license***~~[registration]~~. If a hearing is requested upon the rejection of an application, or upon the termination of ***a license***~~[registration]~~, a hearing shall be conducted in accordance with the~~[provision of]~~ KRS 321.360.

(4)~~[(3)]~~ The services of a ***licensed***~~[veterinary technologist or]~~ veterinary technician shall be limited to the performance of duties under the direct supervision of a licensed veterinarian**,** except for the routine administration of drugs, vaccines, parasite control agents, and growth stimulating implants for food animals prescribed by a veterinarian and under the indirect supervision of a veterinarian where a veterinarian-client-patient relationship exists. A ***licensed***~~[veterinary technologist or]~~ veterinary technician shall receive no fee or compensation for services other than salary or compensation paid by the establishment by which the ***licensed***~~[veterinary technologist or]~~ veterinary technician is employed. A ***licensed***~~[veterinary technologist or]~~ veterinary technician shall not participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is on the premises. A ***licensed***~~[veterinary technologist or]~~ veterinary technician shall not diagnose, prescribe medication or treatment, or perform surgical procedures other than castrating and dehorning of food animals. A ***licensed***~~[veterinary technologist or]~~ veterinary technician may assist a veterinarian in all duties of veterinary medicine and surgery.

(5)~~[(4)]~~ A veterinarian shall utilize the services of a ***licensed***~~[veterinary technologist or]~~ veterinary technician in accordance with the terms and provisions of this chapter. Unauthorized utilization of ***licensed***~~[veterinary technologist or]~~ veterinary technicians by veterinarians shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine as described in KRS 321.351.

(6)~~[(5)]~~ Nothing in this section shall prohibit volunteer health practitioners from providing services under KRS 39A.350 to 39A.366.

➔Section 18. KRS 321.990 is amended to read as follows:

Any person who shall violate or aid in the violation of~~[any of the provisions of]~~ KRS~~[321.175, 321.181, 321.185,]~~ 321.190~~[, 321.193, 321.195, 321.200, 321.201, 321.205, 321.207, 321.211, 321.221, 321.230, 321.235, 321.237, 321.240, 321.320, 321.351, 321.360, 321.441, and 321.443]~~ shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars ($10) nor more than five hundred dollars ($500), or sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury.

➔Section 19. The following KRS section is repealed:

321.195 Retirement and reactivation of license.

Signed by Governor April 13, 2016.

CHAPTER 117

(HB 343)

AN ACT relating to the provision of fire protection services.

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

➔Section 1. KRS 75.010 is amended to read as follows:

(1) A fire protection district or a volunteer fire department district may be created in accordance with the procedures of KRS 65.182.

(2) A fire protection district or volunteer fire department district shall not include any territory within its proposed service area that lies within:

(a) The corporate limits of a city;

(b) The boundaries of an existing fire protection district or volunteer fire department district established pursuant to KRS 75.010 to 75.080;

(c) The service area boundaries of a fire department created under KRS Chapter 273 that is certified under KRS 75.400 to 75.460; or

(d) An area that is not contained within the boundaries of a city, but has fire protection services provided by a city government, unless an agreement is in place for the newly formed district to assume services in the territory as authorized in Section 2(1)(b) of this Act.

➔Section 2. KRS 75.020 is amended to read as follows:

(1) (a) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department district shall file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication as provided for in KRS Chapter 424. On the day fixed in the notice, the county judge/executive shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance is filed, the clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the county judge/executive shall hear and determine the same. If upon such hearing, the county judge/executive finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, he or she shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive.

(b) In addition to the provisions of paragraph (a) of this subsection, if the trustees of a fire protection district or a volunteer fire department district, as established under KRS 75.010 to 75.080, are seeking to expand territory into an area served by a fire department created under KRS Chapter 273 ***and certified under KRS 75.400 to 75.460 or an area that is not contained within the boundaries of the city, but is being served by a city government***, then the trustees shall, prior to executing the provisions of paragraph (a) of this subsection, enter into a written agreement with the fire chief and the board of the fire department created under KRS Chapter 273 ***or with the city government providing fire protection services to the***

area proposed to be annexed. The agreement shall establish the proposed new boundary ***as it applies to the fire department created under KRS Chapter 273 or to the area being served by the city fire department***. On the day the agreement is finalized, the trustees of the district shall send by certified mail, return receipt requested, or have personally delivered a copy of the agreement to the county judge/executive of the county containing the territory subject to the expansion. The notice required in paragraph (a) of this subsection shall, in lieu of the applicable publication requirements set out in KRS Chapter 424, be published at least once a week, for a minimum of two (2) weeks. The last publication shall occur no less than seven (7) days before the date fixed in the notice.

(c) If the trustees approach the fire chief and board of the fire department created under KRS Chapter 273 ***or the city government*** in the manner authorized in paragraph (b) of this subsection and are unable to reach an agreement within thirty (30) days, the trustees, or any real property holder of the territory subject to the annexation, may directly seek permission from the real property holders of that territory to continue with the annexation procedure set out in paragraphs (a) and (b) of this subsection by circulating a petition and securing the signatures of at least fifty-one percent (51%) of the real property holders within that territory. The petition shall include the residential address of the signer and the date of the signature. The petition shall be certified by the county clerk if the clerk finds the petition sufficient in form and requisite amount of signatures.

(2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents the balance owing on the purchase price of firefighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the county judge/executive under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.

(3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, shall comply with KRS 75.022(3).

(4) ***A fire protection district or volunteer fire department district established pursuant to KRS 75.010 to 75.080 shall not expand its service boundaries or annex territory contained in another fire protection district or volunteer fire department district established pursuant to KRS 75.010 to 75.080. However,*** the territorial limits of two (2) or more fire protection districts, or volunteer fire department districts, as established by KRS 75.010 to 75.080, may be merged into one (1) fire protection district or volunteer fire department district as follows:

(a) The trustees of each fire protection district or volunteer fire department district shall file a joint petition in the county clerk's office of the county in which all of the districts and the territory to be merged into one (1) district, or the greater part of the district, is located, describing the territory to be merged into the district and setting out the reasons for the merger;

(b) Notice of the filing of the petition shall be given by publication as provided in KRS Chapter 424 for public notices;

(c) On the day fixed in the notice, the county judge/executive shall, if proper notice by publication has been given, and no written objection or remonstrance has been made, enter an order merging the fire protection districts or volunteer fire department districts described in the petition;

(d) Fifty-one percent (51%) or more of the property owners of the territory sought to be merged into one (1) district may, at any time before the date fixed in the notice, remonstrate by written petition to the county clerk regarding their objection to the merger of the districts. If a petition is filed, the county clerk shall give prompt notice to the trustees of the fire protection districts or the volunteer fire protection districts and the county judge/executive;

(e) The county judge/executive shall schedule a hearing regarding the petition and shall give public notice as to the date, time, and place of the hearing. If after the hearing, the county judge/executive finds from the evidence that a failure to merge the territory will materially retard the functioning of the fire protection districts or volunteer fire department districts and materially affect adversely the owners and the

inhabitants of the territory sought to be merged, he or she shall enter an order granting the merger of the districts into one (1) fire protection district or volunteer fire department district; and

(f) Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive regarding the merger fire protection districts or volunteer fire department districts.

(5) The property in any fire protection district or volunteer fire department district which is merged with another fire protection district or volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the other fire protection district or volunteer fire department district prior to the date of the merger into one (1) fire protection district, except indebtedness which represents a balance owed on the purchase price of firefighting equipment from the other fire protection district or volunteer fire department district.

(6) Fire protection districts or volunteer fire department districts that modify service area boundaries by taking any action authorized under this section shall update their service area boundary maps and file them in the manner required by KRS 75.420.

➔Section 3. KRS 75.022 is amended to read as follows:

(1) ~~[As used in this section:]~~

(a) ***As used in subsections (2) to (4) of this section,*** "city" means any city government that maintains a regular fire department as defined in KRS 95.010(3)(b)~~[; and]~~

(b) ***As used in subsections (2) to (5) of this section,*** "fire district" means a fire protection district or a volunteer fire department district created in accordance with the procedures of KRS 65.182***, county volunteer fire department established under the authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations under KRS Chapter 273***.

(2) Except as provided in subsection (4) of this section, a fire district shall not contain or later include within its boundaries any territory that is located within the corporate limits of a city. Subject to the limitations of subsections (3) and (4) of this section, a city shall have the primary right to provide fire service to all territories located within its corporate limits.

(3) (a) In order for a city to assume the provision of fire service to annexed or newly incorporated territory that is being served by a fire district, the city shall pay the fire district for the proportionate share of the fire district's indebtedness that was incurred while the annexed or newly incorporated territory was included within the fire district.

(b) Unless otherwise agreed to in writing by the city and the fire district, the proportionate share of the fire district's debt attributable to annexed or newly incorporated territory shall be calculated based upon the ratio of the total value of taxable real property included within the annexed or newly incorporated territory to the total value of all taxable real property located within the entire fire district as it existed prior to the annexation or incorporation by the city. The resulting quotient shall be multiplied by the fire district's total indebtedness to determine the amount of liability that the city is responsible for paying to the fire district.

(c) Unless otherwise agreed to in writing by the city and the fire district, the city shall pay the entire amount of the proportionate share of the indebtedness to the fire district prior to assuming service in the annexed or newly incorporated territory or shall pay the total amount in equal yearly installments over no more than three (3) consecutive years. The first installment shall be due to the fire district prior to the city assuming the provision of fire services.

(d) If a city meets the requirements of this subsection, the annexed or newly incorporated territory shall be stricken from the boundaries of the fire district, and the fire district shall no longer be authorized to collect any taxes from property owners within the stricken territory.

(4) A city shall cede its primary right to provide fire services to annexed or newly incorporated territory located within a fire district if:

(a) The city does not comply with the requirements of subsection (3) of this section to pay the fire district for the proportionate share of the indebtedness attributable to the annexed or newly incorporated territory;

(b) The fire district has no indebtedness at the time of the annexation or incorporation, and the fire district and city agree in writing that it is in the best interests of the citizens and property owners within the annexed or incorporated territory to continue to have fire service provided by the fire district. The

agreement entered into by the fire district and the city may contain any agreed-upon term, conditions, and limitations; or

(c) Any circumstance exists where the fire district and city agree in writing that it is more appropriate and beneficial to the citizens and property owners within the territory for the fire district to continue the provision of fire services within the annexed or newly incorporated territory. The agreement entered into by the fire district and the city may contain any agreed-upon term, conditions, and limitations.

(5) (a) As used in this subsection, "regular fire department" has the same meaning as in KRS 95.010(3)(b).

(b) A city that does not maintain a regular fire department, but maintains its own volunteer fire department:

1. Shall have the right to assume the provision of fire service to territory annexed by the city that, at the time of the annexation, is being served by a fire district that does not maintain a regular fire department. A city that elects to assume the provision of fire service pursuant to this subsection shall follow the procedures established in subsections (3) and (4) of this section; and

2. Shall not have the primary right to provide fire services to any territory that is being served by a fire district that maintains a regular fire department, unless the fire district strikes the territory from the district boundaries as authorized in Section 2 of this Act.

➔Section 4. KRS 273.401 is amended to read as follows:

(1) If a fire department created under the provisions of this chapter is authorized by law to collect membership charges or subscriber fees for combating fires or serving in other emergencies, the legislative body of the city or county where the fire department is located may require those annual membership charges or subscriber fees to be added to property tax bills. The county clerk shall add the annual membership charges or subscriber fees to the tax bills of the affected property owners.

(2) The membership charges or subscriber fees shall be collected and distributed by the sheriff to the appropriate fire departments in the same manner as the other taxes on the bill and unpaid fees or charges shall bear the same penalty as general state and county taxes. This shall be a lien on the property against which it is levied from the time of the levy. The legislative body of the city or county where the fire department is located shall, in consultation with the sheriff and the fire department, set a collection fee for the sheriff to retain an amount not to exceed four and one-fourth percent (4.25%) of the membership charges or subscriber fees collected.

(3) Notwithstanding subsections (1) and (2) of this section, annual membership charges and subscriber fees shall not be added to the property tax bills of property owners within a territory that lies within the corporate limits of a city or that lies within a fire protection district or volunteer fire protection district established pursuant to KRS 75.010 to 75.080 without the written approval of the governing body of the city or the district.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any provision of KRS 65.166, the commission may initiate consideration of a dissolution of a fire protection district or volunteer fire department district providing fire protection services at any time that the requirements of this section are satisfied and without the petition required under KRS 65.166.

(2) Upon receipt of a written affidavit from a resident, property owner, or local government that a fire protection district or volunteer fire department district formed for the purpose of providing fire protection services has failed to provide those services or that all or a portion of the services are being provided by another entity other than the district, the commission may:

(a) Refer the affidavit and any other supporting evidence that it has to the judge/executive of the county or counties for the county or counties to consider action to dissolve the special district or to alter its boundaries in accordance with KRS 65.166(4) to (6); or

(b) Initiate an investigation to be conducted by commission personnel under the direction of the executive director to determine the validity of the alleged complaint.

(3) If the commission undertakes an investigation under subsection (2)(b) of this section, it shall forward its findings in writing to the county or counties forming the fire protection district or volunteer fire department district and to any party submitting a written affidavit as set out in subsection (2) of this section. If, after investigation, the commission finds that the fire protection district or volunteer fire department district has failed to provide services, or that all or part of the services are being provided by another entity, the findings shall be considered by the fiscal court or courts, which may elect to:

(a) Initiate the procedure for dissolution or alteration of the boundaries of the fire protection district or volunteer fire department district in accordance with KRS 65.166(4) to (6); or

(b) Vote by a majority of the entire fiscal court membership to permit the commission to conduct the hearing in accordance with KRS 65.166(4) and permit the commission to make the written determination for action to either dissolve or alter the boundaries of the fire protection district or volunteer fire department district in accordance with KRS 65.166(5). Any decision to dissolve or alter the boundaries of the fire protection district or volunteer fire department district shall be ratified by the fiscal court within thirty (30) days following the issuance of the final written determination of the commission. If the fiscal court takes no action to ratify the decision of the commission, then the decision of the commission shall be deemed ratified.

Signed by Governor April 13, 2016.

CHAPTER 118

(HB 352)

AN ACT relating to security interests in motor vehicles.

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

➔Section 1. KRS 186A.190 is amended to read as follows:

(1) Except as provided in subsection (4) of this section and in KRS 355.9-311(4), the perfection and discharge of a security interest in any property for which has been issued a Kentucky certificate of title shall be by notation on the certificate of title. ***Notation shall be made by the entry of information required by subsection (6) of this section into the Automated Vehicle Information System, and shall be deemed to have occurred upon the entry.*** The notation of the security interest on the certificate of title shall be in accordance with this chapter and shall remain effective from the date on which the security interest is noted on the certificate of title for a period of seven (7) years, or, in the case of a manufactured home, for a period of thirty (30) years, or until discharged under this chapter and KRS Chapter 186. The filing of a continuation statement within the six (6) months preceding the expiration of the initial period of a notation's effectiveness extends the expiration date for seven (7) additional years.

(2) Except as provided in subsection (4) of this section, the notation of security interests relating to property required to be titled in Kentucky through the county clerk shall be done in the office of the county clerk of the county in which the debtor resides. If the debtor is other than a natural person, the following provisions govern the determination of the county of the debtor's residence:

(a) A partnership shall be deemed a resident of the county in which its principal place of business in this state is located. If the debtor does not have a place of business in this state, then the debtor shall be deemed a nonresident for purposes of filing in this state;

(b) A limited partnership organized under KRS Chapter 362 or as defined in KRS 362.2-102(14) shall be deemed a resident of the county in which its principal place of business is located, as set forth in its certificate of limited partnership or most recent amendment thereto filed pursuant to KRS Chapter 362 or 362.2-202. If such office is not located in this state, the debtor shall be deemed a nonresident for purposes of filing in this state;

(c) A limited partnership not organized under the laws of this state and authorized to do business in this state shall be deemed a resident of the county in which the office of its process agent is located, as set forth in the designation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(d) A corporation organized under KRS Chapter 271B, 273, or 274 or a limited liability company organized under KRS Chapter 275 shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent corporate filing with the Secretary of State which officially designates its current registered office;

(e) A corporation not organized under the laws of this state, but authorized to transact or do business in this state under KRS Chapter 271B, 273, or 274, or a limited liability company not organized under the laws of this state, but authorized to transact business in this state under KRS Chapter 275, shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent filing with the Secretary of State which officially designates its current registered office;

(f) A cooperative corporation or association organized under KRS Chapter 272 shall be deemed a resident of the county in which its principal business is transacted, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(g) A cooperative corporation organized under KRS Chapter 279 shall be deemed a resident of the county in which its principal office is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;

(h) A business trust organized under KRS Chapter 386 shall be deemed a resident of the county in which its principal place of business is located, as evidenced by the recordation of its declaration of trust in that county pursuant to KRS Chapter 386;

(i) A credit union organized under Subtitle 6 of KRS Chapter 286 shall be deemed a resident of the county in which its principal place of business is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky; and

(j) Any other organization (defined in KRS 355.1-201) shall be deemed a resident of the county in which its principal place of business in this state is located, except that any limited liability company, limited liability partnership, limited partnership, or corporation not organized under the laws of this state and not authorized to transact or do business in this state shall be deemed a nonresident for purposes of filing in this state. If the organization does not have a place of business in this state, then it shall be deemed a nonresident for purposes of filing in this state.

If the debtor does not reside in the Commonwealth, the notation of the security interest shall be done in the office of the county clerk in which the property is principally situated or operated. Notwithstanding the existence of any filed financing statement under the provisions of KRS Chapter 355 relating to any property registered or titled in Kentucky, the sole means of perfecting and discharging a security interest in property for which a certificate of title is required by this chapter is by notation on the property's certificate of title under the provisions of this chapter or in accordance with the provisions of KRS 186.045(3). In other respects the security interest is governed by the provisions of KRS Chapter 355.

(3) Except as provided in subsection (4) of this section, before ownership of property subject to a lien evidenced by notation on the certificate of title may be transferred, the transferor shall obtain the release of the prior liens in his name against the property being transferred. Once a security interest has been noted on the owner's title, a subsequent title shall not be issued by any county clerk free of the notation unless the owner's title is presented to the clerk and it has been noted thereon that the security interest has been discharged. If this requirement is met, information relating to any security interest shown on the title as having been discharged may be omitted from the title to be issued by the clerk. If information relating to the discharge of a security interest is presented to a clerk under the provisions of KRS 186.045(3), the clerk shall discharge the security interest and remove the lien information from AVIS.

(4) Notwithstanding subsections (1), (2), and (3) of this section, a county clerk shall, following inspection of the vehicle by the sheriff, to determine that the vehicle has not been stolen, issue a new title to a vehicle, clear of all prior liens, to a person after he provides to the county clerk an affidavit devised by the Transportation Cabinet and completed by the person. In the affidavit, the person shall attest that:

(a) He possesses the vehicle;

(b) A debt on the vehicle was owed him for more than thirty (30) days before he provided the notices required by paragraphs (c) and (d) of this subsection;

(c) More than fourteen (14) days before presenting the affidavit to the county clerk, the person attempted to notify the owner of the vehicle and all known lienholders, including those noted on the title, by certified mail, return receipt requested, of his name, address, and telephone number as well as his intention to obtain a new title, clear of all prior liens, unless the owner or a lienholder objected in writing;

(d) More than fourteen (14) days before presenting the affidavit to the county clerk, the person had published a legal notice stating his intention to obtain title to the vehicle. The legal notice appeared at least twice in

a seven (7) day period in a newspaper published, and with a statewide circulation, in Kentucky. The legal notice stated:

1. The person's name, address, and telephone number;
2. The owner's name;
3. The names of all known lienholders, including those noted on the title;
4. The vehicle's make, model, and year; and
5. The person's intention to obtain title to the vehicle unless the owner or a lienholder objects in writing within fourteen (14) days after the last publication of the legal notice; and

(e) Neither the owner nor a lienholder has objected in writing to the person's right to obtain title to the vehicle.

(5) No more than two (2) active security interests may be noted upon a certificate of title.

(6) In noting a security interest upon a certificate of title, the county clerk shall ensure that the certificate of title bears the lienholder's name, mailing address and zip code, the date the lien was noted, the notation number, and the county in which the security interest was noted. The clerk shall obtain the information required by this subsection for notation upon the certificate of title from the title lien statement described in KRS 186A.195***, or an equivalent out-of-state issued instrument,*** to be provided to the county clerk by the secured party.

(7) For all the costs incurred in the notation and discharge of a security interest on the certificate of title, the county clerk shall receive the fee prescribed by KRS 64.012. The fee prescribed by this subsection shall be paid at the time of submittal of the title lien statement described in KRS 186A.195.

(8) A copy of the application, certified by the county clerk, indicating the lien will be noted on the certificate of title shall be forwarded to the lienholder.

➔Section 2. KRS 186A.195 is amended to read as follows:

(1) As used in this chapter, a title lien statement is a document to be submitted by the secured party to the county clerk. Upon submission of the title lien statement, the county clerk shall use the information contained therein to note the security interest on the certificate of title***, in accordance with KRS subsection (6) of Section 1 of this Act***. The county clerk may make title lien statements available to the general public. However, public availability of such statements is not necessary or effective to perfect a security interest in property required to be registered or titled in accordance with this chapter.

(2) If a title lien statement and the required fees accompany the application for first title of any property in the name of an owner, the county clerk shall enter the information required by KRS 186A.190(6) into the automated system so as to produce a certificate of title in Frankfort bearing in addition to any other required information, the information designated by KRS 186A.190(6). The clerk shall thereby produce, in accordance with design of the automated system, a certificate of registration, if required.

(3) If a title lien statement and the required fees are not received at the time of application for first title of any property in the name of the owner due to owner's residency in another county, or if the form prescribed by KRS 186A.060 indicates a pending lien but the title lien statement does not accompany the application for title, the county clerk shall enter into the Automated Vehicle Information System (AVIS) the name and address of the lienholder and the county where the lien is to be noted or that a lien is pending. The clerk shall indicate a title is not to be issued until the lien has been noted and fees, according to KRS 186A.190, paid in the county of the owner's residence or in thirty (30) days. The county clerk shall then issue the registration. The county clerk in the county of the owner's residence shall, after receiving the title lien statement and fees contained in KRS 186A.190, enter into the Automated Vehicle Information System (AVIS) the date of lien notation and the notation number, thus enabling the system to produce the title in Frankfort.

(4) Should a certificate of title be issued after the thirty (30) day period has expired without the notation of a security interest thereon, or should there be no provision made for a lien to be noted in the county of residence of the debtor within thirty (30) days and the title issued within that time, the secured party shall request from the debtor, and the debtor shall submit to the secured party, the certificate of title. The secured party shall submit the certificate of title along with the title lien statement to the county clerk of the county of the debtor's residence. The county clerk shall then enter the information required by KRS 186A.190(6) into the Automated Vehicle Information System (AVIS) and note on the certificate of title in the appropriate section the information described in that section. Following the notation of the appropriate information on the certificate of title, the county clerk shall return the title to the debtor.

(5) The security interest noted on the certificate of title shall be deemed perfected at the time the security interest attaches (KRS 355.9-203) if the secured party tenders the required fees and submits a properly completed title lien statement and application for first title or, in the case of property previously titled in the name of its debtor, the certificate of title to the appropriate county clerk within ***thirty (30)*** ~~[twenty (20)]~~ days of attachment. Otherwise, the security interest shall be deemed perfected at the time that such fees are tendered and such documents are submitted to the appropriate county clerk.

➔Section 3. KRS 186A.200 is amended to read as follows:

(1) With respect to a vehicle previously titled in the name of its debtor, the secured party shall, within ***thirty (30)*** ~~[twenty (20)]~~ days after execution of the security agreement, obtain the current certificate of title in the name of the debtor, with no more than one (1) prior lien indicated thereon, and present to the county clerk the certificate of title, which the secured party shall have the right to obtain from the debtor, together with the title lien statement and the required fees in KRS 186A.190 to the county clerk.

(2) For failure to present both the title and title lien statement within the time prescribed by subsection (1) of this section, the secured party shall pay a penalty of two dollars ($2) to the county clerk as a prerequisite for noting the security interest on the title.

(3) The county clerk shall enter the information required by KRS 186A.190(6) into the automated system.

(4) The county clerk shall record upon the title in the appropriate section the information designated by KRS 186A.190(6).

Signed by Governor April 13, 2016.

CHAPTER 119

(HCR 117)

A CONCURRENT RESOLUTION establishing an "Automotive Caucus" within the Kentucky General Assembly.

WHEREAS, Kentucky's automotive industry is one of the largest manufacturing industries in the state, employing 85,000 people in more than 460 automotive-related businesses throughout nearly two-thirds of Kentucky counties, and ranking as the state's second largest export industry, with $5.9 billion in exports in 2014 representing over 20% of the state's total exports; and

WHEREAS, Kentucky's automotive industry intersects with the state's other industries to produce a combined direct, indirect, and induced economic impact of $14.3 billion in gross state product, 136,500 jobs, $6 billion in payroll, and over $600 million in state and local tax revenue; and

WHEREAS, Kentucky's automotive industry is competitive nationally, ranking third in the nation in passenger vehicle production, producing one out of every nine passenger cars, light trucks, or SUV's made in the United States; fifth in automotive industry employment; and third in automotive employment as a percentage of total state employment; and

WHEREAS, to further advance and promote Kentucky's automotive industry, there was recently established an industry-led Kentucky Automotive Industry Association with the stated goal of advancing the industry and creating an environment for growth; and

WHEREAS, it is advisable for the Commonwealth of Kentucky to continue to press its competitive advantage, to explore and devise paths to continued growth and vitality, and to address the challenges and opportunities presented in the automotive industry; and

WHEREAS, a legislative caucus dedicated to the automotive industry would allow the General Assembly to take a leading role in working with industry and others to retain and grow this major manufacturing sector;

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. There is hereby established a nonpartisan, bicameral caucus within the Kentucky General Assembly to be called the Kentucky Automotive Caucus.

➔Section 2. The Kentucky Automotive Caucus shall work to promote and develop initiatives in the Kentucky General Assembly that further the economic interests of the Commonwealth by encouraging the growth and vitality of the automotive industry. The caucus shall work closely with industry organizations such as the Kentucky Automotive Industry Association and others to achieve these goals.

➔Section 3. It is respectfully requested that the President of the Senate and the Speaker of the House of Representatives support the creation of the Kentucky Automotive Caucus by encouraging members of each chamber actively to participate in the caucus.

Signed by Governor April 13, 2016.

CHAPTER 120

(SB 186)

AN ACT relating to boat liens.

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

➔Section 1. KRS 235.230 is amended to read as follows:

(1) The owner of a boat marina shall ***keep*** ~~[cause to be kept]~~ a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure time and date, and the expected time of return. The record shall be preserved for at least six (6) months.

(2) Neither the owner of a boat marina, nor his agent or employee shall permit any motorboat or any vessel owned or leased by him to be operated as a motorboat to depart from his premises unless it ***has*** ~~[shall have]~~ been provided, either by the owner or the renter, with the equipment required pursuant to KRS 235.200 and any rules and regulations made pursuant thereto, except that the operator need not have the certificate of registration in his possession.

(3) The certificate of registration and number for vessels leased or rented by a marina may be retained on shore by the owner of the marina or his representative at the place from which the vessel departs or returns to the possession of the livery or his representative; provided, however, the operator shall have with him a copy of the lease or rental agreement signed by the marina owner or an authorized representative of the marina and by the person leasing or renting the vessel that contains the vessel's number which appears on the certificate of number and the period of time for which the vessel is leased or rented.

(4) By July 15, 2000, the owner of a marina shall provide access to sewage pumpout facilities for the owners of motorboats with marine toilet facilities. For the purpose of this subsection a sewage pumpout facility means equipment designed to receive the discharge of sewage from a marine sanitation device and allow the disposal of the sewage in a manner that prevents the sewage from entering the waters of the state. To provide access to sewage pumpout facilities a marina owner may, by way of illustration and not to limit the options available to a marina owner:

   (a) Build and operate pumpout facilities;

   (b) Contract with another marina owner with pumpout facilities, if the contracting marinas are not more than eight (8) water miles apart and accessible in a way that does not require motorboats to be trailered; and

   (c) Contract with a person licensed under KRS 211.972 to provide pumpout facility service, if the service is available during normal business hours including holidays and if the service can be provided within a reasonable time upon request by a motorboat owner.

(5) For any period of contracted mooring at a marina longer than twenty-four (24) hours, the owner of a boat shall provide to the marina owner or his or her agent or employee the title, or equivalent document, for the boat. The owner of the marina or his or her agent or employee shall retain the title or a copy of the title in

the marina's records for the period of time, beyond twenty-four (24) hours, for which the marina is contracted to provide mooring to the boat.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 376 IS CREATED TO READ AS FOLLOWS:

(1) Any marina asserting a possessory lien pursuant to KRS 376.270 may enforce the lien by filing a civil action in the county in which the boat is located.

(2) Prior to filing an action pursuant to subsection (1) of this section, the marina shall send, by certified mail, return receipt requested, notice of intent to enforce the lien to:

(a) All known owners at their last known address;

(b) All secured parties discernible through reasonable effort. For the purposes of this paragraph, "reasonable effort" includes notice to any secured party that has:

1. Properly perfected its security interest in the boat by having its lien indicated on a certificate of title for the boat;

2. Properly perfected its security interest through an unexpired sufficient financing statement filed in the jurisdiction of the boat owner's residence, as that jurisdiction appears on the certificate of title, or equivalent document, for the boat; or

3. Become a mortgagee of a federally documented vessel by recording a ship mortgage on the vessel pursuant to Chapter 313 of Title 46 of the United States Code.

(c) In addition to the notice required in subsection (2) of this section, the marina shall advertise the notice of intent to enforce the lien at least once per week for two (2) consecutive weeks pursuant to KRS Chapter 424.

(3) Upon the marina properly sending notice of its intent to enforce its lien in accordance with subsection (2) of this section, a boat's owner may not remove the boat from the marina without a court order.

(4) The notice of intent to enforce the lien required by subsection (2) of this section shall include:

(a) The name of the owner of the boat as indicated on the certificate of title, certificate of registration, or certificate of documentation;

(b) The owner's last known address;

(c) The make, model, length, and hull identification number of the boat if visually discernable; and

(d) A description of any attached outboard motor, including make, horsepower, and serial number if visually discernable.

(5) Any secured party to whom notice was sent pursuant to subsection (2) of this section shall be named as a party in any civil action filed to enforce a marina's lien under KRS 376.270 and called upon to enter therein and set forth its claim or interest in the boat that is subject to the action, and the secured party shall be served with summons at its address as indicated on the certificate of title, financing statement, or ship mortgage through which its security interest was perfected.

(6) Upon judgment being entered in favor of a marina pursuant to this section, and subject to any restrictions of the United States Code, or any regulations issued pursuant thereto, regarding federally documented vessels, the court shall order the boat, or any part of the furniture and tackle as may be sufficient, to be sold for the satisfaction of the judgment. The marina shall conduct the sale in conformity with reasonable commercial practices among dealers in the type of boat being sold and in accordance with the court order. The sale shall be advertised in conformity with reasonable commercial practices among dealers for the type of boat being sold and, additionally, shall be advertised at least ten (10) days prior to the sale pursuant to KRS Chapter 424.

(7) The court shall authorize and direct the county clerk to issue a title to the purchaser of the boat at a sale authorized by and conducted in conformance with this section, and the purchaser shall take title to the boat free of any liens or encumbrances. Any liens or encumbrances attached to the boat shall attach to the proceeds of the sale in the same order of priority that the liens and encumbrances attach to the boat pursuant to applicable law.

Signed by Governor April 13, 2016.

CHAPTER 121

(HJR 164)

A JOINT RESOLUTION directing the Tourism, Arts and Heritage Cabinet, in collaboration with the Buffalo Trace Area Development District, to develop a covered wooden bridges trail.

WHEREAS, Kentucky once was the home to hundreds of covered wooden bridges; and

WHEREAS, currently there are only thirteen covered wooden bridges that remain within the Commonwealth; and

WHEREAS, covered wooden bridges are a scenic connection to our shared past, and the sounds, sights, and smells of wood predating the dawn of industrialization provide a unique sensory link to an era long ago; and

WHEREAS, all covered wooden bridges in the Commonwealth are designated as state shrines and officially marked by the Kentucky Historical Society; and

WHEREAS, historians, genealogists, travelers, and tourists come from near and far to view, photograph, and experience covered wooden bridges; and

WHEREAS, the popularity of covered wooden bridges called to attention by the bestselling novel "Bridges of Madison County" brought an economic windfall to Madison County, Iowa; and

WHEREAS, it is the considered opinion of tourism officials in the Buffalo Trace Area Development District that the unmatched beauty and historic significance of covered wooden bridges in Bracken, Fleming, Lewis, Mason, and Robertson Counties would bring an even greater number of visitors to the area if the existence and availability of the area's covered wooden bridges were more widely known;

NOW, THEREFORE,

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

➔Section 1. The Tourism, Arts and Heritage Cabinet, in collaboration with officials and representatives of the Buffalo Trace Area Development District, shall develop a covered wooden bridge trail to introduce, locate, and popularize these historic state shrines in an effort to bring greater numbers of visitors to the area.

Signed by Governor April 13, 2016.

CHAPTER 122

(HB 148)

AN ACT relating to children.

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

➔SECTION 1. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

(1) A child-care center licensed under KRS 199.896 and a family child-care home certified under KRS 199.8982 may comply with KRS 311.646 and obtain a prescription for epinephrine auto-injectors. These epinephrine auto-injectors shall be stored in a secure, accessible, readily available location not accessible to children, for quick administration.

(2) The cabinet shall promulgate administrative regulations governing epinephrine auto-injectors in licensed child-care centers and certified family child-care homes, including:

(a) Any center-or home- specific requirements that the cabinet deems necessary for the safe and proper storage, administration, and disposal of epinephrine auto-injectors;

(b) A written plan of action in case of an emergency necessitating the administration of an epinephrine auto-injector in a center or home; and

(c) A written notice that is provided to a child's parents, custodians, or guardians stating that the center or home has epinephrine auto-injectors at the center or home and that the center or home will notify a child's parents, custodians, or guardians when a epinephrine auto-injector is used on their child.

➔Section 2. KRS 311.645 is amended to read as follows:

As used in KRS 311.645 to 311.647:

(1) "Anaphylaxis" means an allergic reaction resulting from sensitization following prior contact with an antigen which can be a life-threatening emergency, including reactions triggered by, among other agents, foods, drugs, injections, insect stings, and physical activity;

(2) "Administer" means to directly apply an epinephrine auto-injector to the body of an individual;

(3) "Authorized entity" means an entity that may at any time have allergens present that are capable of causing a severe allergic reaction and has an individual who holds a certificate issued under KRS 311.646 on the premises or officially associated with the entity. The term includes but is not limited to ***licensed child-care centers and certified family child-care homes,*** restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas;

(4) "Certified individual" means an individual who successfully completes an approved educational training program and obtain a certificate, as described in KRS 311.646;

(5) "Epinephrine auto-injector" means a single-use device used to administer a premeasured dose of epinephrine;

(6) "Health-care practitioner" means a physician or other health-care provider who has prescriptive authority; and

(7) "Self-administration" means an individual's administration of an epinephrine auto-injector on herself or himself.

➔Section 3. KRS 405.075 is amended to read as follows:

(1) As used in this section***:*** ~~[,]~~

(a) "Newborn infant" means an infant who is medically determined to be less than ***thirty (30) days*** ~~[seventy-two (72) hours]~~ old***; and***

(b) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.

(2) A parent who places a newborn infant with an emergency medical services provider~~[,]~~ ***or at a staffed*** police station, fire station, ~~[or]~~hospital***, or participating place of worship*** and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered the newborn infant under KRS Chapters 508 and 530.

(3) ***(a)*** Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.

(b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643, or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.

(4) By placing a newborn infant in the manner described in this section, the parent:

(a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and

(b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.

(5) ***Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.***

(6) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.

(7)~~[(6)]~~ KRS 211.951, 216B.190,~~[311.6526,]~~ 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

➔Section 4. KRS 216B.190 is amended to read as follows:

(1) As used in this section***:***~~[,]~~

(a) "Newborn infant" means an infant who is medically determined to be less than ***thirty (30) days***~~[seventy-two (72) hours]~~ old.***; and***

(b) ***"Participating place of worship" has the same meaning as in Section 3 of this Act.***

(2) Every hospital of this state that offers emergency services shall admit and provide all necessary medical care, diagnostic tests, and medical treatment to any newborn infant brought to the hospital when the identity of the parents is unknown. Any person performing medical care, diagnostic testing, or medical treatment shall be immune from criminal or civil liability for having performed the act. Nothing in this subsection shall limit liability for negligence.

(3) Any person or parent, other than an emergency medical services provider, a police officer, ~~[or]~~a firefighter***, or a staff member at a participating place of worship*** acting in the course of his or her official duties, who leaves a newborn infant at an emergency room, or brings a newborn infant to an emergency room and expresses an intent to leave the infant and not return, shall have the right to remain anonymous and to leave at any time, and shall not be pursued or followed. The physician shall consider these actions as implied consent for treatment.

(4) Upon admittance, the physician or hospital administrator shall immediately contact the local office of the Department for Community Based Services. The Department for Community Based Services shall immediately seek an emergency custody order in accordance with KRS 620.350.

(5) Every emergency room shall make available materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to the person leaving the newborn infant and it shall be clearly stated that acceptance is completely voluntary and completion of the materials may be done anonymously.

(6) The provisions of subsection (3) of this section shall not apply when indicators of child physical abuse or child neglect are present.

➔Section 5. KRS 211.951 is amended to read as follows:

(1) As used in this section, "newborn infant" means an infant who is medically determined to be less than ***thirty (30) days***~~[seventy-two (72) hours]~~ old.

(2) Any emergency medical services provider accepting physical custody of a newborn infant in accordance with KRS 405.075 shall have implied consent to any and all appropriate medical treatment.

(3) Notwithstanding any provision of law to the contrary, the identity of a person placing a newborn infant with an emergency medical services provider shall be confidential.

(4) The provisions of subsection (3) of this section shall not apply when indicators of child physical abuse or child neglect are present.

➔Section 6. KRS 620.350 is amended to read as follows:

(1) As used in this section, "newborn infant" means an infant who is medically determined to be less than ***thirty (30) days***~~[seventy-two (72) hours]~~ old.

(2) Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the cabinet shall immediately seek an order for emergency custody of the infant.

(a) No child protective services investigation or assessment shall be initiated regarding the abandonment of an infant in accordance with KRS 405.075. The provisions of this subsection shall not apply when indicators of child physical abuse or child neglect are present.

(b) Upon the infant's release from the hospital, the cabinet shall place the child in a foster home approved by the cabinet to provide concurrent planning placement services. As used in this paragraph, "concurrent planning placement services" means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.

(3) At the temporary removal hearing required by KRS 620.080, if the court places temporary custody with the cabinet, the custody order shall remain in effect for a minimum of thirty (30) days.

(4) During the initial thirty (30) days of placement, the cabinet shall request assistance from law enforcement officials to investigate through the Missing Child Information Center established by KRS 17.450 and other national resources to ensure that the infant is not a missing child.

(5) As soon as practicable following the thirty (30) day placement period, the cabinet shall file a petition in Circuit Court seeking the involuntary termination of parental rights of the unknown parents and authority to place the child for adoption in accordance with KRS Chapter 625.

(6) If a claim of parental rights is made at any time prior to the court order issued under KRS 625.100, the Circuit Court may hold the action for involuntary termination of parental rights in abeyance for a period of time not to exceed ninety (90) days and immediately remand the case to the District Court.

(a) If a case is remanded to District Court under this subsection, an adjudicatory hearing shall be conducted as required by KRS 620.100 within ten (10) days of the assertion of parental rights;

(b) The District Court may order genetic testing to establish maternity or paternity at the expense of the claimant;

(c) The cabinet shall conduct a child protective services investigation or assessment and home evaluation to develop recommendations for the District Court; and

(d) Further proceedings shall be conducted in accordance with KRS Chapter 620; however, a newborn infant who has been placed in accordance with KRS 405.075 shall not be found to be a neglected child based on that act alone.

➔Section 7. KRS 620.355 is amended to read as follows:

(1) The cabinet shall make available standardized health, medical, and background information forms for use in gathering voluntary, nonidentifying information from a person who leaves an infant in accordance with KRS 405.075 and as required by KRS 216B.190~~[and 311.6526]~~. The materials shall clearly state on each page that the information requested is designed to facilitate medical care for the infant. The material shall include information on family services, termination of parental rights, and adoption. The material shall also include:

(a) Information on the importance of medical and health information regarding the infant; and

(b) Written notification that failure to contact the Department for Community Based Services and assert a claim of parental rights within thirty (30) days of the receipt of the material shall result in the commencement of proceedings for involuntary termination of parental rights and placement of the child for adoption.

(2) Subject to available funding, the cabinet shall produce and distribute a media campaign to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents, and information regarding adoption procedures.

Signed by Governor April 13, 2016.

CHAPTER 123

(HB 216)

AN ACT relating to the Kentucky Economic Development Partnership.

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

➔Section 1. KRS 154.10-010 is amended to read as follows:

(1) (a) The Kentucky Economic Development Partnership, a board governing the Cabinet for Economic Development, is created and established, performing essential governmental and public functions and purposes essential to improving and promoting the health and general welfare of the people of the Commonwealth through sustainable economic development, as prescribed in KRS 154.1-020.

(b) The board shall have reorganization powers and authority as prescribed in KRS 12.028 and shall constitute an administrative body as defined in KRS 12.010, but it and the cabinet shall not be subject to ~~[the]~~ reorganization by the Governor, KRS Chapter 12 notwithstanding.

(c) The board shall serve as the governing body of the cabinet and shall exercise all powers and authorities conferred upon it by statute, including, but not limited to, the following functions:

1. Strategic planning;
2. Finance;
3. Business assistance;
4. Marketing and promotion;
5. Community development;
6. Workforce development;
7. Innovation; and
8. All economic development powers and authorities not specifically conferred by statute to another agency or authority of state government.

(2) The board shall consist of thirteen (13) voting members and two (2) nonvoting members. The thirteen (13) voting members shall consist of the Governor, the secretary of the Finance and Administration Cabinet, the secretary of the Public Protection Cabinet, the secretary of the Energy and Environment Cabinet, the secretary of the Labor Cabinet, and eight (8) private sector members who shall be appointed by the Governor. The secretary of the Governor's Executive Cabinet shall serve as a voting member upon the absence of the Governor. The secretary of the Cabinet for Economic Development and the secretary of the Tourism, Arts and Heritage Cabinet shall serve as nonvoting members.

(3) ~~[By no later than thirty (30) days after July 14, 1992,]~~The governing bodies of each of the following organizations shall~~[meet and]~~ nominate two (2) persons from each of the six (6) Congressional districts of the Commonwealth and two (2) persons from the state at large, as candidates for~~[the initial]~~ appointment as private sector members to the board:

(a) The Kentucky~~[Industrial Development Council]~~***Association for Economic Development***;

(b) The ~~[Associated Industries of]~~Kentucky ***Association of Manufacturers***;

(c) The Kentucky State AFL-CIO;

(d) The Kentucky Farm Bureau Federation;

(e) The Kentucky Chamber of Commerce; and

(f) The ~~[Kentucky Economic Development Corporation]~~***National Federation of Independent Businesses/Kentucky***.

(4) The Governor shall select the original eight (8) private sector members from the aggregation of the lists provided pursuant to subsection (3) ***of this section*** with at least one (1) appointment being chosen from each organization's list and at least one (1) appointment being chosen from each Congressional district. ~~[After the initial appointments,]~~Appointments to vacancies shall be made in the same manner as prescribed in ~~[subsection]~~***subsections*** (3) ***and (4)*** of this section, except that there is no requirement that the vacancy be filled from the same organization's list as the original appointment.

(5) ~~[The terms of office of the initial appointments of the private sector members to the board shall be staggered so that one-fourth (1/4) of all appointments shall expire one (1), two (2), three (3), and four (4) years, respectively, from the date of their appointment.]~~ All ~~[succeeding]~~ appointments shall be for four (4) years.

(6) In making appointments to the board, the Governor shall assure broad geographical representation, as well as representation from the major sectors of Kentucky's economy by leading executives with a knowledge of the problems of large and small businesses, local economic development, and the transfer of research and development from the laboratory to the marketplace. In filling vacancies, the Governor shall ~~[attempt to]~~ assure the continuing representation on the board of broad constituencies of Kentucky's economy, including manufacturing and agriculture.

(7) Vacancies on the board which may occur from time to time shall be filled as follows:

(a) Any vacancy which occurs shall be filled for the unexpired term in accordance with the procedures established ***in subsections (3) and (4) of this section*** ~~[for the original appointment]~~.

(b) If any private sector member misses more than two (2) consecutive meetings of the board, then that position shall be declared vacant and filled in accordance with this section.

(8) The board shall meet ~~[quarterly]~~***semi-annually*** and at other times upon call of the chairman or a majority of the board.

(9) A quorum shall be a majority of the voting membership of the board.

(10) A quorum shall be required to organize and conduct the business of the board, except that an affirmative vote of seven (7) or more members of the entire board shall be required to ~~[fire]~~***terminate the employment of*** the cabinet's secretary, and to adopt or amend the strategic plan.

(11) Private sector members shall serve without compensation but shall be reimbursed for all reasonable, necessary, and actual expenses.

(12) All existing duties, responsibilities, functions, personnel, programs, funds, obligations, records, and real and personal property of the Cabinet for Economic Development, as of July 14, 1992, shall be under the authority and control of the board.

Signed by Governor April 13, 2016.

CHAPTER 124

(HCR 101)

A CONCURRENT RESOLUTION establishing the Free-roaming Horse Task Force.

WHEREAS, as a result of the economic downturn of 2007 through 2009 and continuing poor economic conditions for some horse owners in the Commonwealth, the population of free-roaming horses in Kentucky has grown; and

WHEREAS, untended horses face illness, malnourishment, and neglect when they are abandoned, a cycle which continues for generations when they are left to breed in the wild; and

WHEREAS, it is illegal for a horse owner to abandon a horse in the Commonwealth; and

WHEREAS, free-roaming, unmanaged horses can create public safety challenges for communities across the Commonwealth; and

WHEREAS, large populations of free-roaming horses are now congregating on reclaimed mine sites, stripping them of vegetation and necessitating the replanting of that lost vegetation to maintain the environmental benefits to the reclamation site and surrounding areas; and

WHEREAS, recent legislative efforts have been positive steps towards humanely managing the free-roaming horse population in the Commonwealth, but more can be done; and

WHEREAS, horses are symbolic animals in the Commonwealth; and

WHEREAS, the General Assembly finds that convening a task force of various stakeholder groups and representatives of state and local government is necessary and appropriate to produce consensus legislative recommendations for addressing the humane management of free-roaming horses in the Commonwealth;

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 Legislative Research Commission is hereby directed to establish the Free-roaming Horse Task Force to study and develop consensus legislative recommendations to address the problems caused by the current population of free-roaming horses in the Commonwealth and to curb the future growth of that population.

➔Section 2. The task force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(1) The chair of the House Standing Committee on Natural Resources and Environment to serve as co-chair;

(2) The chair of the Senate Standing Committee on Natural Resources and Energy to serve as co-chair;

(3) Two additional members of the Senate, one to be appointed by the President of the Senate, and one to be appointed by the Minority Floor Leader of the Senate;

(4) Two additional members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Minority Floor Leader of the House of Representatives;

(5) The chair of the Kentucky Horse Park Commission, or the chair's designee;

(6) The commissioner of the Department of Fish and Wildlife Resources, or the commissioner's designee;

(7) The Commissioner of Agriculture, or the Commissioner's designee;

(8) The president of the Kentucky Coal Association, or the president's designee;

(9) The state veterinarian, or the veterinarian's designee;

(10) The president of the Appalachian Wildlife Federation, or the president's designee;

(11) The secretary of the Tourism, Arts, and Heritage Cabinet, or the secretary's designee;

(12) The executive director of the Kentucky Horse Council, or the executive director's designee;

(13) A Kentucky County Judge/Executive, to be chosen by the president of the Kentucky County Judge/Executive Association;

(14) An expert in bonding for mine reclamation, to be chosen upon agreement of the co-chairs; and

(15) A representative of shelters within the Commonwealth for abandoned horses, to be chosen upon agreement of the co-chairs.

➔Section 3. The task force shall meet at least three times between the effective date of this Resolution and the date that it submits its legislative recommendations to the Legislative Research Commission.

➔Section 4. The task force shall submit its legislative recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by November 30, 2016.

➔Section 5. 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.

Became law without Governor's signature April 14, 2016.

CHAPTER 125

(HB 111)

AN ACT relating to schools and declaring an emergency.

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

➔Section 1. 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) (a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.

(b) The trainings shall be Web-based or in-person and cover, at a minimum, the following topics:

1. Recognizing child physical, sexual, and emotional abuse and neglect;

2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;

3. Responding to the child; and

4. Understanding the response of child protective services.

(c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.

(d) Each local school board shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.

(e) All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.

(f) All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.

(g) Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services.

(8) 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.

(9) 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.

(10) 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.

(11) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

➔Section 2. (1) Notwithstanding any other statute or administrative regulation to the contrary, for the 2015-2016 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(3)(f) 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 must be approved.

(3) If a school district desires to complete 1,062 instructional hours by June 5, 2016, but is unable to do so under its current school calendar, the district shall request assistance from the Commissioner of Education by May 1, 2016, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 5, 2016. If, after providing planning assistance to the school district, the Commissioner of Education determines that the school district has maximized instructional time but cannot complete 1,062 hours by June 5, 2016, 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 2015-2016 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 2015-2016 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, 2016, on how school districts completed the 1,062 instructional hours.

➔Section 3. Whereas the provisions of Section 2 of this Act apply to the 2015-2016 school year and school districts need to implement the provisions before the 2015-2016 school year ends, 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.

Became law without Governor's signature April 14, 2106.

CHAPTER 126

(HB 95)

AN ACT relating to state agencies.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Department" means the Department for Medicaid Services;

(b) "Evidence-based best practices" means the integration of the best available research with clinical expertise in the context of patient characteristics and patient and family caregiver preferences;

(c) "Qualified medical provider" means a credentialed and enrolled Medicaid-participating healthcare provider, hospital, rural health center, or licensed home health agency as defined in KRS 216.935; and

(d) "Telemonitoring services" means services that require scheduled remote monitoring of data related to a patient's health where the monitoring is conducted at the patient's place of residence or other site determined by the department.

(2) Not later than July 1, 2017, the department shall establish a pilot project in which it creates coverage provisions and reimbursement criteria for telemonitoring services based on evidence-based best practices provided by a qualified medical provider or a community action agency as defined in KRS 273.410.

(3) In order to effectuate the pilot project, the department may:

(a) Submit a state plan amendment, waiver, or waiver amendment for approval to the Centers for Medicare and Medicaid Services in order to provide coverage for medically necessary telemonitoring services performed for a Medicaid beneficiary;

(b) Request funding from the General Assembly to support telemonitoring services rendered by a qualified medical provider or a community action agency under this section;

(c) Ensure that clinical information gathered by a qualified medical provider or a community action agency while providing telemonitoring services is shared with the patient's treating health care professionals; and

(d) Promulgate administrative regulations in accordance with KRS Chapter 13A for the implementation and administration of this section.

➔Section 2. KRS 273.443 is amended to read as follows:

(1) Any funds made available under the federal act shall be used by each grantee of the funds:

(a) To provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

(b) To provide activities designed to assist low-income participants including the elderly poor:

1. To secure and retain meaningful employment;

2. To attain an adequate education;

3. ***To access adequate health care;***

4. To make better use of available income;

5.~~[4.]~~ To obtain and maintain adequate housing and a suitable living environment;

6.~~[5.]~~ To obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment related assistance;

7.~~[6.]~~ To remove obstacles and solve problems which block the achievement of self-sufficiency;

8.~~[7.]~~ To achieve greater participation in the affairs of the community; and

9.~~[8.]~~ To make more effective use of other programs related to the purposes of KRS 273.405 to 273.453;

(c) To coordinate and establish linkages between governmental and other social programs to assure the effective delivery of such services to low-income individuals;

(d) To encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community;

(e) To develop, promote or otherwise encourage economic development activities which result in assisting low-income persons to become economically productive members of their community;

(f) To provide education, counseling and technical assistance on compliance with equal opportunity legislation for individuals and community organizations, both public and private.

(2) In addition to required services and activities to be provided with funds made available under the federal act, these funds may be used to provide on an emergency basis for the provision of such supplies and services to meet immediate essential needs of low-income persons including the elderly poor.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 273.410 TO 273.453 IS CREATED TO READ AS FOLLOWS:

A community action agency may participate in the pilot project established in Section 1 of this Act. The state administering agency shall work with the Department for Medicaid Services to effectuate the pilot project if community action agencies are deemed participating providers.

➔Section 4. The General Assembly hereby confirms Executive Order 2015-386, dated June 16, 2015, to the extent that it is not otherwise confirmed or superseded by this Act, which reorganizes the Cabinet for Health and Family Services by:

(1) Renaming the Division of General Accounting to be the Division of Accounting and Procurement Services within the Office of Administrative and Technology Services, Office of the Secretary;

(2) Establishing the Division of Medicaid Systems within the Office of Administrative and Technology Services, Office of the Secretary;

(3) Establishing the Division of Strategic Services within the Office of Administrative and Technology Services, Office of the Secretary;

(4) Abolishing the Division of Procurement Services within the Office of Administrative and Technology Services, Office of the Secretary and transferring all personnel, records, files, equipment, and funds to the Division of General Accounting within the Office of Administrative and Technology Services, Office of the Secretary;

(5) Abolishing the Division of Infrastructure and User Support within the Office of Administrative and Technology Services, Office of the Secretary and transferring all personnel, records, files, equipment, and funds to the Commonwealth Office of Technology;

(6) Renaming within the Department for Medicaid Services as follows: the Division of Administrative and Financial Management is renamed the Division of Fiscal Management, the Division of Medical Management is renamed the Division of Program Quality and Outcomes, the Division of Member Services is renamed the Division of Provider and Member Services, and the Division of Provider Operations is renamed the Division of Policy and Operations;

(7) Abolishing the Division of Information Systems within the Department for Medicaid Services and transferring all personnel, records, files, equipment, and funds to the Office of Administrative and Technology Services within the Office of the Secretary; and

(8) Abolishing the Division of Healthcare Facilities Management and transferring all personnel, records, files, equipment, and funds to the Department for Medicaid Services.

Signed by Governor April 13, 2016.

CHAPTER 127

(SB 230)

AN ACT relating to blighted and deteriorated properties.

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

➔Section 1. KRS 99.700 is amended to read as follows:

(1) It is hereby found:

(a) That there ***exist within the jurisdiction of*** ~~[exists in]~~ many ***local governments*** ~~[cities and in counties containing a city of the first class or consolidated local government]~~ in this Commonwealth blighted and deteriorated properties in neighborhoods which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals, and general welfare of the residents of the Commonwealth, and are beyond remedy and control solely by regulatory process in the exercise of the police power;

(b) That the existence of blighted and deteriorated properties within neighborhoods, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties:

1. Contribute substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;

2. Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;

3. Constitute an economic and social liability;

4. Substantially impair or arrest the sound growth of the community;

5. Retard the provision of decent, safe, and sanitary housing accommodations;

6. Depreciate assessable values;

7. Cause an abnormal exodus of families from these neighborhoods; and

8. Are detrimental to the health, the well-being, and the dignity of many residents of these neighborhoods;

(c) That this menace cannot be effectively dealt with by private enterprise without the aids provided herein; and

(d) That the benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of this Commonwealth generally.

(2) It is hereby declared:

(a) That it is the policy of this Commonwealth to protect and promote the health, safety, and welfare of the people of the Commonwealth by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods;

(b) That the elimination of such blight and deterioration and the preparation of the properties for sale or lease, for development or redevelopment, constitute a public use and purpose for which public money may be expended and private property acquired and are governmental functions in the interest of the health, safety, and welfare of the people of the Commonwealth; and

(c) That the necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

➔Section 2. KRS 99.705 is amended to read as follows:

As used in KRS 99.700 to 99.730 ~~[Unless the context otherwise requires]~~:

(1) ***"Alternative government entity" means an entity established by the legislative body of a local government pursuant to KRS 65.350 to 65.375, 99.330 to 99.510, 99.520 to 99.590, or 99.610 to 99.680, with a purpose compatible with the purposes expressed in KRS 99.700;***

(2) "Blighted" or "deteriorated" property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance~~[with a city of any class, or in counties containing a city of the first class or consolidated local government,]~~ with the housing, building, plumbing, fire, ***nuisance,*** or related codes;

(b) Which because of physical condition, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(c) Which***,*** because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by the ***housing or nuisance***~~[housing]~~ code of ***the local government in which it is located***~~[a city or county containing a city of the first class or consolidated local government]~~, has been designated by the department responsible for enforcement of the ***housing or nuisance*** code as unfit for human habitation;

(d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(e) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;

(g) Which has been tax delinquent for a period of at least three (3) years; or

(h) Which has not been ***brought into compliance with the housing, building, plumbing, electrical, fire, or nuisance code of the local government within which it is located***~~[rehabilitated]~~ within the time constraints placed upon the owner by the appropriate code enforcement agency~~[.]~~***;***

(3)~~[(2)]~~ ***"Commission" means a vacant property review commission established under Section 3 of this Act;***

(4) "Local government" means any city, county, urban-county government, consolidated local government, unified local government, or charter county;

(5) "Nuisance code" means an ordinance or ordinances adopted by a local government pursuant to KRS 82.700 to 82.725 or a similar ordinance or ordinances adopted by a local government pursuant to any other authority; and

(6) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development, and disposal or any combination of these, of a property in the preparation of such property for residential***, commercial, public, or*** ~~[and]~~related uses, as may be appropriate or necessary.

~~[(3) "Residential and related use" shall mean residential property for sale or rental and related uses; including but not limited to park and recreation areas, neighborhood community service, and neighborhood parking lots.~~

~~(4) "Vacant property review commission" means a commission established by ordinance to review vacant properties to make a written determination of blight and deterioration.]~~

➔Section 3. KRS 99.710 is amended to read as follows:

(1) If the legislative body of a~~[consolidated]~~ local government~~[, a city of any class, or a county containing a city of the first class]~~ finds and declares that there ***exist within***~~[exists in]~~ the ***jurisdiction of the***~~[consolidated]~~ local government~~[, city of any class, or county containing a city of the first class]~~ blighted or deteriorated properties and that there is need ~~[in the city or county]~~for the exercise of powers, functions, and duties conferred by KRS ***99.700***~~[99.705]~~ to 99.730 ***within the jurisdiction of the local government***, the legislative body may adopt the provisions of KRS ***99.700***~~[99.705]~~ to 99.730 by ordinance.

(2) The ordinance adopting the provisions of KRS ***99.700***~~[99.705]~~ to 99.730 shall***:***

(a) ~~[also]~~Establish a vacant property review commission***,*** which shall certify properties as blighted or deteriorated to the legislative body. The ordinance shall specify the duties of, the number of members that will serve on, the requirements of membership, and the makeup of the commission. Members ***of the commission*** shall be appointed by the mayor ***or the county judge/executive, as the case may be,*** and approved by the legislative body***; or***

(b) Assign the duties that would otherwise be fulfilled by a vacant property review commission under KRS 99.700 to 99.730 to an alternative government entity.

(3) ***The governing body of a local government adopting the provisions of KRS 99.700 to 99.730 may also, by ordinance, authorize the commission or alternative government entity to identify and certify properties for inclusion in a tax delinquency diversion program established by the local government as provided in Section 8 of this Act.***

(4) No officer or employee of the ~~[consolidated]~~local government~~[, city of any class, or county containing a city of the first class]~~ whose duties include enforcement of housing, building, plumbing, fire, ***nuisance,*** or related codes shall be appointed to the commission ***or serve on the governing body of an alternative government entity***.

➔Section 4. KRS 99.715 is amended to read as follows:

A ~~[city of any class, county containing a city of the first class, or consolidated]~~local government may acquire***,*** by~~[,]~~ eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to KRS ***99.700***~~[99.705]~~ to 99.730, and shall have the power to hold, clear, manage, or dispose of property so acquired~~[for residential and related use,]~~ pursuant to the provisions of KRS ***99.700***~~[99.705]~~ to 99.730.

➔Section 5. KRS 99.720 is amended to read as follows:

(1) The legislative body shall not institute eminent domain proceedings pursuant to KRS ***99.700***~~[99.705]~~ to 99.730 unless the commission ***or alternative government entity*** has certified that the property is blighted or deteriorated. A property which has been referred to the commission ***or alternative government entity*** by a~~[city agency of any class of city, or by an agency in a county containing a city of the first class or consolidated]~~ local government~~[,]~~ as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission ***or alternative government entity*** has determined:

(a) That the owner of the property or designated agent has been sent an order by the appropriate ~~[city, consolidated]~~local government~~[, or county]~~ agency to eliminate the conditions which are in violation of local codes or law;

(b) That the property is vacant;

(c) That the property is blighted and deteriorated; ***and***

(d) That the commission ***or alternative government entity*** has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice~~[; and~~

~~(e) That, in cities of any class, counties containing a city of the first class, or consolidated local governments that are within a planning unit established pursuant to KRS Chapter 100, the planning commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan]~~.

(2) The findings required by subsection (1) of this section shall be in writing and included in the report to the legislative body.

(3) ***(a)*** The commission ***or alternative government entity*** shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the ~~[city, consolidated]~~local government~~[, or county]~~ under KRS ***99.700***~~[99.705]~~ to 99.730.

(b) Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the commission ***or alternative government entity*** in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected.

(c) The written notice sent to the owner or his ***or her*** agent ***or posted on the property*** shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(4) An extension of the ninety (90) day time period may be granted by the commission ***or alternative government entity*** if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

➔Section 6. KRS 99.725 is amended to read as follows:

The legislative body of the ~~[city of any class, county containing a city of the first class, or consolidated]~~local government may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has been certified as blighted or deteriorated by the commission ***or alternative government entity*** if it finds:

(1) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;

(2) That such property is likely to continue to deteriorate unless corrected;

(3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(4) That the owner of such property has failed to correct the deterioration of the property.

➔Section 7. KRS 99.730 is amended to read as follows:

(1) No officer or employee of a ~~[city of any class, county containing a city of the first class, or consolidated]~~local government, ~~[or of]~~the vacant property review commission, ***or an alternative government entity,*** who in the course of his or her duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.

(2) If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he or she shall immediately disclose, in writing, such interest to the commission ***or alternative government entity*** and to the legislative body**,** and such disclosure shall be entered in the minutes of the commission ***or alternative government entity*** and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office.

(3) No payment shall be made to any officer or employee for any property or interest ~~[therein]~~acquired by the ~~[city of any class, consolidated]~~local government~~[, or county containing a city of the first class]~~ from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body.

➔SECTION 8. A NEW SECTION OF KRS 99.700 TO 99.730 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Census block" means an area within the jurisdiction of a local government identified by the United States Census Bureau using a unique four (4) digit number;

(b) "Certificate of delinquency" has the same meaning as in KRS 134.010;

(c) "Individual parcel" means a parcel of property not located in a priority project area that has been designated by the commission or alternative government entity as blighted, and for which the area in which the property is located:

1. Exhibits conditions that are favorable for development;

2. Has the resources needed for urban redevelopment; and

3. Has characteristics that can be promoted as part of a campaign to retain existing residents and attract new residents to the area; and

(d) "Priority project area" means a specific group of properties identified by census block, which are located in an area where:

1. There are a significant number of blighted properties;

2. Existing conditions are favorable for development;

3. Existing resources needed for urban redevelopment are present; and

4. Existing characteristics of the area can be promoted as part of a campaign to retain existing residents and attract new residents to the area.

(2) The legislative body of a consolidated local government may, by ordinance, establish a tax delinquency diversion program for blighted property.

(3) The ordinance establishing the program shall designate the commission or an alternative government entity as the body responsible for identifying and certifying priority project areas and individual parcels of property for inclusion in the tax delinquency diversion program.

(4) The commission or alternative government entity shall submit recommended priority project areas and qualifying individual parcels of property to the governing body of the consolidated local government for consideration.

(5) Certificates of delinquency related to property approved by the governing body of the consolidated local government for inclusion in the tax delinquency diversion program shall not be available for purchase by any person for a period of up to five (5) years following the year in which the property is placed in the tax delinquency diversion program.

(6) The commission or alternative government entity shall provide to the county attorney a list of all properties included in the tax delinquency diversion plan, and the county attorney shall place the identified properties on the protected list required by subsection (10) of Section 12 of this Act.

➔Section 9. KRS 416.540 is amended to read as follows:

As used in KRS 416.540 to 416.670:

(1) "Condemn" means to take private property for a public use under the right of eminent domain;

(2) "Condemnor" shall mean and include any person, corporation or entity, including the Commonwealth of Kentucky, its agencies and departments, county, municipality and taxing district authorized and empowered by law to exercise the right of eminent domain;

(3) "Condemnee" means the owner of the property interest being taken;

(4) "Court" means the Circuit Court;

(5) ***"Eminent domain" means the right of the Commonwealth to take for public use and shall include the right of private persons, corporations, or business entities to do so under authority of law;***

(6) "Government lien" means any lien established by or in favor of the Commonwealth or a local government under KRS Chapter 65, 82, 91, 91A, or 134;

(7) "Local government" means any city, county, urban-county government, consolidated local government, unified local government, or charter county; and

(8) "Property" means real or personal property, or both, of any nature or kind that is subject to condemnation~~[;~~

~~(6) "Eminent domain" means the right of the Commonwealth to take for a public use and shall include the right of private persons, corporations or business entities to do so under authority of law]~~.

➔Section 10. KRS 416.580 is amended to read as follows:

(1) ***(a)*** The Circuit Court, or in the absence of the Circuit Judge from the county, the Circuit Court Clerk, shall appoint as commissioners three (3) impartial housekeepers of the county who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this section. The commissioners shall view the land or material sought to be condemned and award to the owner or owners such a sum as will fairly represent the reduction in the market value of the entire property, all of or a portion of which is sought to be condemned, said sum being the difference between the market value of the entire property immediately before the taking and the market value of the remainder of the property immediately after the taking thereof, together with the fair rental value of any temporary easements sought to be condemned. Within fifteen (15) days from the date of their appointment they shall return a written report to the office of the Circuit Court, stating the above values in their award and shall describe in their report the property sought to be condemned. They shall be allowed a reasonable fee which shall be taxed as costs.

(b)~~[(2)]~~ ***If***~~[In the event]~~ any person appointed to serve as commissioner fails, refuses or becomes incapable of acting, the court, or judge thereof shall forthwith appoint a qualified person to fill the vacancy. A majority of the commissioners appointed and qualified have the power to act and to make and sign the award and report. If a majority of the commissioners do not agree on a decision, three (3) new commissioners shall be appointed by the court on application by any of the parties to the action.

(2) In eminent domain proceedings instituted pursuant to KRS 99.700 to 99.730, in determining the market of value blighted or deteriorated property, the commissioners shall consider:

(a) The estimated cost of repairs necessary to bring the property up to the minimum standards of the local housing or nuisance code as determined by an independent appraiser, general building or residential contractor or inspector; or

(b) The cost of demolition of the property, if the commissioners determine that demolition would be the most cost-effective manner of addressing the blighted or deteriorated structures on the property.

➔Section 11. KRS 134.128 is amended to read as follows:

(1) The sale of certificates of delinquency by county clerks to persons other than those listed in KRS 134.127(1)(a) shall be conducted in accordance with the provisions of this section.

(2) The department shall promulgate administrative regulations to establish a process for the purchase and sale of certificates of delinquency to third parties. The process developed by the department shall:

(a) 1. Establish an annual statewide schedule for the sale of certificates of delinquency in each county. The schedule shall be published on the department's Web site at least ten (10) days prior to the first sale. The sale in each county shall be administered by the county clerk.

2. The sale in each county shall be scheduled at least ninety (90) days but not more than one hundred thirty-five (135) days after the unpaid tax claims are filed by the sheriff with the county clerk, unless the provisions of subparagraph 3. of this paragraph apply. The department may stagger the schedule so that sales are conducted on different dates and times in different counties.

3. A county clerk who:

a. Due to the assessment schedule established by the department, anticipates receiving certificates of delinquency relating to unmined coal, oil or gas reserves, or any other mineral or energy resources assessed separately from the surface real property pursuant to KRS 132.820 too late to be included in the annual sale scheduled during the timeframes established by subparagraph 2. of this paragraph; and

b. Wants to include those certificates in the annual sale for the year in which the certificates of delinquency are created;

may submit a request to the department to hold the annual sale for that county up to one hundred ninety-five (195) days after the bulk of the unpaid tax claims are filed by the sheriff with the county clerk in accordance with KRS 134.122;

(b) Except as provided in KRS 134.127(1)(a), prohibit the payment of any newly filed certificates of delinquency by a third party prior to the scheduled annual sale of certificates of delinquency for that year for that county;

(c) Prohibit the payment of any certificates of delinquency:

1. Involved in bankruptcy litigation in which the county attorney or department has filed a claim;

2. Involved in other litigation initiated by the county attorney or the department, or in which the county attorney or department responds or files a claim;~~[or]~~

3. Under a payment plan that has been agreed to by the taxpayer and the county attorney or the department, and on which the payment agreement is in good standing***; or***

4. Related to property included in a tax delinquency diversion program established pursuant to Section 8 of this Act;

(d) Establish a process to be used by county clerks in determining the order in which interested third-party purchasers may select and pay available certificates of delinquency at the annual sale. The process shall, at a minimum:

1. Be uniform in all counties to the extent practicable;

2. Establish a process, if there is more than one (1) purchaser registered to purchase certificates of delinquency at the sale, that allows all interested purchasers an opportunity to purchase certificates of delinquency on an equitable basis. The sale shall not be structured in such a manner to allow one (1) third party to purchase all of the certificates of delinquency if there are other properly registered third parties that are also interested in purchasing certificates of delinquency;

3. Establish fairness for all participants by prohibiting the participation of multiple related entities, or multiple individuals representing related interests as separate entities in the selection process at an annual sale. The department shall define "related entities" and "related interests" as part of the regulatory process; and

4. Establish a process to be used by county clerks in identifying, verifying, and selling priority certificates of delinquency. The process shall:

a. Require third-party purchasers to submit a list of priority certificates of delinquency to the county clerk up to ten (10) days before the annual sale so that the clerk may identify and allocate priority certificates of delinquency to third-party purchasers prior to the annual sale;

b. Require that all priority certificates of delinquency allocated to a third-party purchaser prior to the annual sale be removed from the annual sale;

c. Allow any third-party purchaser holding a certificate of delinquency on a parcel of property from a prior year to submit a priority list and purchase any priority certificates of delinquency to which the third-party purchaser is entitled, notwithstanding that the third-party purchaser may be related to another third-party purchaser participating in the sale; and

d. Give priority to the third-party purchaser holding a certificate of delinquency from the most recent tax year if more than one (1) third party holds an outstanding certificate of delinquency on a parcel of property;

(e) Require all potential participants in the sale to register at least one (1) week in advance with the county clerk;

(f) Require a review of the list of registered participants, either by the county clerk or the department, prior to the sale to ensure that:

1. All registered participants seeking to pay multiple certificates of delinquency are properly registered with the department as required by KRS 134.129; and

2. No registered participants or related entities or related interests prohibited from separate participation in the annual sale pursuant to the provisions of paragraph (d)3. of this subsection and the administrative regulations promulgated thereunder have separately registered to participate in the annual sale;

(g) Establish advance deposit requirements for registered participants based upon the maximum amount the registered participant may pay for desired certificates of delinquency;

(h) Establish a registration fee to be paid to the clerk. The registration fee paid to each county shall not exceed two hundred fifty dollars ($250) annually and may be tiered;

(i) Establish payment requirements, which may include nullification of the payment and forfeiture of the advance deposit if a third-party purchaser fails to produce full payment within the specified time; and

(j) Establish payment methods.

(3) Any person who, in any calendar year:

(a) Pays or plans to pay more than five (5) certificates of delinquency statewide;

(b) Pays or plans to pay more than three (3) certificates of delinquency in any county; or

(c) Invests or plans to invest more than ten thousand dollars ($10,000) in the payment of certificates of delinquency on a statewide basis in any calendar year;

shall register with the department annually as provided in KRS 134.129.

(4) The department shall be responsible for monitoring the sale of certificates of delinquency.

(5) (a) At least thirty (30) but not more than forty-five (45) days before the scheduled sale date, the county clerk shall cause a notice to be published in accordance with the provisions of KRS Chapter 424. The notice shall list by property owner, property address, and if available, parcel number or lot number, all certificates of delinquency available for sale. The notice shall provide the date, time, and location of the sale. In addition, the notice shall list, in a separate section, all personal property certificates of delinquency held by the county clerk.

(b) As compensation for advertising the sale, the county clerk shall receive five dollars ($5) for each certificate of delinquency and personal property certificate of delinquency advertised. The fee shall be added to the amount of the certificate of delinquency or personal property certificate of delinquency and shall be paid by the person paying the certificate of delinquency or personal property certificate of delinquency.

(c) The cost of placing the advertisement shall be paid by the county. The cost shall be added to the amount of the certificate of delinquency or personal property certificate of delinquency and shall be paid by the person paying the certificate of delinquency or personal property certificate of delinquency. The department shall establish a formula that may be used by counties in allocating the advertising costs among the delinquent tax claims. The formula shall take into account that a percentage of delinquent tax claims remains unpaid.

(6) Any certificate of delinquency not paid at the annual sale, not subject to a payment plan with the department or county attorney, and not known to be in litigation may be paid to the county clerk at any time by any person after the sale, provided that:

(a) Any person required by KRS 134.129 to register with the department shall hold a current certificate of registration at the time of purchase;

(b) Any person not previously registered with the county clerk during the calendar year shall register with the county clerk and shall pay the registration fee established by administrative regulation pursuant to subsection (2)(h) of this section; and

(c) Any person previously registered with the county clerk during the calendar year who has not paid the maximum registration fee for that year shall pay the appropriate amount for each certificate of delinquency paid, as established by administrative regulation pursuant to subsection (2)(h) of this section, until the maximum registration has been paid.

(7) Any certificate of delinquency received by the county clerk too late to be included in the annual sale in any year shall be retained by the clerk until the next scheduled annual sale. During that time period, the clerk may accept payment on the certificate of delinquency only from those individuals and entities listed in KRS 134.127(1)(a).

➔Section 12. KRS 134.504 is amended to read as follows:

(1) The department shall be responsible for the collection of certificates of delinquency and personal property certificates of delinquency. The provisions of this section relating to certificates of delinquency shall also apply to personal property certificates of delinquency unless otherwise specifically noted. The department shall offer the collection duties related to certificates of delinquency and personal property certificates of delinquency to the county attorney in each county, unless the department determines that a county attorney has previously failed to perform collection duties in a reasonable and acceptable manner.

(2) Any county attorney desiring to perform the collection duties shall enter into a contract with the department on an annual basis.

(3) The terms of the contract shall specify the duties to be undertaken by the county attorney, which shall include, at a minimum, the duties set forth in subsection (4) of this section. The terms of the contract shall also provide that, if the county attorney fails to perform the duties required by the contract during the contract period, the department may assume all collection responsibilities.

(4) The following duties shall be performed by the department or the county attorney, as the case may be, with regard to each certificate of delinquency:

(a) Within thirty (30) days after the establishment of a certificate of delinquency, the county attorney or the department shall mail a notice by regular mail to the owner of record on the assessment date at the address on the records of the property valuation administrator, or to the in-care-of address if an in-care-of address is provided as required by subsection (5) of this section. The notice shall:

1. Include the name, address, and telephone number of a contact person in the county attorney's office or the department, as the case may be;

2. Advise that:

a. The certificate of delinquency is a lien of record against the property on which the taxes are due;

b. The amounts due are a personal obligation of the taxpayer on the assessment date; and

c. The certificate bears interest at the rate of twelve percent (12%) and, if not paid, will be subject to collection by the county attorney or the department as provided by law;

3. Include the total amount due as of the date of the notice;

4. Advise that anytime after ninety (90) days from the creation of the certificate of delinquency, the certificate of delinquency may be paid by a third-party purchaser and, that if so paid, the certificate of delinquency will be subject to collection by the third-party purchaser as provided by law. The notice shall also advise that a third-party purchaser may impose substantial additional administrative costs and fees associated with collection in addition to the amount due on the certificate of delinquency, and that collection actions may include foreclosure. This provision shall not be included in notices sent for personal property certificates of delinquency; and

5. Advise that the taxpayer may qualify for a payment plan with the county attorney or the department, if the taxpayer meets the requirements established by the county attorney or the department, and if terms are agreed to prior to the date of the sale;

(b) The county attorney or the department shall file in the office of the county clerk a list of the names and addresses to which the thirty (30) day notice was mailed along with a certificate attesting that the notices were mailed in accordance with the requirements of this section;

(c) 1. All thirty (30) day notices returned as undeliverable shall be submitted by the county attorney or department to the property valuation administrator, and a list of the returned notices shall be filed with the county clerk, who shall record the list in the order book of the county.

2. The property valuation administrator shall attempt to correct inadequate or erroneous addresses and, if property has been transferred, shall determine the new owner, current mailing address, and in-care-of address, if any, as provided in KRS 382.135.

3. The property valuation administrator shall return the notices with the corrected information to the county attorney or the department within twenty (20) days of receipt.

4. Upon receipt of the new information from the property valuation administrator, the county attorney or the department shall resend the notice required by paragraph (a) of this subsection using the updated information;

(d) 1. At least twenty (20) days after the mailing of the thirty (30) day notice required by paragraph (a) of this subsection, but within sixty (60) days of the establishment of a certificate of delinquency, the county attorney or department shall send a second notice, by regular mail, to owners of record whose tax bills remain delinquent, or to the in-care-of addresses or corrected address, if information regarding a new property owner has been received by the county attorney or the department under the provisions of paragraph (c) of this subsection. The notice shall include, at a minimum, the following information:

a. The name, address, and telephone number of a contact person in the county attorney's office or the department, as the case may be;

b. A statement that a sale of tax claims will be held by the county clerk on the date established by the department for the sale. The text of the statement shall include the actual sale date, as well as a statement noting that the certificate of delinquency may be paid by a third-party purchaser at the sale, and if the certificate of delinquency is paid by a third-party purchaser, it will be subject to collection by the third-party purchaser as provided by law, that significant additional collection fees will be imposed by the third-party purchaser, and that collection actions may include foreclosure. This statement shall not be included in notices sent to owners of property subject to a personal property certificate of delinquency; and

c. A statement that the taxpayer may qualify for a payment plan with the county attorney or the department, if the taxpayer meets the requirements established by the county attorney or the department and if terms are agreed to prior to the date of the sale.

2. The county attorney or the department shall file in the office of the county clerk a list of the names and addresses to which the sixty (60) day notice was mailed, along with a certificate attesting that the notices were mailed in accordance with the requirements of this section.

3. If the notice required by paragraph (c) of this subsection is returned as undeliverable, and the property valuation administrator is not able to provide a corrected or updated address, the county

attorney or the department shall address the sixty (60) day notice to "Occupant" and shall mail the notice to the address of the property to which the certificate of delinquency applies;

(e) The county attorney or the department shall deliver to the property valuation administrator, at the same time the notice required by paragraph (d) of this subsection is sent, a list of the owners whose tax bills remain delinquent. The property valuation administrator shall review this list in accordance with KRS 132.220 to establish that the properties on the list can be identified and physically located; and

(f) Anytime after the expiration of the one (1) year tolling period established by KRS 134.546, the county attorney or department may institute an action to collect the amount due on a certificate of delinquency owned by the taxing jurisdictions and in the possession of the county clerk. At least forty-five (45) days before instituting a legal action, the county attorney or department shall send, by regular mail, a notice of intent to initiate legal action to enforce the lien. The notice shall be sent to the owner of record of the property or to the in-care-of address or corrected address if either has been provided pursuant to this section.

(5) If property subject to a certificate of delinquency has been transferred in any year after the assessment date, the property valuation administrator shall determine the in-care-of address supplied in the deed pursuant to KRS 382.135 and shall provide that information to the county attorney or the department.

(6) (a) Failure of the county attorney or the department to mail the notices required in subsection (4) of this section shall not affect the validity of the claim of the state, county, school district, and taxing district. However, the county attorney or the department shall not receive any compensation, commission, or payment related to any certificate of delinquency for which the notices required by the provisions of subsection (4) of this section are not sent.

(b) For each notice mailed, one dollar ($1) shall be added to the amount of the certificate of delinquency, to offset the cost of mailing, and, upon collection, the county attorney or the department shall be paid such amounts as reimbursement for mailing costs.

(7) (a) As compensation for the collection duties performed pursuant to a contract with the department, a county attorney shall be paid twenty percent (20%) of the amount due each taxing unit during the contract period, whether the amount is paid voluntarily, through sale, or under court order, and whether the amount is paid to the county clerk or the county attorney. The fee for the county attorney shall be added to the amount of the certificate of delinquency and shall be paid by the person paying the certificate of delinquency.

(b) If payment in full is voluntarily made by the taxpayer to the county attorney or county clerk within five (5) days of the filing of the tax claim with the county clerk, the county attorney fee shall be waived.

(c) If a county attorney files a court action or files a cross-claim, the county attorney shall be paid an additional fee of thirteen percent (13%) of the amount of the certificate of delinquency and shall be reimbursed for costs incident to the court action. The additional fee and costs incident to the litigation shall be added to the certificate of delinquency and shall be paid by the person paying the certificate of delinquency.

(d) If more than one (1) county attorney renders necessary services to collect on a certificate of delinquency, the county attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the fee.

(8) (a) The county attorney shall establish a system to accept installment payments from delinquent taxpayers. The county attorney may, during the contract period, enter into an agreement with a delinquent taxpayer to accept installment payments on the certificates of delinquency. The agreement shall not waive the county attorney's right to initiate court action or other authorized collection activities if the taxpayer does not make payments in accordance with the agreement.

(b) The county attorney may, upon written request of the taxpayer for good cause and with agreement of the affected taxing jurisdiction or fee recipient, waive or reduce fees and penalties that are part of a certificate of delinquency during settlement or negotiation with a taxpayer in accordance with guidance provided by the department.

(9) Any action by the county attorney authorized by this chapter shall be filed on relation of the commissioner. A copy of any judgment obtained by the county attorney shall be sent to the department.

(10) (a) The county attorney shall notify the county clerk and the department of the filing of a suit at the time the suit is filed and of payment agreements at the time such agreements are entered into. The county clerk

shall note on the certificate of delinquency the filing of the lawsuit or the existence of the payment agreement, and these certificates of delinquency shall not be available for purchase or payment by a third-party purchaser.

(b) The county attorney shall provide to the county clerk at least ten (10) days but not more than twenty (20) days prior to the annual sale date for the county established pursuant to KRS 134.128, a protected list of current year certificates of delinquency that are:

1. Under a payment plan with the county attorney on which payments are current;

2. Involved in litigation initiated by the county attorney or in which the county attorney responds or files an answer;~~[or]~~

3. Involved in bankruptcy litigation in which the county attorney has filed a claim***; or***

4. Included on a list of protected properties submitted to the county attorney by a vacant property review commission or an alternative government entity as provided in Section 8 of this Act.

The list shall include sufficient detail for the county clerk to accurately identify the property.

(c) The county attorney shall notify the county clerk of the failure of any payment agreement and, upon notification to the clerk, the certificate of delinquency shall be available for purchase.

(11) The department may make its delinquent tax collection databases and other technical resources, including but not limited to tax refund offsetting, available to the county attorney upon request from the county attorney. The county attorney seeking assistance shall enter into any agreements required by the department to protect taxpayer confidentiality, to ensure database integrity, or to address the concerns of the department.

(12) (a) If a county attorney chooses not to contract for collection duties, or if a county attorney fails to perform the duties required by the contract, the department shall assume responsibility for all uncollected certificates of delinquency and personal property certificates of delinquency, including, at the option of the department, those with pending court action or for which the county attorney has entered into an installment payment agreement.

(b) If the department assumes or retains responsibility for the collection of certificates of delinquency and personal property certificates of delinquency, the twenty percent (20%) fee that would have been paid to the county attorney under subsection (7) of this section, and any other fees or costs established by this section for the county attorney shall be paid to the department for deposit in the delinquent tax fund provided for under KRS 134.552.

➔Section 13. KRS 92.305 is amended to read as follows:

(1) Any urban-county government or city of the home rule 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 ***99.700***~~[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 city of the home rule 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 14. KRS 91.285 is amended to read as follows:

(1) Any city of the first class which finds and declares that there exists abandoned urban property as defined in KRS 132.012(1) within the city or which finds that there exists blighted or deteriorated property pursuant to KRS ***99.700 to 99.730***~~[99.710 et seq.,]~~ may levy a separate rate of taxation on abandoned urban property pursuant to KRS 132.012(2).

(2) Prior to levying a tax upon abandoned urban property, the legislative body of a city of the first class shall delegate to the vacant properties review commission, if established pursuant to KRS ***99.700 to 99.730***~~[99.710 et seq.,]~~ or another department or agency of city government, the responsibility of determining which properties within the

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 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.

Signed by Governor April 13, 2016.

CHAPTER 128

(HB 87)

AN ACT relating to military service.

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

➔Section 1. KRS 159.035 is amended to read as follows:

(1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.

(2) Notwithstanding the provisions of any other statute, any student in a public school shall be considered present for all purposes for up to ten (10) days while attending basic training required by a branch of the United States Armed Forces.

(3) ~~[(2)]~~ Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

(a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

(b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.

(c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.

(d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

(e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under KRS 158.6453 or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.

(4) ~~[(3)]~~ (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:

1. An excused absence for one (1) day when the member is deployed;

2. An additional excused absence for one (1) day when the service member returns from deployment; and

3. Excused absences for up to ten (10) days for visitation when the member is stationed out of the country and is granted rest and recuperation leave.

(b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

(c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

Signed by Governor April 13, 2016.

CHAPTER 129

(SB 97)

AN ACT relating to mortgage loans.

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

➔Section 1. KRS 286.8-010 is amended to read as follows:

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

(1) "Affiliate" means any person who directly or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with another person;

(2) "Department" means the Department of Financial Institutions;

(3) "Commissioner" means the commissioner of the department;

(4) "Applicant" means a person filing an application or renewal application for a license, registration, or claim of exemption under this subtitle;

(5) "Borrower" means any person that seeks, applies for, or obtains a mortgage loan;

(6) "Branch" or "branches" means any location other than the mortgage loan company's or mortgage loan broker's principal location where the mortgage loan company, mortgage loan broker, or its employees maintain a physical presence for the purpose of conducting business in the mortgage lending process, including the servicing of mortgage loans;

(7) "Classroom" means a physical classroom environment in which teachers and participants are physically present for the teaching of a course. Courses taught through Internet, mail, or correspondence classes shall not be considered to be courses taught in a classroom;

(8) "Clerical or support duties" means administrative functions such as gathering information, requesting information, word processing, sending correspondence, or assembling files, and may include:

(a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; or

(b) Any communication with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include taking a residential mortgage loan application, ***assisting a borrower or prospective borrower with the preparation of documents necessary to obtain a mortgage loan,*** offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms;

(9) "Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise;

(10) "Control records" means all records relating to the operation of a branch that are necessary to exercise control and supervision over the branch;

(11) "Criminal syndicate" means five (5) or more persons collaborating to promote or engage in any pattern of residential mortgage fraud on a continuing basis;

(12) "Depository institution" means a depository institution as defined in the Federal Deposit Insurance Act, 12 U.S.C. sec. 1813(c), and amendments thereto, and includes any credit union;

(13) "Employ or use" means to employ, utilize, or contract with a person or the person's employees for the purpose of participating in the mortgage lending process, including the servicing of mortgage loans;

(14) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild;

(15) "Licensee" means a person to whom a license has been issued;

(16) "Managing principal" means a natural person who meets the requirements of KRS 286.8-032(6) and who agrees to actively participate in and be primarily responsible for the operations of a licensed mortgage loan broker;

(17) "Mortgage lending process" means the process through which a person seeks or obtains a mortgage loan, including the solicitation, application, origination, negotiation of terms, processing, underwriting, signing, closing, and funding of a mortgage loan and the services provided incident to a mortgage loan, including the appraisal of the residential real property. Documents involved in the mortgage lending process include but are not limited to:

(a) Uniform residential loan applications or other loan applications;

(b) Appraisal reports;

(c) Settlement statements;

(d) Supporting personal documentation for loan applications, including:

1. Form W-2 or other earnings or income statements;

2. Verifications of rent, income, and employment;

3. Bank statements;

4. Tax returns; and

5. Payroll stubs;

(e) Any required mortgage-related disclosures; and

(f) Any other document required as a part of, or necessary to, the mortgage lending process;

(18) "Mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on residential real property or any loan primarily for personal, family, or household use that is secured by collateral that has a mortgage lien interest in residential real property;

(19) "Mortgage loan broker" means any person who for compensation or gain, or in the expectation of compensation or other gain, received directly or indirectly, serves as an agent for any borrower in an attempt to obtain a mortgage loan, or holds oneself out as being able to do so;

(20) "Mortgage loan company" means any person who directly or indirectly:

(a) Makes, purchases, or sells mortgage loans, or holds oneself out as being able to do so; or

(b) Services mortgage loans, or holds oneself out as being able to do so;

(21) "Mortgage loan originator" means a natural person who, in exchange for compensation or gain or in the expectation of compensation or gain:

(a) Performs any one (1) or more of the following acts in the mortgage lending process:

1. Solicits, places, negotiates, or offers to make a mortgage loan;

2.~~[Obtains personal and financial information from a borrower or prospective borrower;~~

~~3.]~~ Assists a borrower or prospective borrower with the preparation of ***documents necessary to obtain*** a mortgage loan~~[or related documents]~~;

3. ~~[4.]~~ Explains, recommends, discusses, negotiates, or quotes rates, terms, and conditions of a mortgage loan with a borrower or prospective borrower, whether or not the borrower or prospective borrower makes or completes an application;

4. ~~[5.]~~ Explains any term or aspect of any disclosure or agreement given at or after the time a mortgage loan application is received; or

5. ~~[6.]~~ Takes a residential mortgage loan application; or

(b) Is an independent contractor engaging in the mortgage lending process as a mortgage loan processor;

(22) "Mortgage loan processor" means a natural person who performs only clerical or support duties at the direction of and subject to the supervision and instruction of a mortgage loan originator;

(23) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators;

(24) "Originate" means to solicit, place, negotiate, offer to make, or broker a mortgage loan;

(25) "Pattern of residential mortgage fraud" means residential mortgage fraud that involves two (2) or more mortgage loans that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics;

(26) "Person" means a natural person, or any type or form of corporation, company, partnership, proprietorship, or association;

(27) "Physical location" means any location where the mortgage lending process, including the servicing of mortgage loans, is conducted;

(28) "Record" means any books of account or other books, papers, journals, ledgers, statements, instruments, documents, files, messages, writings, correspondence, or other internal data or information, made or received in the regular course of business or otherwise, regardless of the mode in which it is recorded;

(29) "Registrant" means a person to whom a ~~[certificate of]~~ registration has been issued;

(30) "Residential mortgage loan application" means the submission of a borrower's financial information in anticipation of a credit decision, whether written or computer-generated, relating to a mortgage loan;

(31) "Residential real property" means a dwelling as defined in the Federal Truth in Lending Act, 15 U.S.C. sec. 1602(v), or any real property upon which is constructed or intended to be constructed a dwelling as so defined;

(32) "Service" or "servicing" means:

(a) Receiving any scheduled periodic mortgage loan payments from a borrower, including amounts for escrow accounts or other fees or obligations related to the mortgage loan, and making or crediting the payments to the mortgage loan account, owner of the loan, or a third party assigned to receive said payments;

(b) Maintaining accountings of principal, interest, and other accounts associated with the servicing of mortgage loans and responding to borrower inquiries regarding the status of these loans or accounts;

(c) Initiating, supervising, or conducting foreclosure proceedings and property dispositions in the case of default, except this shall not include licensed attorneys representing clients in such matters; or

(d) In the case of a home equity conversion mortgage or reverse mortgage, making payments to the borrower;

(33) "Takes a residential mortgage loan application" means:

(a) Recording the borrower's application information in any form for use in a credit decision; or

(b) Receiving the borrower's application information in any form for use in a credit decision;

(34) "Transact business in Kentucky" or "transacting business in Kentucky" means to participate in any meaningful way in the mortgage lending process, including the servicing of mortgage loans, with respect to any residential real property located in Kentucky;

(35) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry; and

(36) "Wholly owned subsidiary" means a subsidiary that is entirely owned or controlled by another person.

➔Section 2. KRS 286.8-030 is amended to read as follows:

(1) (a) It is unlawful for any person to transact business in Kentucky, either directly or indirectly, as a mortgage loan company or mortgage loan broker if the mortgage loan company or mortgage loan broker is not licensed in accordance with the requirements of this subtitle, unless that person is exempt under KRS 286.8-020 and, if required by KRS 286.8-020(3) has timely filed a completed application for a claim of exemption, and the filed application for a claim of exemption has been approved by the commissioner.

(b) It is unlawful for any natural person to make a loan under KRS 286.8-020(10) without making the disclosure required by KRS 286.8-020(7).

(c) It is unlawful for any natural person to transact business in Kentucky, either directly or indirectly, as a mortgage loan originator~~[or mortgage loan processor]~~, unless otherwise exempted, if the mortgage loan originator~~[or mortgage loan processor]~~ is not registered in accordance with KRS 286.8-255.

(d) It is unlawful for any mortgage loan company or mortgage loan broker to employ or use a mortgage loan originator~~[or a mortgage loan processor]~~ if the mortgage loan originator~~[or mortgage loan processor]~~ is not registered in accordance with KRS 286.8-255 or otherwise exempted.

(e) It is unlawful for any mortgage loan company to employ or use, with or without compensation, a mortgage loan broker if the mortgage loan broker is not licensed in accordance with the requirements of this subtitle unless that person is exempt under KRS 286.8-020 and, if required by KRS 286.8-020(3), has timely filed a completed application for a claim of exemption, and the filed application for a claim of exemption has been approved by the commissioner.

(2) Neither the fact that a license or~~[certificate of]~~ registration has been issued nor the fact that any person, business, or company is effectively registered or licensed, constitutes a finding by the commissioner that any document filed under this subtitle is true, complete, and not misleading. Nor does such fact directly or indirectly imply approval of the registrant or licensee by the commissioner or the Commonwealth of Kentucky. It is unlawful to make or cause to be made to any prospective customer or client any representation inconsistent with this subsection.

(3) Any mortgage loan company or mortgage loan broker who willfully transacts business in Kentucky in violation of subsection (1) of this section shall have no right to collect, receive, or retain any interest or charges whatsoever on a loan contract, but the unpaid principal of the loan shall be paid in full.

(4) Each solicited, attempted, or closed loan shall constitute a separate violation of this section.

(5) The unique identifier, name, and signature of any person originating a mortgage loan shall be clearly shown on the mortgage loan application. It shall be unlawful to make or cause to be made any representations on a mortgage loan application that are inconsistent with this subsection. The unique identifier shall also be displayed on solicitations or advertisements, including business cards or Web sites, of all persons holding themselves out as being able to originate mortgage loans in Kentucky, and any other document as established by rule, regulation, or order of the commissioner.

➔Section 3. KRS 286.8-034 is amended to read as follows:

(1) An applicant for a license under this subtitle shall provide the commissioner with separate checks payable to the Kentucky State Treasurer for:

(a) An investigation fee of three hundred dollars ($300) for the principal office and one hundred fifty dollars ($150) for each branch office; and

(b) A license fee of four hundred fifty dollars ($450) for the principal office and two hundred fifty dollars ($250) for each branch originating mortgages on residential real properties located in Kentucky if the applicant applies for a license on or between November 1 and June 30 of the following calendar year or of one hundred fifty dollars ($150) for the principal office and one hundred dollars ($100) for each branch if the applicant applies for a license on or between July 1 and October 31 of the same calendar year.

(2) A license issued between January 1 and October 31 of the same calendar year shall expire on December 31 of the same calendar year. A license issued between November 1 and December 31 of the same calendar year shall expire on December 31 of the following calendar year.

(3) A license may be renewed by paying the annual renewal license fee which is three hundred fifty dollars ($350) for the principal office and two hundred fifty dollars ($250) for each branch originating mortgages on residential real properties located in Kentucky, submitting to the Nationwide Mortgage Licensing System and Registry an

annual report of condition, which shall be in such form and contain such information as the Nationwide Mortgage Licensing System and Registry may require, and submitting to the commissioner any other information required by the commissioner. The commissioner shall not approve the renewal of a mortgage loan broker's license if the commissioner has not received the information on physical location as required in KRS 286.8-032(8).

(4) The application, fees, and any required information shall be received by the commissioner on or before November 30 prior to the December 31 expiration date. The commissioner may reinstate the license within thirty-one (31) days of the expiration of the license if the licensee pays the filing fee and a reinstatement fee of two hundred fifty dollars ($250). A license shall not be reinstated when the application, fees, or any required information is received on or after February 1 of the following year that the renewal application was due.

~~[(5) The commissioner shall provide a licensee with a duplicate copy of any license upon a satisfactory showing of its loss and payment of a ten dollar ($10) replacement fee.]~~

➔Section 4. KRS 286.8-048 is amended to read as follows:

(1) The commissioner may enter an emergency order suspending, limiting, or restricting the license, claim of exemption, or registration of any mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ without notice or hearing if it appears upon grounds satisfactory to the commissioner that the mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ has engaged or is engaging in unsafe, unsound, and illegal practices that pose an imminent threat to the public interest.

(2) One (1) or more of the following circumstances shall be considered sufficient grounds for an emergency order under this section if it appears on grounds satisfactory to the commissioner that:

(a) The mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ does not meet or has failed to comply with more than one (1) of the requirements of this subtitle and the violations appear to be willful;

(b) The mortgage loan broker or mortgage loan company is in such financial condition that it cannot continue in business with safety to its customers;

(c) The mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ has been indicted, charged with, or found guilty of any act involving fraud, deception, theft, or breach of trust, or is the subject of an administrative cease-and-desist order or similar order, or of a permanent or temporary injunction currently in effect entered by any court or agency of competent jurisdiction;

(d) The mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ has made any misrepresentations or false statements to, or concealed any essential or material fact from, any person in the course of doing business in the mortgage lending process, or has engaged in any course of business that has worked or tended to work a fraud or deceit upon any person or would so operate;

(e) The mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ has made or caused to be made to the commissioner any false representation of material fact, has refused to permit an examination, or has refused or failed, within a reasonable time, to furnish any information or make any report that may have been requested or required by the commissioner;

(f) The mortgage loan broker, mortgage loan company, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ has had any license, registration, or claim of exemption related to the financial services industry denied, suspended, or revoked under the laws of this state or any other state of the United States, or has surrendered or terminated any license, registration, or claim of exemption issued by this state or any other jurisdiction under threat of administrative action; or

(g) The surety bond required under KRS 286.8-060 has terminated, expired, or no longer remains in effect.

(3) An emergency order issued under this section becomes effective when signed by the commissioner. The emergency order shall be delivered by personal delivery or certified mail to the last known address of the party or parties. The order shall be deemed served upon delivery or upon return of the order.

(4) A party aggrieved by an emergency order issued by the commissioner under this section may request an emergency hearing. The request for hearing shall be filed with the commissioner within twenty (20) days of service of the emergency order.

(5) Upon receipt of a written request for emergency hearing, the commissioner shall conduct an emergency hearing as required under KRS 13B.125, within ten (10) working days from the date of receipt of the request for hearing, unless the parties agree otherwise.

(6) An emergency order issued under this section shall remain in effect until it is withdrawn or superseded by an order of the commissioner or until it is terminated by a court order.

➔SECTION 5. A NEW SECTION OF SUBTITLE 8 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

A mortgage loan processor who is not registered or otherwise authorized to act as a mortgage loan originator shall not represent to the public or to individual consumers that he or she can, or is willing to, perform any of the activities of a mortgage loan originator.

➔Section 6. KRS 286.8-170 is amended to read as follows:

(1) Every mortgage loan company and mortgage loan broker shall keep at its principal office correct and complete records of its business transactions, books of accounts, and minutes of proceedings of its directors, principals, or partners. Complete records of all business transactions at the principal office shall be maintained at the principal office. Each branch office shall keep detailed records of all transactions at such branch office and shall furnish full control records to the principal office.

(2) No mortgage loan company or mortgage loan broker by any system of accounting or any device of bookkeeping shall, either directly or indirectly, enter any of its assets upon its books in the name of any person, partnership, association, or corporation, or under any title, designation, or value that is not thoroughly descriptive of any assets.

(3) The affairs of every mortgage loan company, mortgage loan broker, ***and*** mortgage loan originator,~~[and mortgage loan processor,]~~ and the records required to be maintained by KRS 286.8-160 are subject at any time or from time to time to such periodic, special, or other examinations by the executive director or an examiner of the commissioner within or without this state and with or without notice to the person being examined, as the commissioner deems necessary or appropriate in the public interest. All records of the person being examined shall be subject to the commissioner's inspection.

(4) The examiner shall make a thorough examination into the condition, workings and affairs of the person being examined and report any violation of law or any unauthorized unsafe practices or any failure to keep and have correct any required books and records as he or she may find to the commissioner.

(5) A mortgage loan company or mortgage loan broker shall pay a fee for each such examination of its operations or employees based on fair compensation for time and actual expense. For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate and exchange information with any agency of the state or federal government, other states, the Nationwide Mortgage Licensing System and Registry, or the federal National Mortgage Association, Government National Mortgage Association, and Federal Home Loan Mortgage Corporation, and may accept such examinations in whole or in part in lieu of an examination by the commissioner.

(6) The commissioner or the commissioner's examiners or designated representative shall have access to all records of a mortgage loan company, mortgage loan broker, ***and*** mortgage loan originator~~[, and mortgage loan processor]~~ which relate to their business, and records kept by any officers, agents, or employees, relating to or upon which any record of its business is kept.

(7) A mortgage loan originator~~[or mortgage loan processor]~~ shall make available and grant access to the commissioner, or an examiner of the commissioner, the records relating to its operations. A mortgage loan company or mortgage loan broker shall make available and grant access to all records of its current and former employees and contractors relating to its operations.

(8) Any person subject to this subtitle shall make or compile reports or prepare other information as directed by the commissioner or an examiner of the commissioner to include:

(a) Accounting compilations;

(b) Information lists and data concerning loan transactions in a format prescribed by the commissioner or an examiner of the commissioner; and

(c) Such other information deemed necessary to carry out the purposes of this section.

(9) No mortgage loan company, mortgage loan broker, ***or*** mortgage loan originator~~[, or mortgage loan processor]~~ shall impede the commissioner or an examiner of the commissioner from interviewing its officers, principals, members, employees, independent contractors, agents, or customers.

(10) In making any examination or investigation authorized by this subtitle, the commissioner may control access to any documents and records of the licensee or person under examination or investigation. The commissioner may take possession of the documents and records, or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no individual or person shall remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the commissioner. Unless the commissioner has reasonable grounds to believe the documents or records of the licensee have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this subtitle, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(11) It shall be unlawful for any person subject to investigation or examination under this subtitle to knowingly withhold, abstract, alter, remove, mutilate, destroy, or secrete any books, records, or other information.

(12) In order to carry out the purposes of this subtitle, the commissioner may:

(a) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(b) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this subtitle; and

(c) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the persons subject to this subtitle.

(13) The authority of this section shall remain in effect, whether a person acts or claims to act under any licensing or registration law of this subtitle, or claims to act without such authority.

➔Section 7. KRS 286.8-250 is amended to read as follows:

~~[(1)]~~Each mortgage loan broker licensed under this subtitle shall maintain a physical location.

~~[(2) The license certificate of a mortgage loan broker shall be at all times prominently displayed at the mortgage loan broker's physical location.]~~

➔Section 8. KRS 286.8-255 is amended to read as follows:

(1) No natural person shall transact business in Kentucky, either directly or indirectly, as a mortgage loan originator~~[or mortgage loan processor]~~ unless such mortgage loan originator~~[or mortgage loan processor]~~ is registered with the department~~[and has been issued a current certificate of registration by the department]~~, complies with all applicable requirements of this subtitle, and maintains a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry. The department shall maintain a database of all mortgage loan originators~~[and mortgage loan processors]~~ originating~~[or processing]~~ mortgage loans on residential real property in Kentucky.~~[The department shall issue a certificate of registration to all registered mortgage loan originators and mortgage loan processors.]~~

(2) The application for registration shall:

(a) Be on a form prescribed by the commissioner;

(b) Be accompanied by a registration fee in the amount of fifty dollars ($50) which shall be used solely by the department to establish and maintain a database of all mortgage loan originators~~[and mortgage loan processors,]~~ and any excess funds shall be retained by the department and shall not lapse to the general fund; and

(c) Contain such information as the commissioner deems necessary to carry out the purposes of this subtitle.

(3) (a) Applications for initial registrations of mortgage loan originators~~[and mortgage loan processors]~~ shall be accompanied by satisfactory evidence that the applicant has successfully completed twenty (20) hours of prelicensing education courses related directly to the mortgage lending process, as approved and designated by the commissioner.

(b) For the purposes of paragraph (a) of this subsection, the prelicensing education courses approved and designated by the commissioner shall meet the minimum requirements set forth in Section 1505(c) of the S.A.F.E. Mortgage Licensing Act, Pub. L. No. 110-289, and amendments thereto, and shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(c) For the purposes of paragraph (a) of this subsection, the commissioner may accept as credit towards the completion of the prelicensing education requirements in this state, the completion of prelicensing education requirements in any other state so long as the education has met the requirements set forth in paragraphs (a) and (b) of this subsection.

(4) Applications for renewals~~[of certificates]~~ of registration by registered mortgage loan originators~~[and mortgage loan processors]~~ shall be accompanied by satisfactory evidence that the individual has successfully met the continuing education requirements of KRS 286.8-260 and by payment of a renewal fee in the amount of fifty dollars ($50). The renewal fee shall be used solely by the department to establish and maintain a database of all mortgage loan originators~~[and mortgage loan processors]~~ and any excess funds shall be retained by the department and shall not lapse to the general fund.

(5) A~~[certificate of]~~ registration issued between January 1 and October 31 of the same calendar year shall expire on December 31 of the same calendar year. A~~[certificate of]~~ registration issued between November 1 and December 31 of the same calendar year shall expire on December 31 of the following calendar year. Any~~[certificate of]~~ registration that has expired may be reinstated by the commissioner upon payment of the annual registration fee, and a reinstatement fee of two hundred fifty dollars ($250), within thirty (30) days of the expiration of the~~[certificate of]~~ registration.

(6) ~~[The department shall provide a registrant with a duplicate copy of any certificate of registration upon satisfactory showing of its loss and payment of a ten dollar ($10) replacement fee.~~

~~(7) ~~]All mortgage loan originators~~[and mortgage loan processors]~~ subject to the registration requirements of this section shall also be subject to and comply with all applicable provisions of this subtitle.

(7)~~[(8)]~~ The commissioner ***shall***~~[may]~~ require the submission of background records checks, including but not limited to checks for state, federal, and international criminal histories, civil or administrative records, and any other information as deemed necessary to comply with the minimum requirements set forth in Section 1505 of the S.A.F.E. Mortgage Licensing Act, Pub. L. No. 110-289, and amendments thereto, as well as the submission of an independent credit report obtained from a consumer reporting agency described in the Fair Credit Reporting Act, 15 U.S.C. sec. 1681a, as part of an application or renewal application filed under this subtitle***, including but not limited to applications or renewals for mortgage loan originators***. The cost of the background and records checks, and credit report shall be borne by the applicant.

(8)~~[(9)]~~ No mortgage loan originator~~[or mortgage loan processor]~~ shall be granted or shall be entitled to maintain a~~[certificate of]~~ registration unless he or she satisfies the following minimum standards for registration:

(a) The applicant has never had a loan originator's license or registration revoked in any governmental jurisdiction, except revocations that have been formally vacated or set aside shall not be deemed a revocation for the purposes of this section;

(b) The applicant has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court:

1. During the seven (7) year period preceding the date of the application for registration or renewal of registration; or

2. At any time preceding such date of application for registration or renewal of registration, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering;

(c) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator~~[or loan processor]~~ will operate honestly, fairly, lawfully, and efficiently within the purposes of the subtitle;

(d) The applicant has completed the prelicensing education requirement set forth in subsection (3) of this section;

(e) The applicant has passed a qualified written test which satisfies the minimum requirements set forth in Section 1505(d) of the S.A.F.E. Mortgage Licensing Act, Pub. L. No. 110-289, and amendments thereto; and

(f) ~~[If required by KRS 286.8-060,]~~The applicant holds or is covered by a surety bond which satisfies the minimum requirements set forth in KRS 286.8-060.

(9) A mortgage loan processor shall not be required to maintain a registration, but the processor's supervising mortgage loan company or mortgage loan broker shall be required to provide the mortgage loan processor with the continuing education required under Section 9 of this Act, as well as perform an employee background check in accordance with uniform standards established by the commissioner prior to hiring an applicant as a processor, and provide proof of compliance with this section to the commissioner upon demand, demonstrating that:

(a) The applicant has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court:

1. During the seven (7) year period preceding the date of the application; or

2. At any time preceding the date of application, if the felony involved an act of fraud or dishonesty, a breach of trust, or money laundering; and

(b) The applicant has demonstrated financial responsibility, character, and general fitness sufficient to command the confidence of the community and to warrant a determination that the loan processor will operate honestly, fairly, lawfully, and efficiently within the purposes of this subtitle.

(10) No mortgage loan originator~~[or mortgage loan processor]~~ shall be granted a renewal~~[certificate]~~ of registration unless he or she satisfies the following minimum standards for renewal of registration:

(a) The applicant has met and continues to meet the minimum standards set forth in subsection ***(8)***~~[(9)]~~ of this section; and

(b) The applicant has satisfied the annual continuing education requirements set forth in KRS 286.8-260.

(11) The~~[certificate of]~~ registration of any mortgage loan originator~~[or mortgage loan processor]~~ that fails to comply with the minimum standards for registration renewal set forth in this section shall expire and shall promptly be deemed surrendered to the commissioner without demand. The commissioner may adopt procedures and requirements for the reinstatement of expired registrations consistent with the standards established by the Nationwide Mortgage Licensing System and Registry.

(12) Mortgage loan originators engaging in any of the activities set forth in KRS 286.8-010(21)(a) shall provide loan origination services to not more than one (1) mortgage loan company or mortgage loan broker at a time.

➔Section 9. KRS 286.8-260 is amended to read as follows:

(1) Any person required to be registered under this subtitle shall complete at least ***eight (8)***~~[twelve (12)]~~ hours of continuing professional education on an annual basis that is approved and designated by the commissioner. A minimum of ***one (1) hour***~~[four (4) hours]~~ of continuing professional education ***each year***~~[at least once every two (2) years]~~ shall be instruction on the requirements of this subtitle or KRS 360.100, or a combination of both.

(2) For the purposes of subsection (1) of this section, the continuing professional education courses approved and designated by the commissioner shall meet the minimum requirements set forth in Section 1505(b) of the S.A.F.E. Mortgage Licensing Act, Pub. L. No. 110-289, and amendments thereto. The education courses approved and designated by the commissioner shall also be reviewed and approved by the Nationwide Mortgage Licensing System and Registry unless the Nationwide Mortgage Licensing System and Registry provides otherwise.

(3) For the purposes of subsection (1) of this section, the commissioner may accept as credit towards the completion of the continuing professional education requirements in this state, the completion of continuing professional education requirements in any other state so long as the education has met the requirements set forth in subsections (1) and (2) of this section.

(4) For good cause shown, the commissioner may grant an extension during which the continuing education requirement of this section may be completed, but the extension may not exceed thirty (30) days. What constitutes good cause for the extension of time rests within the discretion of the commissioner.

(5) The~~[certificate of]~~ registration of any mortgage loan originator ~~[or mortgage loan processor]~~that fails to comply with the continuing professional education requirements of this section and who has not been granted an extension of time to comply in accordance with subsection (4) of this section shall expire and shall promptly be deemed surrendered to the commissioner without demand.

➔Section 10. KRS 286.8-290 is amended to read as follows:

(1) The following mortgage loan originators shall be subject to subsections ***(2)***~~[(3)]~~ and ***(3)***~~[(4)]~~ of this section, but shall be exempt from the registration and regulatory requirements of KRS 286.8-255:

(a) An individual employed by the following institutions and acting on behalf of such institutions:

1. A depository institution;

2. A subsidiary that is:

a. Owned and controlled by a depository institution; and

b. Regulated by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation; or

3. An institution regulated by the Farm Credit Administration;

(b) A licensed attorney who negotiates the terms of a mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;

(c) A natural person who originates a mortgage loan on behalf of an immediate family member of the natural person unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;

(d) A natural person who originates a mortgage loan secured by a dwelling that served as the natural person's residence unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;

(e) Any natural person, including all entities owned in whole or part by that natural person, that make no more than four (4) loans each calendar year; and

(f) A person who originates a mortgage loan secured by a dwelling; and

1. Who is exempted by an order of the commissioner; and

2. Whose exemption would not be contrary to the registration requirements of the S.A.F.E. Mortgage Licensing Act, Pub. L. No. 110-289, and amendments thereto.

(2)~~[The following mortgage loan processors shall be subject to subsections (3) and (4) of this section, but shall be exempt from the registration and regulatory requirements of KRS 286.8-255:~~

~~(a) Any natural person exempted in subsection (1) of this section; and~~

~~(b) Any natural person employed by a person exempted in KRS 286.8-020(1)(a), (b), (c), (d), (e), (f), (g), or (h) and acting on behalf of such person.~~

~~(3)~~] Notwithstanding any provisions to the contrary set forth in this subtitle, no mortgage loan originator~~[or mortgage loan processor]~~ shall impede the commissioner or an examiner of the commissioner from interviewing any person regarding any potential violations of this subtitle.

(3)~~[(4)]~~ Notwithstanding any provisions to the contrary set forth in this subtitle, every mortgage loan originator~~[and mortgage loan processor]~~ shall make available and grant access to the commissioner or an examiner of the commissioner the records in the originator's or processor's possession or control that are subject to the provisions of this subtitle.

➔Section 11. KRS 286.8-036 is amended to read as follows:

(1) Each license issued under this subtitle shall state the address or addresses at which business is to be conducted, the name of the licensee, and the date and place of its incorporation, if applicable.

(2) ~~[A licensee shall post a copy of such license in a conspicuous place in the office to which it pertains.~~

~~(3)]~~A license may not be transferred or assigned without the prior written approval of the commissioner.

(3) ~~[(4)]~~ No licensee shall transact the business provided for by this subtitle under any other name or maintain an office at any location other than that designated in the license.

(4) ~~[(5)]~~ Every licensed mortgage loan company or mortgage loan broker shall notify the commissioner, in writing, within ten (10) days of the closing of any licensed office or registered Kentucky branch.

Signed by Governor April 13, 2016.

CHAPTER 130

(HB 563)

AN ACT relating to NORM and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly finds that:

(a) Naturally occurring radioactive material or "NORM" is a term defined in KRS 211.862;

(b) Certain oil and gas production and storage activities result in the concentration or enhancement of the natural radioactivity of rocks or soils into NORM;

(c) The Cabinet for Health and Family Services, Radiation Health Branch, is charged by KRS 211.842 with responsibility for radiation control in the Commonwealth;

(d) The Division of Oil and Gas, the Division of Water, and the Division of Waste Management in the Energy and Environment Cabinet issue permits addressing oil and gas exploration and production operations and management of associated wastes;

(e) The Energy and Environment Cabinet, Division of Oil and Gas was directed in 2003 to promulgate administrative regulations and take all actions necessary to ensure efficient oil and gas operations and to protect the property, health, and safety of the citizens of the Commonwealth in a manner consistent with KRS Chapter 353;

(f) The Cabinet for Health and Family Services is specifically authorized to adopt administrative regulations necessary to implement the Central Midwest Interstate Low-Level Radioactive Waste Compact; and

(g) The need for review and revision of the statutes and regulations associated with management of NORM wastes is necessary and advisable in order to ensure proper management and disposal of wastes containing NORM generated within or outside the Commonwealth.

(2) The Energy and Environment Cabinet and the Cabinet for Health and Family Services are directed to exercise their regulatory authority to revise existing regulations in order to ensure the proper management of oil and gas-related wastes containing NORM, including consideration of such issues as:

(a) Development of a manifest system for the transport and disposal of NORM wastes and wastewater;

(b) Development of administrative regulations as authorized by the General Assembly in KRS 211.865(3);

(c) Review of state waste and water permitting programs to ensure proper management of wastes and wastewaters containing NORM; and

(d) Identification of and recommendations on any changes to existing statutes in order to facilitate management of oil and gas production wastes in a manner commensurate with the risks that those wastes may pose to the public health and the environment.

(3) The Energy and Environment Cabinet and the Cabinet for Health and Family Services are encouraged to seek input from oil and gas producers, transporters of oil and gas wastes, the public at large, environmental organizations, the Kentucky Geological Survey, landfill owners and operators, and the Conference of Radiation Control Program Directors, among others, in revising the administrative regulations. The Energy

and Environment Cabinet and the Cabinet for Health and Family Services shall report to the Legislative Research Commission their progress in complying with this section by December 1, 2016.

➔Section 2. Whereas protection of the public health and the environment is of paramount importance in the production of oil and gas within the Commonwealth, and the revision of current administrative regulations to ensure proper management of oil and gas wastes containing elevated levels of radionuclides is of paramount concern to this General Assembly, domestic oil and gas producers, and the public, 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 13, 2016.

CHAPTER 131

(HJR 197)

A JOINT RESOLUTION relating to Kentucky's 225th anniversary celebration.

WHEREAS, it is argued that the area that was to be called Kentucky became known to European explorers as early as 1541, with an expedition lead by Hernando De Soto traveling from present-day Tampa, Florida, through Henderson, Kentucky, before turning back after reaching the Ohio River; and

WHEREAS, during the 17th century, other French and Dutch explorers and traders periodically ventured into and through Kentucky, later to be followed by hunters from the British colony known as Virginia; and

WHEREAS, in 1774, James Harrod and thirty-seven others began an expedition that resulted in the first permanent settlement of European settlers at what was known as Harrod's Town in present-day Mercer County; and

WHEREAS, soon thereafter, Daniel Boone led a party of immigrants through the Cumberland Gap to establish a settlement at Boonesborough, and by doing so also created what is known as Boone's Trace, the first road into Kentucky; and

WHEREAS, during the period of the American Revolution, thousands of settlers came into the area seeking to establish farms, homes, and communities; and

WHEREAS, the first shot of the American Revolution was fired on April 19, 1775 and, upon hearing of the colonists' battle, settlers camped on the middle fork of Elkhorn Creek named their campsite Lexington in honor of their victory, and it was this campsite that grew into present-day Lexington, Kentucky; and

WHEREAS, exactly seven years to the day later, on April 19, 1782, one of the last battles of the American Revolution was fought at what has come to be known as the Battle of Blue Licks near present-day Mount Olivet, Kentucky, soon leading to an end of the bloody struggle to secure American independence; and

WHEREAS, in an effort to obtain greater economic freedom, self-determination, and security, in 1784, the first of nine constitutional conventions was called with conferees meeting in Danville; and

WHEREAS, in 1788, Virginia issued enabling acts to allow Kentucky to petition for statehood; and

WHEREAS, in April, 1792, another convention was held in Danville that resulted in a ratified draft of Kentucky's first constitution, which was submitted to the United States Congress, and on June 1, 1792, Kentucky was admitted to the Union as the nation's fifteenth state; and

WHEREAS, from its beginnings, the promise of fertile soil, abundant natural resources, a temperate climate, and unlimited opportunity drew people seeking a better life;

NOW, THEREFORE,

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

➔Section 1. There is hereby created the Kentucky 225th Anniversary Commission, which shall be attached to the Tourism, Arts and Heritage Cabinet for administrative purposes. The commission shall be composed of fifteen (15) members, as follows:

(1) Two (2) members of the House of Representatives, appointed by the Speaker of the House;

(2) Two (2) members of the Senate, appointed by the President of the Senate;

(3) The Lieutenant Governor or designee;

(4) The First Lady of the Commonwealth of Kentucky or designee;

(5) The secretary of the Tourism, Arts and Heritage Cabinet or designee;

(6) The secretary of the Education and Workforce Development Cabinet or designee;

(7) The executive director of the Kentucky Arts Council or designee;

(8) The chairperson of the Kentucky Heritage Council or designee;

(9) The executive director of the Kentucky Historical Society or designee;

(10) The executive director of the Kentucky Education Association or designee;

(11) The chief executive officer of Kentucky Education Television or designee;

(12) The president of the Kentucky Chamber of Commerce or designee; and

(13) The chief executive officer of the Kentucky Travel Industry Association or designee.

The chair of the commission shall be elected by the members from the membership of the commission.

➔Section 2. The Kentucky 225th Anniversary Commission shall:

(1) Study and recommend activities, programs, and educational events that may be conducted throughout the Commonwealth in recognition and celebration of Kentucky's 225th anniversary of statehood;

(2) Educate Kentucky's citizens and the nation about Kentucky's history;

(3) Serve as a coordinating point for information about various state, regional, and local activities related to Kentucky's 225th anniversary;

(4) Recommend materials, programs, and activities to public agencies, schools, and interested organizations related to Kentucky's history and its 225th anniversary; and

(5) Seek grants and philanthropic support for activities celebrating Kentucky's history and its 225th anniversary.

➔Section 3. The Kentucky 225th Anniversary Commission shall expire on June 30, 2017.

Signed by Governor April 13, 2016.

CHAPTER 132

(SB 216)

AN ACT relating to marriage licenses.

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

➔Section 1. KRS 402.100 is amended to read as follows:

Each county clerk shall ***make available to the public the form***~~[use the form]~~ prescribed by the Department for Libraries and Archives ***for the issuance of***~~[when issuing]~~ a marriage license. ***The department shall issue a marriage license form which provides for the entering of information identifying each party as a "bride," "groom," or "spouse."*** This form shall provide for the entering of all of the information required in this section, and may also provide for the entering of additional information prescribed by the Department for Libraries and Archives. The form shall consist of:

(1) A marriage license which provides for the entering of:

(a) An authorization statement~~[of the county clerk issuing the license]~~ for any person or religious society authorized to perform marriage ceremonies to unite in marriage the ***parties***~~[persons]~~ named;

(b) Vital information for each party, including the full name, date of birth, place of birth, race, ***gender,*** condition (single, widowed, or divorced), number of previous marriages, occupation, current residence, relationship to the other party, and full names of parents;~~[and]~~

(c) ***A statement signed by both parties swearing that, to the best of their knowledge, the information provided on the form is correct; and***

(d) The date and place the ***application was made***~~[license is issued, and the signature of the county clerk or deputy clerk issuing the license]~~.

(2) A marriage certificate which provides for the entering of:

(a) A statement by the person performing the marriage ceremony or the clerk of the religious society authorized to solemnize the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony or the name of the religious society solemnizing the marriage, the names of persons married, the date and place of the marriage, and the names of two (2) witnesses;

(b) A statement by the person performing the marriage ceremony of his legal qualification under this chapter to perform the ceremony, such statement to include the name of the county or city where his license to perform marriage ceremonies was issued or, in the case of religious societies authorized by KRS 402.050(c) to solemnize marriages, the name of the city or county where the religious society is incorporated. The provisions of this paragraph shall not be construed to require the clerk of a religious society to be present at the marriage so long as the witnesses of the society are present;

(c) ***The printed name and***~~[A]~~ dated signature of the person performing the ceremony; and

(d) A signed statement ***indicating***~~[by the county clerk or a deputy county clerk of the county in which the marriage license was issued]~~ that the marriage certificate was recorded ***in the county in which it was filed***. The statement shall ***also include the title of the county clerk or deputy clerk of the county in which the certificate was filed and*** indicate~~[the name of the county and]~~ the date the marriage certificate was recorded.

(3) A certificate to be delivered by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony to the parties married. This certificate shall provide for the entering of:

(a) A statement by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony, or the name of the religious society performing the ceremony, the names of persons married, the date and place of the marriage, ***and*** the names of two (2) witnesses~~[, and the following information as recorded on the license authorizing the marriage: the date the license was issued, the name of the county clerk under whose authority the license was issued, and the county in which the license was issued]~~; and

(b) A dated signature of the person performing the ceremony or the clerk of the religious society performing the ceremony.

(4) A Social Security ***card or other government-issued identification card***~~[number]~~ shall be requested as a means of identification of each party but ***the number*** shall not be recorded ***or retained***~~[on the marriage license or certificate. Other means of identification may also be requested if a party does not have a Social Security number. The Social Security number shall be forwarded to the appropriate agency within the Cabinet for Health and Family Services that is responsible for enforcing child support, and the number shall be stored by that agency with a nonidentifying numeric. The Social Security number shall not be available for public release]~~.

➔Section 2. KRS 402.110 is amended to read as follows:

Except as provided in subsection (1) of Section 1 of this Act, the form of marriage license prescribed in KRS 402.100 shall be uniform throughout this state, and every license blank shall contain the identical words and figures provided in the form prescribed by~~[that]~~ Section ***1 of this Act***. In issuing the license the clerk shall deliver it in its entirety to the licensee. The clerk shall see to it that every blank space required to be filled by the applicants is so filled before delivering it to the licensee.

Signed by Governor April 13, 2016.

CHAPTER 133

(HB 238)

AN ACT relating to public pension plan reporting.

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

➔Section 1. KRS 6.350 is amended to read as follows:

(1) A bill which would increase or decrease the benefits or increase or decrease participation in the benefits or change the actuarial accrued liability of any state-administered retirement system shall not be reported from a legislative committee of either house of the General Assembly for consideration by the full membership of that house unless the bill is accompanied by an actuarial analysis.

(2) (a) An actuarial analysis required by this section must show the economic effect of the bill on the state-administered retirement system ***over a twenty (20) year period***, including:

1. An estimate of the effect on the ***unfunded*** actuarial accrued liabilities ***and funding levels*** of the affected systems; and

2. A projection of the annual ***employer costs***~~[cost]~~ to the systems of implementing the legislation ***over the***~~[for at least]~~ twenty (20) ***year period***~~[years]~~. The annual ***employer*** cost projection shall include the effect on the contributions of participating employers as a percentage of total payroll and in total dollars of contributions.

(b) If a bill affects more than one (1) state-administered retirement system, the actuarial analysis shall project costs for each affected state-administered retirement system.

(c) An actuarial analysis shall state the actuarial assumptions and methods of computation used in the analysis and shall state whether or not the bill or resolution, if enacted, would, in the opinion of the actuary, make the affected state-administered retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. Actuarial cost methods and assumptions that meet actuarial standards of practice established by the Actuarial Standards Board shall be used in all cost projections.

(d) An actuarial analysis required by this section shall be prepared by an actuary who is a fellow of the ***Conference of Consulting Actuaries or***~~[Society of Actuaries,]~~ a member of the American Academy of Actuaries~~[, or an enrolled actuary under the Employees' Retirement Income Security Act of 1974]~~.

(3) (a) An actuary commissioned to make an actuarial analysis that is required by this section, or for the purpose of seeking appropriations for a state-administered retirement system, shall include in the analysis a complete definition of each actuarial term used in the analysis and, either in the analysis or in a separate actuarial valuation report made available as a public record, an enumeration and explanation of each actuarial assumption used to complete the actuarial analysis.

(b) If the actuary commissioned to complete the actuarial analysis is relying upon assumptions that have not been previously established by the actuary in an actuarial valuation of the affected state-administered retirement system, the actuary shall clearly note and describe the new assumption and the basis for selecting the assumption.

(4) The actuarial analysis required by this section shall be completed by the actuary retained by the affected state-administered retirement system. The state-administered retirement systems shall provide the analysis without cost to the General Assembly.

(5) For purposes of this section, the ***terms***~~[term]~~***:***

(a) "State-administered retirement system" shall include:

1.~~[(a)]~~ The Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System administered by the Kentucky Retirement Systems and established under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852;

2.~~[(b)]~~ The Kentucky Teachers' Retirement System established under KRS 161.220 to 161.716;

3.~~[(c)]~~ The Judicial Retirement Plan established under KRS 21.345 to 21.580; and

4.~~[(d)]~~ The Legislators' Retirement Plan established under KRS 6.500 to 6.577***; and***

(b) "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage.

➔Section 2. KRS 7A.240 is amended to read as follows:

The Public Pension Oversight Board shall have the authority to:

(1) Except for information protected under KRS 61.661 or 161.585 or information specific to the account of a current or former employee or retiree, require the state-administered retirement systems, or any other state agency, to provide any and all information necessary to carry out the duties of the board, including any actuarial analysis. The cost of providing the information to the board, including any actuarial analysis, shall be included in the administrative budget of the state-administered retirement systems or the state agency;

(2) Conduct public hearings in furtherance of its general duties, at which it may request the appearance of officials of any state agency and solicit the testimony of interested groups and the general public;

(3) Establish a uniform format for reports and data submitted to the board by the state-administered retirement systems and the frequency and due dates for the reports and data;

(4) Request the Auditor of Public Accounts to perform a financial or special audit of the state-administered retirement systems; and

(5) Subject to selection and approval by the Legislative Research Commission, utilize the services of consultants, actuaries, managers, legal counsel, and auditors to render professional, managerial, and technical assistance, as needed. ***The cost for actuarial services required by subsections (8) and (9) of Section 3 of this Act shall be paid by the state-administered retirement systems to the Legislative Research Commission and shall be included in the administrative budget of the state-administered retirement systems.***

➔Section 3. KRS 7A.250 is amended to read as follows:

The Public Pension Oversight Board:

(1) Shall, from time to time, conduct an impartial review of all the laws governing the state-administered retirement systems and recommend any changes it may find desirable with respect to benefits and administration, funding of benefits, investments of funds, and the improvement of language, structure, and organization of the statutes;

(2) Shall, once every five (5) years, review the benefits provided to employees who begin participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014, and recommend any changes to the provisions affecting these employees that are necessary to maintain the actuarial soundness of the systems;

(3) Shall review semiannually the investment programs of the state-administered retirement systems, including a review of asset allocation targets and ranges, risk factors, asset class benchmarks, total return objectives, relative volatility, performance evaluation guidelines, investment policies, and securities litigation policies and recoveries from fraud or other corporate malfeasance. The board may establish an advisory committee, as provided by KRS 7A.260, which may include investment professionals to assist in complying with the provisions of this subsection;

(4) May review any benefits, bylaws, policies, or charters established by the state-administered retirement systems;

(5) Shall, at the request of the Speaker of the House of Representatives or the President of the Senate, evaluate proposed changes to laws affecting the state-administered retirement systems and report to the Speaker or the President on the probable costs, actuarial implications, and desirability as a matter of public policy;

(6) May review all new or amended administrative regulations of the state-administered retirement systems and provide comments to the Administrative Regulation Review Subcommittee established by KRS 13A.020;

(7) Shall research issues related to the state-administered retirement systems as directed by the Legislative Research Commission;~~[and]~~

(8) ***Shall at least once every five (5) years have an actuarial audit performed for the state-administered retirement systems to evaluate the reliability of each system's actuarial assumptions and methods. The actuarial audit shall be performed by an actuary retained by the Public Pension Oversight Board;***

(9) Shall prior to each budget biennium have an actuarial review of the funding requests and needs submitted by the state-administered retirement systems. The review shall be performed by an actuary retained by the Public Pension Oversight Board; and

(10) Shall publish an annual report covering the board's evaluation and recommendations with respect to the operations of the state-administered retirement systems. The report shall be submitted to the Legislative Research Commission no later than December 31 of each year and shall include at a minimum any legislative

recommendations made by the board, a summary of the financial and actuarial condition of the state-administered retirement systems, and an analysis of the adequacy of the current levels of funding.

➔Section 4. KRS 21.440 is amended to read as follows:

(1) ***(a)*** The investment committee for the judicial retirement fund shall at least once in every two (2) year period procure an actuarial valuation of the judicial retirement fund. The valuation shall***, at a minimum,*** include***:***

1. A description of the actuarial assumptions used ***in the actuarial valuation***, ***which***~~[and such assumptions]~~ shall be reasonably related to the experience of the fund and represent the actuary's best estimate of anticipated experience***;***

2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;

3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;

4. The actuarially recommended contribution rate for employers for the upcoming budget periods;

5. A twenty (20) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and

6. A sensitivity analysis that evaluates the impact of changes in plan assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation assumptions, on employer contribution rates, funding levels, and unfunded liabilities.~~[For the period July 15, 1990, to June 30, 1992, the assumed rate of investment return shall be set at one and one-half (1-1/2) percentage points above the assumed rate of salary increase. Thereafter, this spread between investment and salary assumptions shall be reviewed and adjusted annually, based upon the most recent five (5) year experience of the fund.]~~

(b) At least once in each five (5) year period, the Board of Trustees of the Judicial Form Retirement System shall cause an actuarial investigation to be made of all the relevant experience under the retirement plan relative to the actuarial assumptions and funding methods previously adopted by the board. The actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period.

(c) Pursuant to the investigation, the board shall from time to time revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under KRS 21.345 to 21.580.

(d) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial investigation required by paragraph (b) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period.

(e) A copy of the valuation***, the five (5) year actuarial investigation, and any analysis required by this subsection*** shall be forwarded ***electronically*** to the Legislative Research Commission within ten (10) days of receipt by the committee***, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Judicial Form Retirement System***. ***The actuarial valuation required by paragraph (a) of this subsection shall be submitted no later than November 15 following the close of the fiscal year.***

(f) All the investigations and valuations shall be certified to the board by an actuary who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.

(2) (a) The board of trustees of the Judicial Form Retirement System shall annually procure an audit of the system and each of the funds therein. The audit shall be conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select an independent certified public accountant or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall

not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his discretion. The board shall make copies of the audit required by this section available for examination by any member or beneficiary in the office of the manager of the system and in such other places as may be necessary to make the audit available to all members and beneficiaries. A copy of the audit shall be sent to the Legislative Research Commission within ten (10) days of receipt by the committee.

(b) Once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.

➔Section 5. KRS 61.670 is amended to read as follows:

(1) ***(a)*** As soon as practicable after its organization, the board shall adopt the actuarial tables necessary for the administration of the system and for the annual determination of ***actuarial*** assets and liabilities of the system.

(b) The board shall cause an actuarial valuation to be made annually. The valuation shall ***at a minimum*** include***:***

1. A description of the actuarial assumptions used ***in the actuarial valuation***, ***which***~~[and the assumptions]~~ shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience***;***~~[.]~~

2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;

3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;

4. The actuarially recommended contribution rate for employers for the upcoming budget periods;

5. A twenty (20) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and

6. A sensitivity analysis that evaluates the impact of changes in system assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation rates, on employer contribution rates, funding levels, and unfunded liabilities.

(c) At least once in each ***five (5)***~~[ten (10)]~~ year period, the board shall cause an actuarial investigation to be made of all the experience under the retirement system ***relative to the actuarial assumptions and funding methods previously adopted by the board. The actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period***.

(d) Pursuant to the ***actuarial*** investigation the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under KRS 61.510 to 61.692, KRS 16.505 to 16.652, and KRS 78.510 to 78.852.

(e) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial investigation required by paragraph (c) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period.

(f) All ***actuarial***~~[the]~~ investigations***, analyses,*** and valuations shall be certified to the board by ***an actuary who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries***~~[a fellow of the Society of Actuaries]~~.

(2) A copy of each ***five (5)***~~[ten (10)]~~ year actuarial investigation***, actuarial analysis,*** and annual valuation ***required by subsection (1) of this section*** shall be forwarded ***electronically*** to the Legislative Research Commission~~[. The annual valuation shall be forwarded]~~ no later than ten (10) days after receipt by the board***, and the***

Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Kentucky Retirement Systems. The actuarial valuation required by paragraph (1)(b) of this subsection shall be submitted no later than November 15 following the close of the fiscal year.

(3) The Legislative Research Commission ***may***~~[shall]~~ employ an actuary with the same qualifications as the actuary employed by the board, and the board shall, free of charge, provide the actuary employed by the Commission with the same data provided to its own actuary, and any supplementary data he may require. The actuary employed by the Commission shall review the assumptions, determinations and recommendations of the board actuary, and legislative proposals related to the retirement systems, and report his findings to the Commission and to the board. The board shall pay fifty percent (50%) of the cost of the Commission's actuary, and the Commission shall pay the other fifty percent (50%).

➔Section 6. KRS 161.400 is amended to read as follows:

(1) ***(a)*** The board of trustees shall designate as actuary a competent person who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries. He shall be the technical adviser of the board on matters regarding the operation of the funds of the system and shall perform such other duties as are required in connection therewith.

(b) At least once in each ***five (5)***~~[six (6)]~~ year period~~[after the first year of operation of the system]~~, the actuary shall make an actuarial investigation into the actuarial assumptions ***and funding methods*** used, including but not limited to mortality, investment rate of return, and service and compensation of the members and beneficiaries of the retirement system***, relative to the actuarial assumptions and funding methods previously adopted by the board. The actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period***~~[; and make a valuation of the assets and liabilities of the funds of the system]~~.

(c) At least annually the actuary shall make an actuarial valuation of the retirement system. The valuation shall include***:***

1. A description of the actuarial assumptions used, and the assumptions shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience***;***

2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;

3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;

4. The actuarially recommended contribution rate for employers for the upcoming budget periods;

5. A twenty (20) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and

6. A sensitivity analysis that evaluates the impact of changes in system assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation rates, on employer contribution rates, funding levels, and unfunded liabilities.

(d) On the basis of the results of the valuations, the board of trustees shall make necessary changes in the retirement system within the provisions of law and shall recommend the contributions payable by the state within the limits specified in KRS 161.550.

(e) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial investigation required by paragraph (b) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a twenty (20) year period.

(2) Actuarial factors and actuarial cost factor tables in use by the retirement system for all purposes shall be determined by the actuary of the retirement system and approved by the board of trustees by resolution and implemented without the necessity of an administrative regulation. The assets of the system shall be valued at

market value, or at a modified market value determined by the board to be a prudent measure of asset value.~~[Effective July 1, 1992, the spread between investment and salary assumptions shall be reviewed and adjusted at the time of actuarial valuation, based upon the most recent five (5) year experience of the system.]~~

(3) A copy of each ***five (5) year*** actuarial investigation***, actuarial analysis,*** and valuation ***required by subsection (1) of this section*** shall be forwarded ***electronically*** to the Legislative Research Commission no later than ten (10) days after receipt by the board***, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Kentucky Teachers' Retirement System. The actuarial valuation required by paragraph (1)(c) of this subsection shall be submitted no later than November 15 following the close of the fiscal year.***

➔Section 7. KRS 48.040 is amended to read as follows:

(1) On or before April 1 of each odd-numbered year, representatives designated by the Governor, the Chief Justice and the Legislative Research Commission for their respective branches shall propose drafts of uniform forms to be used by all budget units in submitting their budget estimates, requests and recommendations, and shall recommend to the Legislative Research Commission such rules and regulations deemed necessary for the preparation of such budget estimates, requests and recommendations.

(2) On or before July 1 of each odd-numbered year, the Legislative Research Commission shall prescribe uniform forms, records***,*** and instructions to be used by branch budget units. Included in such forms shall be a section requiring budget units to identify the amount of funds to be spent on agency publications.

(3) ***(a) On or before August 15 of each odd-numbered year, each of the state-administered retirement systems as defined by subsection (5) of Section 1 of this Act shall submit to the state budget director's office and the Legislative Research Commission a preliminary projection of the actuarially required contribution rates payable for the budget biennium that begins in the following fiscal year.***

(b) On or before November 15 of each odd-numbered year, the state-administered retirement systems as defined by subsection (5) of Section 1 of this Act shall submit revised projections to the state budget director's office and the Legislative Research Commission, based upon the most recently completed actuarial valuation, of the actuarially required contribution rates payable for the budget biennium that begins in the following fiscal year.

(c) The Legislative Research Commission shall distribute the information received under this subsection to the committee staff and co-chairs of any committee that has jurisdiction over a state-administered retirement system.

(4) On or before September 1 of each odd-numbered year, the Finance and Administration Cabinet shall supply each branch of government with at least three (3) complete sets of the prescribed uniform forms and instructions for the preparation of estimates and statements, and one (1) copy of the complete statement of the expenditures of each budget unit of the branch to aid each branch of government in preparing its estimates and statements.

(5)~~[(4)]~~ Upon request, the Finance and Administration Cabinet shall provide such additional assistance to each branch of government as may be required.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established within the Finance and Administration Cabinet the Kentucky permanent pension fund for the purpose of addressing the Commonwealth's unfunded pension liabilities. The proceeds contained in this fund shall be used only for contributions to the Commonwealth's pension funds.

(2) The fund may receive:

(a) State appropriations;

(b) The net proceeds from the sale of real property owned by the Commonwealth or any agency thereof; and

(c) Any settlements or judgments resulting from litigation in which the Commonwealth or any of its agencies is a party, after costs of litigation and mandatory deductions or restitution to consumers have been deducted.

(3) Any unallotted or unencumbered balances in the fund shall be invested pursuant to KRS 42.500.

(4) Income earned from the investments shall be credited to and become part of the fund.

(5) 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. All amounts in the fund shall remain in the fund and shall not be expended or appropriated without the express authority in an enacted biennial budget bill.

Signed by Governor April 18, 2016.

CHAPTER 134

(HB 306)

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, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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

	2016-17	2017-18
General Fund	219,548,200	217,113,500
Restricted Funds	37,654,500	37,152,900
Federal Funds	2,593,000	1,440,400
TOTAL	259,795,700	255,706,800

(1) Family Court Judgeship: Included in the above General Fund appropriation is $369,500 in fiscal year 2016-2017 and $347,600 in fiscal year 2017-2018 for a family court judgeship in the Sixth Circuit.

(2) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2015-2016 shall not lapse and shall continue into fiscal year 2016-2017, and any unexpended balance remaining at the close of fiscal year 2016-2017 shall not lapse and shall continue into fiscal year 2017-2018.

(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) Salary Structure: Included in the above General Fund appropriation is $714,000 in fiscal year 2016-2017 and $1,428,000 in fiscal year 2017-2018 to provide for full pay parity for the Circuit Clerks with other elected county officials. The funding shall be allocated as follows:~~

~~(a) A salary adjustment for Circuit Clerks shall be allocated in fiscal year 2016-2017 to provide 75 percent pay parity for the Circuit Clerks with other elected county officials;~~

~~(b) A salary adjustment for Circuit Clerks shall be allocated in fiscal year 2017-2018 to provide 100 percent pay parity for the Circuit Clerks with other elected county officials; and~~

~~(c) Salaries and wages for all judges shall not be increased during the 2016-2018 fiscal biennium.]~~

(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 2016-2017 and fiscal year 2017-2018.

(6) Use of Settlement Proceeds: Notwithstanding KRS 48.005(4), included in the above Restricted Funds appropriation is $1,000,000 in each fiscal year for the expansion and continuation of rocket docket prosecutions and $1,500,000 in each fiscal year for the expansion and continuation of drug courts from settlement funds resulting from the suit against Johnson & Johnson, et al.

(7) Defined Calculations: Included in the above General Fund appropriation is $6,160,900 in fiscal year 2016-2017 and $7,264,000 in fiscal year 2017-2018 to provide funds for the increase in the employer cost of health and life insurance and the employer cost of retirement.

b. Local Facilities Fund

	2016-17	2017-18
General Fund	114,531,500	115,445,600

(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 2015-2016 shall not lapse and shall continue into fiscal year 2016-2017, and any unexpended balance remaining at the close of fiscal year 2016-2017 shall not lapse and shall be continued into fiscal year 2017-2018.

(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

	2016-17	2017-18
General Fund	-0-	-0-

(1) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2015-2016 shall not lapse and shall continue into fiscal year 2016-2017, and any unexpended balance remaining at the close of fiscal year 2016-2017 shall not lapse and shall continue into fiscal year 2017-2018 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

	2016-17	2017-18
General Fund	334,079,700	332,559,100
Restricted Funds	37,654,500	37,152,900
Federal Funds	2,593,000	1,440,400
TOTAL	374,327,200	371,152,400

2. Judicial Retirement System

	2016-17	2017-18
General Fund	13,828,000	13,739,900

(1) Judicial Retirement Benefits: General Fund amounts are included 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, 2016, or July 1, 2017.

TOTAL - OPERATING BUDGET

	2016-17	2017-18
General Fund	347,907,700	346,299,000
Restricted Funds	37,654,500	37,152,900
Federal Funds	2,593,000	1,440,400
TOTAL	388,155,200	384,892,300

PART II

CAPITAL PROJECTS BUDGET

Budget Units

1. Local Facilities Fund

(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.

2. Local Facilities Projects

Project	Project Scope	
001.	Simpson	2,298,000
002.	Mason	830,000

(1) Simpson County: General Fund support of $231,900 is contained in the Local Facilities Fund budget in each fiscal year for use allowance payments.

(2) Mason County: General Fund support of $86,700 is contained in the Local Facilities Fund budget in each fiscal year for use allowance payments.

(3) 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.

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

	2016-17	2017-18
General Fund	347,907,700	346,299,000
Restricted Funds	37,654,500	37,152,900
Federal Funds	2,593,000	1,440,400
TOTAL	388,155,200	384,892,300

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 2016 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, 2016, and June 30, 2017, 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 2016-2018 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 2016 Regular Session of the General Assembly.

7. Transferability of Funds: The Chief Justice of the Commonwealth of Kentucky shall have the ability to transfer funds to other programs and budget units within the Judicial Branch. Any funds transferred to other budget units within the Judicial Branch may be used to support any activity, program, or operation of the budget unit or program receiving the respective funds.

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, 2016, and June 30, 2017, shall not be issued prior to July 1, 2016, and July 1, 2017.

PART IV

~~[FUNDS TRANSFER~~

~~The Judicial Branch shall transfer $11,758,100 to the General Fund in each fiscal year.~~

~~PART V]~~

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.

Vetoed in part April 18, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 16, 2016.

CHAPTER 135

(HB 4)

AN ACT relating to controlled substances 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:

As used in this chapter:

(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 anticosteroids;

(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) ***"Hydrocodone combination product" means a drug with:***

(a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; or

(b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(18) "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;

(19) ~~[(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;

(20) ~~[(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;

(21) ~~[(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;

(22) ~~[(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;

(23) ~~[(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;

(24) ~~[(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;

(25) ~~[(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;

(26) ~~[(25)]~~ "Methamphetamine" means any substance that contains any quantity of methamphetamine, or any of its salts, isomers, or salts of isomers;

(27) ~~[(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;

(28) ~~[(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;

(29) ~~[(28)]~~ "Opium poppy" means the plant of the species papaver somniferum L., except its seeds;

(30) ~~[(29)]~~ "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

(31) ~~[(30)]~~ "Physical injury" has the same meaning it has in KRS 500.080;

(32) ~~[(31)]~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

(33) ~~[(32)]~~ "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy;

(34) ~~[(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;

(35) ~~[(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;

(36) ~~[(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, chiropody, 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;

(37) ~~[(36)]~~ "Prescription blank," with reference to a controlled substance, means a document that meets the requirements of KRS 218A.204 and 217.216;

(38) ~~[(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;

(39) ~~[(38)]~~ "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance;

(40) ~~[(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;

(41) ~~[(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;

(42) ~~[(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;

(43) ~~[(42)]~~ "Sell" means to dispose of a controlled substance to another person for consideration or in furtherance of commercial distribution;

(44) ~~[(43)]~~ "Serious physical injury" has the same meaning it has in KRS 500.080;

(45) ~~[(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, 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;

(46) ~~[(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;

(47) ~~[(46)]~~ "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic cathinones;

(48) ~~[(47)]~~ "Telehealth" has the same meaning it has in KRS 311.550;

(49) ~~[(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;

(50) ~~[(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;

(51) ~~[(50)]~~ "Transfer" means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution; and

(52) ~~[(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. KRS 218A.020 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall administer this chapter and may by regulation add substances to or delete or reschedule all substances enumerated in the schedules set forth in this chapter. In making a determination regarding a substance, the Cabinet for Health and Family Services may consider the following:

(a) The actual or relative potential for abuse;

(b) The scientific evidence of its pharmacological effect, if known;

(c) The state of current scientific knowledge regarding the substance;

(d) The history and current pattern of abuse;

(e) The scope, duration, and significance of abuse;

(f) The risk to the public health;

(g) The potential of the substance to produce psychic or physiological dependence liability; and

(h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

(2) After considering the factors enumerated in subsection (1) of this section, the Cabinet for Health and Family Services may adopt a regulation controlling the substance if it finds the substance has a potential for abuse.

(3) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation.~~[If hydrocodone or any drug containing hydrocodone is rescheduled to Schedule II in this manner, the prescriptive authority existing on March 19, 2013, of any practitioner licensed under the laws of the Commonwealth to prescribe, dispense, or administer hydrocodone or drugs containing hydrocodone shall remain inviolate and shall continue to exist to the same extent as if those drugs had remained classified as Schedule III controlled substances.]~~

(4) The Cabinet for Health and Family Services shall exclude any nonnarcotic substance from a schedule if the substance may be lawfully sold over the counter without prescription under the provisions of the Federal Food, Drug and Cosmetic Act, or the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, or the Kentucky Revised Statutes (for the purposes of this section the Kentucky Revised Statutes shall not include any regulations issued thereunder).

(5) The Office of Drug Control Policy may request that the Cabinet for Health and Family Services schedule a substance substantially similar to a synthetic cannabinoid or piperazine or a synthetic cathinone. The cabinet shall consider the request utilizing the criteria established by this section and shall issue a written response within sixty (60) days of the scheduling request delineating the cabinet's decision to schedule or not schedule the substance and the basis for the cabinet's decision. The cabinet's response shall be provided to the Legislative Research Commission and shall be a public record.

➔Section 3. KRS 218A.050 is amended to read as follows:

Unless otherwise rescheduled by administrative regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule I:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, or salts is possible within the specific chemical designation: Acetylfentanyl; Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylthiambutene; Dimenoxadol; Dimepheptanol; Dimethylthiambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxeridine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacylmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Propiram; Racemoramide; Trimeperidine***; 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide (W-18); 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (W-15)***;

(2) Any material, compound, mixture, or preparation which contains any quantity of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphinol; Methyldesorphine; Methyldihydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, or salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation: 3, 4-methylenedioxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; 3, 4, 5-trimethoxyamphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; Marijuana; Mescaline; Peyote; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; Hashish; Phencyclidine, 2 Methylamino-1-phenylpropan-1-one (including but not limited to Methcathinone, Cat, and Ephedrone); synthetic drugs; or salvia;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substance having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation: gamma hydroxybutyric acid; and

(5) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(a) 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5H-NBOMe);

(b) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5I-NBOMe);

(c) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5B-NBOMe); or

(d) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2,5C-NBOMe).

➔Section 4. KRS 218A.070 is amended to read as follows:

Unless otherwise rescheduled by regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule II:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by 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 and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine***; or***

(e) Hydrocodone.

(2) Any material, compound, mixture, or preparation which contains any quantity of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation: Alphaprodine; Anileridine; Bezitramide; Dihydrocodeine; Diphenoxylate; Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate; 4-cyano-2-dimethylamino-4; 4-diphenyl butane; Moramide-Intermediate; 2-methyl-3-morpholino-1; 1-diphenyl-propane-carboxylic acid; Pethidine; Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine, Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; Phenazocine; Piminodine; Racemethorphan; Racemorphan.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) Phenmetrazine and its salts;

(c) Methylphenidate.

➔Section 5. KRS 218A.090 is amended to read as follows:

Unless otherwise rescheduled by regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule III:

(1) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid; chlorhexadol; glutethimide; lysergic acid; lysergic acid amide; methyprylon; sulfondiethylmethane; sulfonethylmethane; sulfonmethane***;*** ~~[.]~~

(2) Nalorphine***;*** ~~[.]~~

(3) Pentazocine (parenteral or injectable form only)***;*** ~~[.]~~

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(a) Not more than one and four-fifths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than one and four-fifths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts;

(c) ~~[Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;~~

~~(d) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~(e)]~~Not more than one and four-fifths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(d) ~~[(f)]~~ Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more ingredients in recognized therapeutic amounts;

(e) ~~[(g)]~~ Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) ~~[(h)]~~ Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts***; and*** ~~[.]~~

(g) ~~[(i)]~~ The Cabinet for Health and Family Services may except by regulation any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsection (1) ***of this section*** from the application of all or any part of this chapter if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system***; and*** ~~[.]~~

(5) Any material, compound, mixture, or preparation containing any quantity of any of the following anabolic steroid substances, or any isomer, ester, salt, or derivative thereof:

(a) Boldenone;

(b) Clostebol;

(c) Dehydrochlormethyltestosterone;

(d) Drostanolone;

(e) Ethylestrenol;

(f) Fluoxymesterone;

(g) Formebulone;

(h) Mesterolone;

(i) Methandienone;

(j) Methandriol;

(k) Methenolone;

(l) Methyltestosterone;

(m) Mibolerone;

(n) Nandrolone;

(o) Norethandrolone;

(p) Oxandrolone;

(q) Oxymesterone;

(r) Oxymetholone;

(s) Stanolone;

(t) Stanozolol;

(u) Testolactone;

(v) Testosterone; and

(w) Trenbolone.

~~[(6)]~~This section shall not apply to any material, compound, mixture, or preparation containing any quantity of an anabolic steroid substance, or any isomer, ester, salt, or derivative thereof that is expressly intended for administration through implant to livestock or other nonhuman species, and that is approved by the United States Food and Drug Administration for such use.

➔Section 6. KRS 314.011 is amended to read as follows:

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

(1) "Board" means Kentucky Board of Nursing;

(2) "Delegation" means directing a competent person to perform a selected nursing activity or task in a selected situation under the nurse's supervision and pursuant to administrative regulations promulgated by the board in accordance with the provisions of KRS Chapter 13A;

(3) "Nurse" means a person who is licensed or holds the privilege to practice under the provisions of this chapter as a registered nurse or as a licensed practical nurse;

(4) "Nursing process" means the investigative approach to nursing practice utilizing a method of problem-solving by means of:

(a) Nursing diagnosis, a systematic investigation of a health concern, and an analysis of the data collected in order to arrive at an identifiable problem; and

(b) Planning, implementation, and evaluation based on nationally accepted standards of nursing practice;

(5) "Registered nurse" means one who is licensed or holds the privilege under the provisions of this chapter to engage in registered nursing practice;

(6) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and nursing skill based upon the principles of psychological, biological, physical, and social sciences in the application of the nursing process in:

(a) The care, counsel, and health teaching of the ill, injured, or infirm;

(b) The maintenance of health or prevention of illness of others;

(c) The administration of medication and treatment as prescribed by a physician, physician assistant, dentist, or advanced practice registered nurse and as further authorized or limited by the board, and which are consistent either with American Nurses' Association Scope and Standards of Practice or with standards of practice established by nationally accepted organizations of registered nurses. Components of medication administration include but are not limited to:

1. Preparing and giving medications in the prescribed dosage, route, and frequency, including dispensing medications only as defined in subsection (17)(b) of this section;

2. Observing, recording, and reporting desired effects, untoward reactions, and side effects of drug therapy;

3. Intervening when emergency care is required as a result of drug therapy;

4. Recognizing accepted prescribing limits and reporting deviations to the prescribing individual;

5. Recognizing drug incompatibilities and reporting interactions or potential interactions to the prescribing individual; and

6. Instructing an individual regarding medications;

(d) The supervision, teaching of, and delegation to other personnel in the performance of activities relating to nursing care; and

(e) The performance of other nursing acts which are authorized or limited by the board, and which are consistent either with American Nurses' Association Standards of Practice or with Standards of Practice established by nationally accepted organizations of registered nurses;

(7) "Advanced practice registered nurse" or "APRN" means a certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or clinical nurse specialist, who is licensed to engage in advance practice registered nursing pursuant to KRS 314.042 and certified in at least one (1) population focus;

(8) "Advanced practice registered nursing" means the performance of additional acts by registered nurses who have gained advanced clinical knowledge and skills through an accredited education program that prepares the registered nurse for one (1) of the four (4) APRN roles; who are certified by the American Nurses' Association or other nationally established organizations or agencies recognized by the board to certify registered nurses for advanced practice registered nursing as a certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or clinical nurse specialist; and who certified in at least one (1) population focus. The additional acts shall, subject to approval of the board, include but not be limited to prescribing treatment, drugs, devices, and ordering diagnostic tests. Advanced practice registered nurses who engage in these additional acts shall be authorized to issue prescriptions for and dispense nonscheduled legend drugs as defined in KRS 217.905 and to issue prescriptions for but not to dispense Schedules II through V controlled substances as classified in KRS 218A.060, 218A.070, 218A.080, 218A.090, 218A.100, 218A.110, 218A.120, and 218A.130, under the conditions set forth in KRS 314.042 and regulations promulgated by the Kentucky Board of Nursing on or before August 15, 2006.

(a) ***1.*** Prescriptions issued by advanced practice registered nurses for Schedule II controlled substances classified under KRS 218A.060***, except hydrocodone combination products as defined in Section 1 of this Act,*** shall be limited to a seventy-two (72) hour supply without any refill.

2. Prescriptions issued by advanced practice registered nurses for hydrocodone combination products as defined in Section 1 of this Act shall be limited to a thirty (30) day supply without any refill.

3. Prescriptions issued under this subsection for psychostimulants may be written for a thirty (30) day supply only by an advanced practice registered nurse certified in psychiatric-mental health nursing who is providing services in a health facility as defined in KRS Chapter 216B or in a regional services program for mental health or individuals with an intellectual disability as defined in KRS Chapter 210.

(b) Prescriptions issued by advanced practice registered nurses for Schedule III controlled substances classified under KRS 218A.080 shall be limited to a thirty (30) day supply without any refill. Prescriptions issued by advanced practice registered nurses for Schedules IV and V controlled substances classified

under KRS 218A.100 and 218A.120 shall be limited to the original prescription and refills not to exceed a six (6) month supply.

(c) Limitations for specific controlled substances which are identified as having the greatest potential for abuse or diversion, based on the best available scientific and law enforcement evidence, shall be established in an administrative regulation promulgated by the Kentucky Board of Nursing. The regulation shall be based on recommendations from the Controlled Substances Formulary Development Committee, which is hereby created. The committee shall be composed of two (2) advanced practice registered nurses appointed by the Kentucky Board of Nursing, one (1) of whom shall be designated as a committee co-chair; two (2) physicians appointed by the Kentucky Board of Medical Licensure, one (1) of whom shall be designated as a committee co-chair; and one (1) pharmacist appointed by the Kentucky Board of Pharmacy. The initial regulation shall be promulgated on or before August 15, 2006, and shall be reviewed at least annually thereafter by the committee.

Nothing in this chapter shall be construed as requiring an advanced practice registered nurse designated by the board as a certified registered nurse anesthetist to obtain prescriptive authority pursuant to this chapter or any other provision of law in order to deliver anesthesia care. The performance of these additional acts shall be consistent with the certifying organization or agencies' scopes and standards of practice recognized by the board by administrative regulation;

(9) "Licensed practical nurse" means one who is licensed or holds the privilege under the provisions of this chapter to engage in licensed practical nursing practice;

(10) "Licensed practical nursing practice" means the performance of acts requiring knowledge and skill such as are taught or acquired in approved schools for practical nursing in:

(a) The observing and caring for the ill, injured, or infirm under the direction of a registered nurse, advanced practice registered nurse, physician assistant, licensed physician, or dentist;

(b) The giving of counsel and applying procedures to safeguard life and health, as defined and authorized by the board;

(c) The administration of medication or treatment as authorized by a physician, physician assistant, dentist, or advanced practice registered nurse and as further authorized or limited by the board which is consistent with the National Federation of Licensed Practical Nurses or with Standards of Practice established by nationally accepted organizations of licensed practical nurses;

(d) Teaching, supervising, and delegating except as limited by the board; and

(e) The performance of other nursing acts which are authorized or limited by the board and which are consistent with the National Federation of Practical Nurses' Standards of Practice or with Standards of Practice established by nationally accepted organizations of licensed practical nurses;

(11) "School of nursing" means a nursing education program preparing persons for licensure as a registered nurse or a practical nurse;

(12) "Continuing education" means offerings beyond the basic nursing program that present specific content planned and evaluated to meet competency based behavioral objectives which develop new skills and upgrade knowledge;

(13) "Nursing assistance" means the performance of delegated nursing acts by unlicensed nursing personnel for compensation under supervision of a nurse;

(14) "Sexual assault nurse examiner" means a registered nurse who has completed the required education and clinical experience and maintains a current credential from the board as provided under KRS 314.142 to conduct forensic examinations of victims of sexual offenses under the medical protocol issued by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee pursuant to KRS 216B.400(4);

(15) "Competency" means the application of knowledge and skills in the utilization of critical thinking, effective communication, interventions, and caring behaviors consistent with the nurse's practice role within the context of the public's health, safety, and welfare;

(16) "Credential" means a current license, registration, certificate, or other similar authorization that is issued by the board;

(17) "Dispense" means:

(a) To receive and distribute noncontrolled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party; or

(b) To distribute noncontrolled legend drugs from a local, district, and independent health department, subject to the direction of the appropriate governing board of the individual health department;

(18) "Dialysis care" means a process by which dissolved substances are removed from a patient's body by diffusion, osmosis, and convection from one (1) fluid compartment to another across a semipermeable membrane;

(19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a physician and who provides dialysis care in a licensed renal dialysis facility under the direct, on-site supervision of a registered nurse or a physician;

(20) "Population focus" means the section of the population within which the advanced practice registered nurse has targeted to practice. The categories of population foci are:

(a) Family and individual across the lifespan;

(b) Adult gerontology;

(c) Neonatal;

(d) Pediatrics;

(e) Women's health and gender-related health; and

(f) Psychiatric mental health; and

(21) "Conviction" means but is not limited to:

(a) An unvacated adjudication of guilt;

(b) Pleading no contest or nolo contendere or entering an Alford plea; or

(c) Entering a guilty plea pursuant to a pretrial diversion order;

Regardless of whether the penalty is rebated, suspended, or probated.

➔Section 7. KRS 320.210 is amended to read as follows:

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

(1) "Board" means the Kentucky Board of Optometric Examiners;

(2) "Practice of optometry" means:

(a) The evaluation, diagnosis, prevention, or surgical, nonsurgical, or related treatment of diseases, disorders, or conditions of the eye and its appendages and their impact on the human body provided by an optometrist within the scope of his or her education, training, and experience and in accordance with this chapter, the ethics of the profession, and applicable law. The practice of optometry includes the examination, diagnosis, and treatment of the human eye and its appendages to correct and relieve ocular abnormalities and to determine eye health, the visual efficiency of the human eye, or the powers or defects of vision in any authorized manner, including but not limited to:

1. Prescribing and adapting lenses, contact lenses, spectacles, eyeglasses, prisms, ocular devices, and all routes of administration of pharmaceutical agents,~~[except controlled substances classified in Schedules I and II,]~~ as authorized by KRS 320.240; or

2. Employing vision therapy or orthoptics, low vision rehabilitation, and laser surgery procedures, excluding retina, LASIK, and PRK.

The practice of optometry includes the correction and relief of ocular abnormalities by surgical procedures not excluded in paragraph (b) of this subsection;

(b) The following procedures are excluded from the scope of practice of optometry, except for the preoperative and postoperative care of these procedures:

1. Retina laser procedures, LASIK, and PRK;

2. Nonlaser surgery related to removal of the eye from a living human being;

3. Nonlaser surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye;

4. Penetrating keratoplasty (corneal transplant), or lamellar keratoplasty;

5. Nonlaser surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy;

6. Nonlaser surgery requiring incision of the vitreous;

7. Nonlaser surgery requiring incision of the retina;

8. Nonlaser surgical extraction of the crystalline lens;

9. Nonlaser surgical intraocular implants;

10. Incisional or excisional nonlaser surgery of the extraocular muscles;

11. Nonlaser surgery of the eyelid for eyelid malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy;

12. Nonlaser surgery of the bony orbit, including orbital implants;

13. Incisional or excisional nonlaser surgery of the lacrimal system other than lacrimal probing or related procedures;

14. Nonlaser surgery requiring full thickness conjunctivoplasty with graft or flap;

15. Any nonlaser surgical procedure that does not provide for the correction and relief of ocular abnormalities;

16. Laser or nonlaser injection into the posterior chamber of the eye to treat any macular or retinal disease; and

17. The administration of general anesthesia;

(c) Any person shall be regarded as practicing optometry if he or she:

1. Performs or advertises to perform optometric operations of any kind, including diagnosing or treating diseases of the eye or visual system or deficiencies of the eye and its appendages, or attempts to correct the vision thereof;

2. Prescribes, provides, furnishes, adapts, uses, or employs lenses, prisms, contact lenses, visual therapy, orthoptics, ocular exercise, autofractometry, or any other means or device for the aid, relief, or correction of the human eye and its appendages, except upon the written prescription of a licensed optometrist; or

3. Uses the words "optometrist," "doctor of optometry," the letters "O.D," or other letters or title in connection with his or her name, which in any way represents him or her as being engaged in the practice of optometry; and

(d) Low vision rehabilitation;

(3) "Appendages" means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus;

(4) "Visual aid glasses" means eyeglasses, spectacles, or lenses designed or used to correct visual defects; provided, however, that nothing in the provisions of this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of sunglasses designed and used solely to filter out light; and further provided that nothing in this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of completely assembled eyeglasses or spectacles designed and used solely to magnify;

(5) "Orthoptic technician" means a person who trains and directs individuals to engage in ocular exercises designed to correct visual defects, and shall not be required to be licensed under the provisions of this chapter if such training and directions are done pursuant to and under the instructions of a duly-licensed physician, osteopath, or optometrist and consists solely of visual training, orthoptics, or ocular exercises; and

(6) "Low vision rehabilitation" means the evaluation, diagnosis, and management of the low vision patient, including but not limited to, prescription, low vision rehabilitation therapy, education, and interdisciplinary consultation when indicated. Any person who prescribes or provides comprehensive low vision care for the

rehabilitation and treatment of the visually impaired or legally blind patient; prescribes corrective eyeglasses, contact lenses, prisms, or filters; employs any means for the adaptation of lenses, low vision devices, prisms, or filters; evaluates the need for, recommends, or prescribes optical, electronic, or other low vision devices; or recommends or provides low vision rehabilitation services independent of a clinical treatment plan prescribed by an optometrist, physician, or osteopath is engaged in the practice of optometry.

➔Section 8. KRS 320.240 is amended to read as follows:

(1) The board shall meet at least once each year, at which time it shall choose from among its members the president, vice president, and secretary-treasurer. In addition, the board, upon call of its officers, may hold meetings at any time as it deems necessary. A full record of the board's proceedings shall be kept in the office of the board and shall be open to inspection at all reasonable times.

(2) The board shall keep a register containing the name, address, and license number of every person licensed to practice optometry in this state.

(3) The Attorney General shall render to the board legal services as it may require in carrying out and enforcing the provisions of this chapter.

(4) Subject to and consistent with the provisions of this chapter, the board shall promulgate reasonable administrative regulations and do any and all things that it may deem necessary or proper for the effective enforcement of this chapter and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. The administrative regulations shall include the classification and licensure of optometrists by examination or credentials, retirement of a license, and reinstatement of a license.

(5) An optometrist shall not administer drugs, prescribe drugs, or perform laser or nonlaser surgery procedures until he or she is licensed by the board. Any therapeutically licensed optometrist authorized to practice under this section shall meet the educational and competence criteria set forth by the board in order to perform expanded therapeutic procedures. Evidence of proof of continuing competency shall be determined by the board.

(6) Nothing in this chapter shall be construed as allowing any agency, board, or other entity of this state other than the Kentucky Board of Optometric Examiners to determine what constitutes the practice of optometry.

(7) The board shall have the sole authority to determine what constitutes the practice of optometry and sole jurisdiction to exercise any other powers and duties under this chapter. The board may issue advisory opinions and declaratory rulings related to this chapter and the administrative regulations promulgated under this chapter.

(8) The board shall have:

(a) A common seal;

(b) The right to determine what acts on the part of any person licensed as an optometrist in this state shall constitute unprofessional conduct under this chapter; and

(c) Other powers and duties as authorized by this chapter.

(9) The board may administer oaths and require the attendance of witnesses, the production of books, records, and papers pertinent to any matters coming before the board by the issuance of process that shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have the power to invoke the same rights as are provided for disobedience of a subpoena or subpoena duces tecum in a civil action.

(10) The board may assist in the prosecution of any violation of this chapter and in the enforcement of any of the provisions of this chapter.

(11) The board shall report its proceedings to the Governor on or about January 1 of each year, including an accounting of all moneys received and disbursed.

(12) The board may permit persons engaging in the practice of optometry under the provisions of this chapter to administer diagnostic pharmaceutical agents limited to miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied topically only, but excluding any drug classified as a controlled substance pursuant to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic procedures only as part of an eye examination. The application of the diagnostic pharmaceutical agents shall be limited to those persons who have sufficient education and professional competence as determined by the board and who have earned transcript credits of at least six (6) semester hours in a course or courses in general and ocular pharmacology, with particular emphasis on diagnostic pharmaceutical agents applied topically to the eye, from a college or

university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education.

(13) The board may authorize only those persons who have qualified for use of diagnostic pharmaceutical agents as set out in subsection (12) of this section to utilize and prescribe therapeutic pharmaceutical agents in the examination or treatment of any condition of the eye or its appendages. Any therapeutically certified optometrist licensed under the provisions of this subsection shall be authorized to prescribe oral medications, except ***any*** controlled substances classified in ***Schedule***~~[Schedules]~~ I and ***any controlled substances classified in Schedule II other than hydrocodone combination products as defined in Section 1 of this Act***~~[II]~~, for any condition which an optometrist is authorized to treat under the provisions of this chapter. The use of injections for other than treatment of the human eye and its appendages shall be limited to the administration of benadryl, epinephrine, or equivalent medication to counteract anaphylaxis or anaphylactic reaction. In a public health emergency, the commissioner of health may authorize therapeutically licensed optometrists to administer inoculation for systemic health reasons. The authority to prescribe a ***Schedule II hydrocodone combination product as defined in Section 1 of this Act and a*** Schedule III, IV, or V controlled substance shall be limited to prescriptions for a quantity sufficient to provide treatment for up to seventy-two (72) hours. No refills of prescriptions for controlled substances shall be allowed. The utilization or prescribing of therapeutic pharmaceutical agents shall be limited to those persons who have sufficient education and professional competence as determined by the board and who have earned transcript credits of at least six (6) semester hours in a course or courses in general and ocular pathology and therapy, with particular emphasis on utilization of therapeutic pharmaceutical agents from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education. These six (6) semester hours are in addition to the six (6) semester hours required by subsection (12) of this section, making a total of twelve (12) semester hours.

(14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents shall be permitted to purchase for use in the practice of optometry diagnostic pharmaceutical agents limited to miotics for emergency use only, mydriatics, cycloplegics, and anesthetics. Any optometrist authorized by the board to utilize therapeutic pharmaceutical agents shall be permitted to prescribe in the practice of optometry therapeutic pharmaceutical agents. Optometrists so authorized by the board to purchase pharmaceutical agents shall obtain them from licensed drug suppliers or pharmacists on written orders placed in the same or similar manner as any physician or other practitioner authorized by KRS Chapter 217. Purchases shall be limited to those pharmaceutical agents specified in this subsection and in subsection (12) of this section, based upon the authority conferred upon the optometrist by the board consistent with the educational qualifications of the optometrist as set out herein.

➔Section 9. KRS 218A.1430 is amended to read as follows:

(1) (a) A person is guilty of trafficking in synthetic drugs when he or she knowingly and unlawfully traffics in synthetic drugs.

(b) Trafficking in synthetic drugs is a ***Class D felony***~~[Class A misdemeanor]~~ for the first offense and a Class ***C***~~[D]~~ felony for each subsequent offense.

(c) In lieu of the fine amounts otherwise allowed under KRS Chapter 534, for any offense under this subsection the court may impose a maximum fine of double the defendant's gain from the commission of the offense, in which case any fine money collected shall be divided between the same parties, in the same ratio, and for the same purposes as established for forfeited property under KRS 218A.420.

(d) It shall be an affirmative defense to an offense under this subsection that the defendant committed the offense during the course of the defendant's employment as an employee of a retail store and that the defendant did not know and should not have known that the trafficked substance was a synthetic drug.

(2) (a) A person is guilty of possession of synthetic drugs when he or she knowingly and unlawfully possesses synthetic drugs.

(b) Possession of synthetic drugs is***:***

1. A ***Class A misdemeanor for the first offense; and***

2. ***A Class D felony for each subsequent offense***~~[Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than thirty (30) days]~~.

➔Section 10. KRS 218A.1401 is amended to read as follows:

(1) A person is guilty of selling controlled substances to a minor when he or she, being eighteen (18) years of age or older, knowingly and unlawfully sells or transfers any quantity of a controlled substance other than ~~[synthetic drugs or]~~salvia to any person under eighteen (18) years of age.

(2) Selling controlled substances to a minor is a Class C felony for a first offense, and a Class B felony for each subsequent offense, unless a more severe penalty for trafficking in controlled substances is applicable, in which case the higher penalty shall apply.

➔Section 11. KRS 530.064 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the first degree when he or she knowingly induces, assists, or causes a minor to engage in:

(a) Illegal sexual activity; or

(b) Illegal controlled substances activity other than activity involving marijuana~~[, synthetic drugs,]~~ or salvia, as defined in KRS 218A.010;

Except those offenses involving minors in KRS Chapter 531 and in KRS 529.100 where that offense involves commercial sexual activity.

(2) Unlawful transaction with a minor in the first degree is a:

(a) Class C felony if the minor so used is less than eighteen (18) years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity; and

(c) Class A felony if the minor so used incurs physical injury thereby.

➔Section 12. KRS 530.065 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the second degree when he knowingly induces, assists, or causes a minor to engage in illegal controlled substances activity involving marijuana,~~[synthetic drugs,]~~ illegal gambling activity, or any other criminal activity constituting a felony.

(2) Unlawful transaction with a minor in the second degree is a Class D felony.

➔Section 13. Whereas synthetic drugs pose an immediate risk to the health and safety of the citizens of this Commonwealth, 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 27, 2016.

CHAPTER 136

(HB 15)

AN ACT relating to education.

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

➔Section 1. KRS 164.011 is amended to read as follows:

(1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate ~~[and the House of Representatives]~~under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the ***Senate***~~[General Assembly]~~ at the next

regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall assure broad geographical and political representation; assure equal representation of the two (2) sexes, inasmuch as possible; assure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration; and assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.

(3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.

(4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education, the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.

(5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.

(6) Each citizen member shall serve a term of six (6) years, except the initial appointments shall be as follows:

(a) Two (2) appointments shall expire December 31, 1997;

(b) Three (3) appointments shall expire December 31, 1998;

(c) Two (2) appointments shall expire December 31, 1999;

(d) Two (2) appointments shall expire December 31, 2000;

(e) Two (2) appointments shall expire December 31, 2001; and

(f) Two (2) appointments shall expire December 31, 2002.

(7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.

(8) The members of the council shall elect the chair and the vice chair of the council from among the council's membership, and the chair and vice chair shall serve at the pleasure of the council. The vice chair shall serve as chair in the absence of the chair.

(9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.

(10) A quorum shall be a majority of the appointive membership of the council.

(11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.

(12) New appointees to the council shall not serve more than two (2) consecutive terms. Appointees after May 30, 1997, who previously served on the Council of Higher Education may serve two (2) additional full consecutive terms.

(13) New appointees to the council shall complete an orientation and education program set forth in subsection (25) of Section 2 of this Act to be eligible for appointment to a second term.

➔Section 2. 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) ***(a)*** Develop in cooperation with each ***public university and the Kentucky Community and Technical College System***~~[state postsecondary educational institution]~~ a comprehensive orientation ***and education*** program for new members of the council and the governing boards ***and continuing education opportunities for all council and board members. For new members of the council and institutional governing boards, the council shall:***~~[.]~~

1. ***Ensure that*** the orientation ***and education*** program ***comprises six (6) hours of instruction time and includes***~~[shall include]~~ but ***is*** not~~[be]~~ limited to~~[the]~~ information concerning the roles of the council ***and governing board members***, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget ***and finances***, ***strategic*** plans~~[, policies, strengths,]~~ and ***priorities, institutional policies and procedures,***~~[weaknesses]~~ ***board fiduciary responsibilities, legal considerations including open records and open meetings requirements, and ethical considerations arising from board membership***;

2. ***Establish delivery methods by which the orientation and education program can be completed in person or electronically by new members within one (1) year of their appointment or election;***

3. ***Provide an annual report to the Governor and Legislative Research Commission of those new board members who do not complete the required orientation and education program; and***

4. ***Invite governing board members of private colleges and universities licensed by the Council on Postsecondary Education to participate in the orientation and education program described in this subsection;***

(b) ***Offer, in cooperation with the public universities and the Kentucky Community and Technical College System, continuing education opportunities for all council and governing board members; and***

(c) ***Review and approve the orientation programs of each public university and the Kentucky Community and Technical College System for their governing board members to ensure that all programs and information adhere to this subsection;***

(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);

(37) Cooperate with the Office for Education and Workforce Statistics and ensure the participation of the public institutions as required in KRS 151B.133; 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.

➔Section 3. KRS 164.131 is amended to read as follows:

(1) (a) The government of the University of Kentucky is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.

(b) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25)***, as a condition of their service ***and eligibility for appointment or election to a second term***.

(c) The board shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.

(d) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council.

(e) The board shall consist of sixteen (16) members appointed by the Governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the University of Kentucky nonteaching personnel, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairperson annually.

(2) (a) The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified; except the initial appointments shall be as follows:

1. Two (2) members shall serve one (1) year terms;

2. Two (2) members shall serve two (2) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university according to rules established by the board of trustees;

3. Three (3) members shall serve three (3) year terms;

4. Three (3) members shall serve four (4) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection;

5. Three (3) members shall serve five (5) year terms; and

6. Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection.

(b) 1. Three (3) of the appointments shall be graduates of the university and may include one (1) graduate of the institution who resides outside the Commonwealth;

2. Three (3) shall be representative of agricultural interests; and

3. Ten (10) shall be other distinguished citizens representative of the learned professions and may include one (1) who resides outside of Kentucky.

(c) The Governor shall make the appointments so as to reflect proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth.

(d) Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(3) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor or above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(4) The nonteaching personnel member shall be any full-time staff member, excluding the president, vice-presidents, academic deans, and academic department chairpersons. The staff member shall represent all nonteaching university employees including but not limited to building facilities and clerical personnel. The staff member shall be elected by secret ballot by the nonteaching employees. The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but a staff member who ceases being an employee of the university shall not be eligible to continue to serve as a member of the board. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as provided for the original election.

(5) The student member shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(6) The number of student and employee trustees of the University of Kentucky elected to the board shall not exceed four (4).

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with exception of compensation to the two (2) faculty members, and the one (1) nonteaching personnel member.

(8) New appointees of the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

➔Section 4. KRS 164.321 is amended to read as follows:

(1) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, Northern Kentucky University, and the Kentucky Community and

Technical College System shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.

(a) Each board of the comprehensive universities shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university or college. The members of the board shall select a chairperson annually.

(b) The board of the Kentucky Community and Technical College System shall consist of eight (8) members appointed by the Governor, two (2) members of the teaching faculty, two (2) members of the nonteaching personnel, and two (2) members of the student body.

1. No more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.

2. A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve or eligibility for reappointment, except an appointee who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

3. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:

(a) One (1) member shall serve a one (1) year term;

(b) One (1) member shall serve a two (2) year term;

(c) Two (2) members shall serve three (3) year terms;

(d) One (1) member shall serve a four (4) year term;

(e) One (1) member shall serve a five (5) year term; and

(f) Two (2) members shall serve six (6) year terms.

New appointees of a board of regents shall not serve for more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. Membership on the board shall not be incompatible with any state office. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment, except a member who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified.

(6) (a) The faculty member of a comprehensive university shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor

is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The faculty members of the Kentucky Community and Technical College System shall be represented by one (1) faculty member elected from the community colleges and one (1) faculty member elected from the technical institutions to serve three (3) year terms and until their successors are named. The faculty representative of each branch shall be elected by means of a process established by the board. The faculty members may be reelected but shall not serve more than two (2) consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board if he or she ceases to be a member of the faculty at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(7) (a) The nonteaching personnel member in a comprehensive university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be reelected but shall not serve more than two (2) consecutive terms. A nonteaching employee shall be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(8) (a) The student member on a comprehensive university board shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his or her position as student body president or status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(9) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25)***, as a condition of their service ***and eligibility for appointment or election to a second term***.

(10) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

➔Section 5. KRS 164.821 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of seventeen (17) members appointed by the Governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year.

(a) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25),*** as a condition of their service ***and eligibility for appointment or election to a second term***.

(b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

(c) New appointees to the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(2) If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(3) The faculty member, staff member, and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner. The seventeen (17) citizen members of the board shall annually elect one (1) of their number to serve as chairperson of the board.

(4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, except the initial terms shall be as follows:

(a) Two (2) members shall serve one (1) year terms;

(b) Three (3) members shall serve two (2) year terms;

(c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees;

(d) Three (3) members shall serve four (4) year terms;

(e) Three (3) members shall serve five (5) year terms; and

(f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection.

(5) The Governor shall make his at-large appointments so as to divide the citizen representation upon the board to reflect proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out-of-state travel.

(6) Vacancies among the citizen members of the board occurring by death, resignation, or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in this section.

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.

➔Section 6. KRS 158.6453 is amended to read as follows:

(1) As used in this section:

(a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;

(b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;

(c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;

(d) "End-of-course examination" means the same as defined in KRS 158.860;

(e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;

(f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;

(g) "National norm-referenced test" means a type of test interpretation in which the performance of student scores are reported by comparing performance to how other students in a national sample performed;

(h) "Program audit" means a form of program review that is a systematic method of analyzing components of an instructional program, and areas for improvement that is conducted as a result of a program review that indicates a more in-depth process of analysis and assistance is needed;

(i) "Program review" means a systematic method of analyzing components of an instructional program, including instructional practices, aligned and enacted curriculum, student work samples, formative and summative assessments, professional development and support services, and administrative support and monitoring;

(j) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and

(k) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.

(2) (a) Within thirty (30) days of March 25, 2009, the Kentucky Department of Education in collaboration with the Council on Postsecondary Education shall plan and implement a comprehensive process for revising the academic content standards in reading, language arts including writing, mathematics, science, social studies, arts and humanities, and practical living skills and career studies. The revision process shall include a graduated timetable to ensure that all revisions are completed to allow as much time as possible for teachers to adjust their instruction before new assessments are administered.

(b) The revisions to the content standards shall:

1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;

2. Result in fewer but more in-depth standards to facilitate mastery learning;

3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;

4. Be based on evidence-based research;

5. Consider international benchmarks; and

6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.

(c) The revision process, jointly organized by the commissioner of education and the president of the Council on Postsecondary Education, shall engage practicing teachers from elementary and secondary education in discussions and negotiations with content faculty and staff from postsecondary education institutions. The process shall also include business and industry professionals who are actively engaged in career

fields that depend on the various content areas, and others as deemed appropriate by the commissioner and the president.

(d) During the revision process, the department shall consider standards that have been adopted by national content advisory groups and professional education consortia.

(e) Using a variety of strategies and technologies, the proposed revisions to the academic content standards shall be widely disseminated throughout the state to elementary, secondary, and postsecondary education faculty and administrators, parents, citizens, private professionals in the content areas, and others for comment and recommendations. The results of the revision process shall ensure that the specifications in paragraph (b) of this subsection are met.

(f) The commissioner of education and the president of the Council on Postsecondary Education shall ensure that the revised academic standards that are recommended to the Kentucky Board of Education for approval are aligned with postsecondary education course and assessment standards for the gateway areas of reading and mathematics. The council shall also review the proposed academic standards in all other content areas and provide written recommendations as needed to ensure those areas are aligned with postsecondary education requirements.

(g) 1. The Kentucky Board of Education shall consider for approval the revisions to academic content standards for a content area as they are completed.

2. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs no later than thirty (30) days after approval by the state board.

3. All academic content standards revisions shall be completed and approved by the state board no later than December 15, 2010, and disseminated by the Department of Education to elementary and secondary schools, postsecondary education faculty in the respective content areas, and to all teacher preparation programs no later than January 15, 2011.

(h) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:

1. Integrate the revised content standards into classroom instruction;

2. Better integrate performance assessment of students within their instructional practices; and

3. Help all students use higher-order thinking and communication skills.

(i) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns after March 25, 2009, will have experience planning classroom instruction based on the revised standards.

(j) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.

(3) (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and to ensure school accountability.

(b) Using the revised academic standards developed pursuant to subsection (2) of this section, the board shall revise the annual statewide assessment program for implementation in the 2011-2012 academic year.

(c) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(4) (a) The assessment program to be implemented in the 2011-2012 academic year shall be composed of annual student assessments and state and local program reviews and audits in selected content areas.

(b) The state student assessments may include formative and summative tests that:

1. Measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades;

2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;

3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;

4. Provide comparisons with national norms for mathematics, reading, social studies, and science and, where available, comparisons to other states;

5. Provide information to teachers that can enable them to improve instruction for current and future students;

6. Provide longitudinal profiles for students; and

7. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(c) The state and local program reviews and audits shall provide annual feedback to each school relating to selected programs and serve as indicators of the quality of educational experiences available to students. Program reviews and audits shall provide recommendations for improving program components in order to better teach and assess students within these programs. Program reviews shall ensure school and district accountability for student achievement of the capacities set forth in KRS 158.645 and the goals set forth in KRS 158.6451.

(5) The state student assessments to be implemented in the 2011-2012 academic year shall include the following components:

(a) Elementary and middle grades requirements are:

1. A criterion-referenced test in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles;

2. A criterion-referenced test in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles to be administered one (1) time within the elementary and middle grades, respectively;

3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and two (2) times within the middle grades;

4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively; and

5. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8) as provided in subsection (11) of this section; except the readiness examination may be moved to grade nine (9) by the Kentucky Board of Education based on compelling evidence that moving the test would be in the best interests of Kentucky students;

(b) High school requirements are:

1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards that are not covered in the assessment under subparagraph 6. of this paragraph to be administered one (1) time within the high school grades;

2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented

with a customized or commercially available norm-referenced test to provide national profiles and to be administered one (1) time within the high school grades;

3. An on-demand assessment of student writing to be administered two (2) times within the high school grades;

4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades;

5. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10) as provided in subsection (11) of this section; and

6. ***A college admissions*** ~~[The ACT]~~ examination to assess English, reading, mathematics, and science in grade eleven (11) as provided in subsection (11) of this section;

(c) The Kentucky Board of Education shall add any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, as determined by the United States Department of Education;

(d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items and the national norm-referenced components shall be composed of multiple choice items;

(e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and

(f) The results of the assessment program developed under this subsection shall be used to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.

(6) Beginning in the 2011-2012 academic year, each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. Testing shall be limited to no more than five (5) days. The Kentucky Board of Education shall promulgate administrative regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.

(7) Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing required under this subsection shall be included in the accountability system as required by KRS 158.6455.

(a) Arts and humanities.

1. The Kentucky Department of Education shall provide guidelines for arts and humanities programs and for integration of these within the curriculum to all schools.

2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.

3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.

(b) Practical living skills and career studies.

1. The Kentucky Department of Education shall provide guidelines for practical living skills and career studies and integration of these within the curriculum to all schools and teacher preparation programs.

2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.

3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from programs reviews for its school and determine how it will address program recommendations to improve the program for students.

(c) Writing.

1. The Kentucky Department of Education shall provide guidelines for an effective writing program and establish criteria to use in the program review and program audit process as defined in subsection (1)(h) and (i) of this section. The department shall distribute the guidelines and criteria for program reviews within the curriculum to all schools and teacher preparation programs.

2. Each school-based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.

3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.

4. A writing portfolio shall be maintained for each student and follow each student from grade to grade and to any school in which the student may enroll.

5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:

   a. Communication;

   b. Grading procedures and feedback to students regarding their writing and communication skills;

   c. The responsibility for review of the portfolios and feedback to students; and

   d. Other policies to improve the quality of an individual student's writing and communications skills.

6. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

The Department of Education shall ensure that all schools and districts understand how the results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing are included in the accountability system under KRS 158.6455 and shall provide assistance to schools to improve the quality of the programs under this subsection.

(8) Local school districts may select and use commercial interim or formative assessments or develop and use their own formative assessments to provide data on how well their students are growing toward mastery of Kentucky

academic core content. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.

(9) Beginning with the 2010-2011 school year, each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.

(10) In revising the state assessment program for implementation in 2011-2012 academic year, the state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.

(11) The following provisions shall apply to the assessment requirements for middle and high schools:

(a) The assessment program shall include:

1. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);

2. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);

3. ***A***~~[The ACT]~~ college admissions~~[and placement]~~ examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and

4. Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education;

(b) 1. A student whose scores on the high school readiness examination administered in grade eight (8) or as determined by the Kentucky Board of Education under subsection (5) of this section indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and

2. A student whose scores on the college readiness examination administered in grade ten (10) or the~~[ACT]~~ college admissions~~[and placement]~~ examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in accelerated courses~~[, with an emphasis on Advanced Placement classes]~~;

(c) The cost of the initial ***college admissions***~~[ACT]~~ examination administered to students in grade eleven (11) shall be paid for by the Kentucky Department of Education. The costs of additional ***college admissions***~~[ACT]~~ examinations shall be the responsibility of the student;

(d) If funds are available, the Kentucky Department of Education shall provide ***a college admissions examination***~~[an ACT]~~ preparation program to all public high school juniors. The department may contract for necessary services; and

(e) The components of the middle and high school assessment program set forth in paragraph (a) of this subsection shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (5)(a) and (b) of this section.

(12) Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

(a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education if funds are available for this purpose. The cost of additional WorkKeys assessments shall be the responsibility of the student.

(b) A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

(c) A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.

(13) Accommodations provided~~[by ACT, Inc.]~~ to a student with a disability taking the ***college admissions*** assessments under subsection (11)(a)3. of this section shall consist of:

(a) Accommodations provided in a manner allowed by ***the college admissions assessment provider*** ~~[ACT, Inc.]~~ when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in paragraph (b) of this subsection; or

(b) Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under paragraph (a) of this subsection when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

(14) The assessments under subsections (11) and (12) of this section shall be known as the "Kentucky Work and College Readiness Examination" or "Readiness Examination."

(15) Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:

(a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year until the 2011-2012 academic year. The revised academic content standards developed as required by subsection (2) of this section shall be used in the revised assessment program for implementation in the 2011-2012 academic year as required by subsection (3) of this section. Any future revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;

(b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and

(c) Minimize the time spent by teachers and students on assessment.

(16) (a) Through the fall of 2011, results from the state assessment under this section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.

(b) Beginning in the fall of 2012, the results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the first day the assessment can be administered.

(17) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.

(18) The Department of Education and the state board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.

(19) No later than sixty (60) days after March 25, 2009, the state board shall revise the Administration Code for Kentucky's Assessment Program to include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The revisions shall include disciplinary sanctions that may be taken toward a school or individuals.

(20) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:

(a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

1. Student academic achievement, including the results from each of the assessments administered under this section;

2. For Advanced Placement and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations or a score of five (5) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status. This data shall be included in the report card beginning with the 2009-2010 academic year;

3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to adult life; and

4. School learning environment, including measures of parental involvement;

(b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths;

(c) An individual report for each student who takes a high school or college readiness examination administered under subsection (11)(a) of this section that:

1. Provides the student's test scores;

2. Provides a judgment regarding whether or not a student has met, exceeded, or failed to meet the expectations for each standard assessed; and

3. Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation; and

(d) A student's scores on the ***college admissions***~~[ACT]~~ examination or WorkKeys assessments administered under subsections (11) and (12) of this section and the ***college admissions***~~[ACT]~~ examination under ***subsection (5) of Section 7 of this Act***~~[KRS 158.6459(5)]~~ shall be recorded on his or her official high school transcript.

(21) The Kentucky Board of Education shall conduct periodic alignment studies that compare the norm-referenced tests required under subsection (5) of this section with the standards in the different content areas to determine how well the norm-referenced tests align and adequately measure the depth of knowledge and breadth of Kentucky's academic content standards. Based on its findings from the studies, the board may decrease the number of required criterion-referenced items required under subsection (5) of this section.

➔Section 7. KRS 158.6459 is amended to read as follows:

(1) A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance or advanced work is required in English, reading, or mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

(2) A high school student whose score on the ***college admissions***~~[ACT]~~ examination under ***subsection***~~[KRS 158.6453]~~ (11)(a)3. ***of Section 6 of this Act*** in English, reading, or mathematics is below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a remedial course or an entry-level course with supplementary academic support shall be provided the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation.

(3) A high school, in collaboration with its school district, shall develop and implement accelerated learning that:

(a) Allows a student's learning plan to be individualized to meet the student's academic needs based on an assessment of test results and consultation among parents, teachers, and the student; and

(b) May include changes in a student's class schedule.

(4) The Kentucky Department of Education, the Council on Postsecondary Education, and public postsecondary institutions shall offer support and technical assistance to schools and school districts in the development of accelerated learning.

(5) A student who participates in accelerated learning under this section shall be permitted to take the ***college admissions*** ~~[ACT]~~ examination a second time prior to high school graduation at the expense of the Kentucky Department of Education. The cost of any subsequent administrations of the achievement test shall be the responsibility of the student.

➔Section 8. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

(1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;

(2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;

(3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the ***college admissions examination*** ~~[ACT exam]~~ administered statewide under ***subsection*** ~~[KRS 158.6453]~~(11)(a)3. ***of Section 6 of this Act if the exam is the ACT***, or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;

(4) "Authority" means the Kentucky Higher Education Assistance Authority;

(5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;

(6) "Council" means the Council on Postsecondary Education created under KRS 164.011;

(7) "Eligible high school student" means any person who:

(a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;

(b) Was enrolled after July 1, 1998:

1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;

2. In a Kentucky high school for the fall academic term of the senior year and who:

a. Was enrolled during the entire academic term;

b. Completed the high school's graduation requirements during the fall academic term; and

c. Was not enrolled in a secondary school during any other academic term of that academic year; or

3. In the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics while meeting the Kentucky educational excellence scholarship curriculum requirements;

(c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and

(d) Is not a convicted felon;

(8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:

(a) Earned a KEES award;

(b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;

(c) Has remaining semesters of eligibility under KRS 164.7881;

(d) Is enrolled in a participating institution as a part-time or full-time student; and

(e) Is not a convicted felon;

(9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;

(10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;

(11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, and any 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;

(12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;

(13) "KEES award" means:

(a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and

(b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;

(14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;

(15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;

(16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;

(17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;

(18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;

(19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;

(20) "Participating institution" means an "institution" as defined in KRS 164.001 that actively participates in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:

(a) 1. Is publicly operated;

2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates or recipients of a General Educational Development (GED) diploma or students transferring from another accredited degree granting institution; or

3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and

(b) Continues to commit financial resources to student financial assistance programs; and

(21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔Section 9. KRS 164.821 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of seventeen (17) members

appointed by the Governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year.

(a) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020 as a condition of their service.

(b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

(c) New appointees to the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(2) If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(3) The faculty member, staff member, and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner. The ***voting*** ~~[seventeen (17) citizen]~~ members of the board shall ***select a chairperson*** annually ~~[elect one (1) of their number to serve as chairperson of the board]~~.

(4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, except the initial terms shall be as follows:

(a) Two (2) members shall serve one (1) year terms;

(b) Three (3) members shall serve two (2) year terms;

(c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees;

(d) Three (3) members shall serve four (4) year terms;

(e) Three (3) members shall serve five (5) year terms; and

(f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection.

(5) The Governor shall make his at-large appointments so as to divide the citizen representation upon the board to reflect proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out-of-state travel.

(6) Vacancies among the citizen members of the board occurring by death, resignation, or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in this section.

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.

Signed by Governor April 27, 2016.

CHAPTER 137

(HB 55)

AN ACT relating to local government.

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

➔Section 1. KRS 153.450 is amended to read as follows:

(1) In addition to the four percent (4%) transient room tax authorized by KRS 91A.390 an urban-county government 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 like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations' businesses.

(2) All additional moneys collected from the tax authorized by subsection (1) of this section shall be applied toward the retirement of bonds used to finance a nonprofit corporation which is created for the funding, construction, and management of a convention center in an urban-county, and to defray the operating costs of the nonprofit corporation.

(3) (a) As used in this subsection, "project" means the renovation, expansion, or improvement of a convention center on or after the effective date of this Act.

(b) In addition to the levy authorized by subsection (1) of this section, an urban-county government may levy an additional transient room tax not to exceed two and one-half percent (2.5%) to provide funding for a project.

(c) Proceeds from the levy shall be used only for the direct expenditure for, or repayment of debt associated with, the project.

(d) The levy shall sunset upon completion of the project and repayment of all associated debt.

Signed by Governor April 27, 2016.

CHAPTER 138

(HB 80)

AN ACT relating to government operations.

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

➔Section 1. KRS 7A.010 is amended to read as follows:

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

(1) "Capital project" means:

(a) Any undertaking which is to be financed or funded through an appropriation by the General Assembly of general fund, road fund, bond fund, trust and agency fund, or federal fund moneys, where the expenditure is a capital expenditure pursuant to statute or under standards prescribed by the Legislative Research Commission under the authority of KRS Chapter 48;

(b) Any undertaking which is to be financed by a capital expenditure for use by the state government or one of its departments or agencies, as defined in KRS 12.010 or enumerated in KRS 12.020, including projects related to the construction or maintenance of roads, and including projects of institutions of higher education as defined in KRS 164A.550(2);

(c) Any capital construction item, or any combination of capital construction items necessary to make a building or utility installation complete, estimated to cost***:***

1. a. In the case of institutions of higher education, one million dollars ($1,000,000) or more, regardless of the source of funds; and

b. In the case of all other entities, six hundred thousand dollars ($600,000) or more ***regardless of the source of funds;*** ~~,~~ or

2. Any item of movable equipment, estimated to cost two hundred thousand dollars ($200,000) or more, regardless of the source of funds;

(d) Any lease of real property whose value is two hundred thousand dollars ($200,000) or more;

(e) Any lease of an item of movable equipment if the total cost of the lease, lease-purchase, or lease with an option to purchase is two hundred thousand dollars ($200,000) or more; or

(f) Any new acquisition, upgrade, or replacement of an information technology system estimated to cost***:***

1. In the case of institutions of higher education, one million dollars ($1,000,000) or more; and

2. In the case of all other entities, six hundred thousand dollars ($600,000) or more.

(2) "Board" means the Capital Planning Advisory Board of the Kentucky General Assembly created by KRS 7A.110.

(3) "Plan" means the state capital improvement plan provided for by KRS 7A.120.

(4) "State agency" means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other entity of the executive, judicial, or legislative branch of the state government.

(5) "Information technology system" means any related computer or telecommunications components that provide a functional system for a specific business purpose and contain one (1) or more of the following:

(a) Hardware;

(b) Software, including application software, systems management software, utility software, or communications software;

(c) Professional services for requirements analysis, system integration, installation, implementation, or data conversion services; or

(d) Digital data products, including acquisition and quality control.

➔Section 2. KRS 45.750 is amended to read as follows:

(1) As used in KRS 45.760 to 45.810:

(a) "Committee" means the Capital Projects and Bond Oversight Committee***;*** ~~[.]~~

(b) "Capital construction item" means:

1. The construction, reconstruction, acquisition, and structural maintenance of buildings;

2. The installation of utility services, including roads and sewers;

3. The acquisition or improvement of real property;

4. The purchase and installation initially or during major renovation of equipment, facilities, and furnishings of a permanent nature for buildings;

5. The acquisition of any building to be occupied by any:

a. Subdivision of state government as defined in KRS 12.010 or enumerated in KRS 12.020;

b. Municipal corporation which exercises its authority on a statewide basis including, but not limited to, the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, Kentucky Housing Corporation, or any entity with a governing body whose membership is substantially similar to the membership of the governing body of a municipal corporation which exercises its authority on a statewide basis; and

c. Institution of higher education***;*** ~~[.]~~

(c) "Lease" means any lease, lease-purchase, or lease with an option to purchase of any real property space occupied by:

1. Any entity listed in paragraph (b)5. of this subsection;

2. The legislative branch; or

3. The judicial branch when leased from a private sector landlord***;*** ~~[.]~~

(d) "Equipment" means:

1. Any major item of equipment, including aircraft;

2. Any movable furnishing, appurtenance, or other equipment, necessary to make a building operable; and

3. Equipment purchased or otherwise acquired, or equipment to be purchased or otherwise to be acquired, under a lease or lease-purchase contract or agreement or an arrangement equivalent to a lease or lease-purchase contract or agreement***;*** ~~[.]~~

(e) "Information technology system" means any related computer or telecommunications components that provide a functional system for a specific business purpose and contain one (1) or more of the following:

1. Hardware;

2. Software, including application software, systems management software, utility software, or communications software;

3. Professional services for requirements analysis, system integration, installation, implementation, or data conversion services; or

4. Digital data products, including acquisition and quality control***;*** ~~[.]~~

(f) "Capital projects" means, regardless of the source of cash or other consideration:

1. Any capital construction item, or any combination of capital construction items necessary to make a building or utility installation complete, estimated to cost***:***

a. In the case of institutions of higher education, one million dollars ($1,000,000) or more in cash or other consideration; and

b. In the case of all other entities, six hundred thousand dollars ($600,000) or more in cash or other consideration;

2. Any lease of real property space with an annual rental cost exceeding two hundred thousand dollars ($200,000);

3. The use allowance paid by the judicial branch for a real property space pursuant to KRS 26A.090(2) and 26A.115 when the use allowance for the space exceeds two hundred thousand dollars ($200,000) on an annual basis;

4. Any item of equipment estimated to cost two hundred thousand dollars ($200,000) or more in cash or other consideration;

5. Any lease of an item of movable equipment if the annual cost of the lease is two hundred thousand dollars ($200,000) or more or if the total cost of the lease-purchase or lease with an option to purchase is two hundred thousand dollars ($200,000) or more; and

6. Any new acquisition, upgrade, or replacement of an information technology system estimated to cost***:***

a. In the case of institutions of higher education, one million dollars ($1,000,000) or more in cash or other consideration; and

b. In the case of all other entities, six hundred thousand dollars ($600,000) or more in cash or other consideration***;*** ~~[.]~~

(g) "Emergency repair, maintenance, or replacement project" means the maintenance, repair, or reconstruction of a capital construction project or the maintenance, repair, or replacement of a major item of equipment that is:

1. Necessitated by injury or damage resulting from a disaster;

2. Necessary to maintain government operations or to prevent or minimize injury or damage that could reasonably be expected to result from an impending disaster; or

3. Necessitated by an unforeseen mechanical breakdown, electrical breakdown, or structural defect that must be corrected to make a facility or item of equipment usable***;*** ~~[.]~~

(h) "Disaster" means a fire, flood, tornado, other natural disaster, riot, enemy attack, sabotage, explosion, power failure, energy shortage, transportation emergency, or other man-caused disaster***;*** ~~[.]~~

(i) "Capital construction funds" means any funds used for capital construction, including, but not limited to, appropriated capital construction funds, agency funds, federal funds, private funds, or funds from any source held by an agency for management or investment purposes***; and*** ~~[.]~~

(j) "Entity head" means the Chief Justice of the Supreme Court, the President of the Senate and the Speaker of the House of Representatives, the secretary of the Finance and Administration Cabinet, the president of any university which complies with KRS 164A.585, 164A.595, and 164A.600, the board of trustees of the Kentucky Employees Retirement System, the board of trustees of the Teachers' Retirement System of the State of Kentucky, the board of directors of the Kentucky Higher Education Student Loan Corporation, the board of directors of the Kentucky Lottery Corporation, or the board of directors of the Kentucky Housing Corporation.

(2) Except as provided in subsection (3) of this section, KRS 45.760 to 45.810 shall apply to capital projects and bonds for use by:

(a) The state government;

(b) One of its departments or agencies, as defined in KRS 12.010 or enumerated in KRS 12.020;

(c) A municipal corporation which exercises its authority on a statewide basis, including but not limited to the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, and Kentucky Housing Corporation; and

(d) Institutions of higher education.

(3) KRS 45.760 to 45.810 shall not apply to:

(a) Capital projects or bonds used directly in or for the construction or maintenance of roads, including but not limited to bulldozers, graders, earth movers, and real estate purchased for rights-of-way; and

(b) Political subdivisions, except for those defined in KRS 12.010, enumerated in KRS 12.020, or created as a municipal corporation which exercises its authority on a statewide basis including, but not limited to, the Kentucky Employees Retirement System, Teachers' Retirement System of the State of Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky Lottery Corporation, Kentucky Housing Corporation, or any entity with a governing body whose membership is substantially similar to the membership of the governing body of a municipal corporation which exercises its authority on a statewide basis. However, the provisions of KRS 45.750 to 45.810 shall not apply to acquisition or maintenance of any building or land which is purchased as a legal investment by any of the state retirement systems, which is not to be occupied by the retirement system, and which is financed solely with those assets of the retirement system used for investment purposes.

➔Section 3. 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, ***2015*** ~~[2013]~~, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, ***2015*** ~~[2013]~~, that would otherwise terminate, and as modified by KRS 141.0101;

(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 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;

f. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under this chapter;

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 4. KRS 157.618 is amended 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***:***

(a) 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:

1.~~[(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; ***or***

2.~~[(b)]~~ Destroyed or severely damaged through a criminal or negligent act***; or***

(b) Award a cash grant to a school district to assist in bringing the school up to code if:

1. A school building is to be closed by a state or federal official or agency, including the state fire marshal or the Department for Environmental Protection; and

2. The Kentucky Department of Education has declared the situation to be an emergency~~[;~~

~~(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 5. KRS 157.621 is amended to read as follows:

(1) In addition to the levy required by KRS 157.440(1)(b) to participate in the Facilities Support Program of Kentucky, local school districts that have made the levy required by KRS 157.440(1)(b) are authorized to levy the following additional equivalent rates to support debt service, new facilities, or major renovations of existing school facilities, which levies shall not be subject to recall under any provision of the Kentucky Revised Statutes, or to voter approval under the provisions of KRS 157.440(2):

(a) 1. Prior to April 24, 2008, local school districts that have experienced student population growth during a five (5) year period may levy an additional five cents ($0.05) equivalent rate for debt service and new facilities. The tax rate levied by the district under this provision shall not be equalized by state funding, except as provided in paragraph (b) of this subsection. Any levy imposed under this paragraph prior to April 24, 2008, by a local school district shall continue until removed by the local school district.

2. A local school district shall meet the following criteria in order to levy the tax provided in subparagraph 1. of this paragraph:

a. Growth of at least one hundred fifty (150) students in average daily attendance and three percent (3%) overall growth for the five (5) preceding years;

b. Bonded debt to the maximum capability of at least eighty percent (80%) of capital outlay from the Support Education Excellence in Kentucky funding program, all revenue from the local facility tax, and all receipts from state equalization on the local facility tax;

c. Current student enrollment in excess of available classroom space; and

d. A local school facility plan that has been approved by the Kentucky Board of Education and certified to the School Facilities Construction Commission.

(b) 1. In addition to the levy authorized by paragraph (a) of this subsection, a local school district may levy an additional five cents ($0.05) equivalent rate under the same terms and conditions established by paragraph (a) of this subsection beginning in fiscal year 2003-2004 if the levy was made prior to April 24, 2008, and if the local school district:

a. Levied the five cents ($0.05) equivalent rate authorized by paragraph (a) of this subsection; and

b. Still meets the requirements established by paragraph (a)2. of this subsection.

2. Any school district that imposes both the levy authorized by paragraph (a) of this subsection and the additional levy authorized by subparagraph 1. of this paragraph shall receive equalization funding from the state for the levy imposed by paragraph (a) of this subsection beginning in fiscal year 2003-2004. Equalization shall be provided at one hundred fifty percent (150%) of the statewide average per pupil assessment, subject to the provision of funding by the General Assembly. Equalization funds shall be used as provided in KRS 157.440(1)(b).

3. Any levy imposed under this paragraph prior to April 24, 2008, by a local school district shall continue until removed by the local school district.

(c) 1. A local school district that meets the following conditions may levy an additional five cents ($0.05) equivalent rate on and after April 24, 2008:

a. The local school district is located in a county that will have more students as a direct result of the new mission established for Fort Knox by the Base Realignment and Closure (BRAC) 2005 issued by the United States Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990, Pub. L. No. 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. sec. 2687 note; and

b. The commissioner of education has determined, based upon the presentation of credible data, that the projected increased number of students is sufficient to require new facilities or the major renovation of existing facilities to accommodate the new students, and has approved the imposition of the additional levy.

2. Any local school district that imposes both the levy authorized by paragraph (a) of this subsection and the additional levy authorized by subparagraph 1. of this paragraph, and that has not received equalization funding under subsection (2) or (3) of this section, shall receive equalization funding from the state for the levy imposed by paragraph (a) of this subsection beginning in the fiscal year following the fiscal year in which the levy authorized by subparagraph 1. of this paragraph is imposed. Equalization shall be provided at one hundred fifty percent (150%) of the statewide average per pupil assessment, subject to the provision of funding by the General Assembly. Equalization funds shall be used as provided in KRS 157.440(1)(b).

3. Any levy imposed under this paragraph by a local school district shall continue until removed by the local school district.

(2) ***(a)*** Any local school district that, prior to ***the effective date of this Act***~~[April 24, 2008]~~, levied an equivalent rate that:

1.~~[(a)]~~ Was subject to recall at the time it was levied; and

2.~~[(b)]~~ Included a rate of at least five cents ($0.05) equivalent rate for the purpose of debt service for school construction or major renovation of existing school facilities;

shall be eligible for retroactive equalization from the state for that levy at one hundred fifty percent (150%) of the statewide average per pupil assessment beginning in fiscal year 2003-2004, subject to the ***fiscal condition of the Commonwealth and the*** provision of funding by the General Assembly. Equalization funds shall be used as provided in KRS 157.440(1)(b).

(b) It is the intent of the General Assembly that for levies described in this subsection that are imposed on or after the effective date of this Act, equalization funds, if provided by the General Assembly, shall terminate upon the earlier of June 30, 2038, or the date the bonds for the local school district supported by this equalization funding are retired. Equalization shall be subject to the fiscal condition of the Commonwealth and the provision of funding by the General Assembly.

(3) Any local school district that:

(a) Levied an equivalent tax rate as of April 24, 2008, that included at least ten cents ($0.10) that was devoted to building purposes, or that had debt service corresponding to a ten cents ($0.10) equivalent rate;

(b) Did not receive equalized growth funding pursuant to subsection (1)(b)2. of this section; and

(c) Has been approved by the commissioner of education;

shall be eligible for equalization from the state for that levy at one hundred fifty percent (150%) of the statewide average per pupil assessment beginning in fiscal year 2005-2006, subject to the provision of funding by the General Assembly. Equalization funds shall be used as provided in KRS 157.440(1)(b). Equalization funds shall be available to a local school district pursuant to this subsection until the earlier of June 30, 2025, or the date the bonds for the local school district supported by this equalization funding are retired.

(4) (a) Notwithstanding any other provision of this section, any local school district receiving equalization funding ***prior to the effective date of this Act***~~[on April 24, 2008]~~, related to an equivalent rate levy described in subsection (1), (2),~~[or]~~ (3)***, or (5)*** of this section shall continue to receive the equalization funding related to the applicable equivalent rate levy, subject to the limitations established by subsections (1), (2),~~[and]~~ (3)***, and (5)*** of this section, and subject to the ***fiscal condition of the Commonwealth and the*** provision of funding by the General Assembly, until amended by subsequent action of the General

Assembly. A local school district described in this paragraph shall not be eligible to receive equalization for any additional equivalent rate levies made by it on or after ***the effective date of this Act***~~[April 24, 2008]~~.

(b) Notwithstanding any other provision of this section, any local school district that has imposed an equivalent rate levy described in subsection (1)(a) or (b) or (2) of this section ***prior to the effective date of this Act***~~[as of April 24, 2008]~~, that qualifies for equalization but that has not yet received equalization funding shall be eligible for equalization funding as provided in subsection (1)(a) or (b) or (2) of this section, subject to the provision of funding by the General Assembly.

(c) On and after April 24, 2008, a local school district not included in paragraph (a) or (b) of this subsection shall be prohibited from imposing an equivalent rate levy under the provisions of subsection (1)(a) or (b) of this section, and shall not be eligible for equalization funding under the provisions of this section.

(d) On and after April 24, 2008, a local school district meeting the requirements of subsection (1)(c) of this section may impose the levy authorized by subsection (1)(c) of this section, and shall qualify for equalization as provided in subsection (1)(c) of this section, subject to the provision of funding by the General Assembly.

(5) (a) Any local school district that:

1. Had school facilities classified as Category 5 on May 18, 2010, by the Kentucky Department of Education; and

2. Levied an additional five cents ($0.05) equivalent tax rate prior to the effective date of this Act for debt service, new construction, and major renovation beyond the five cents ($0.05) equivalent tax rate required by KRS 157.440(1)(b), except as provided in paragraph (b) of this subsection;

shall be eligible for equalization from the state for that levy at one hundred fifty percent (150%) of the statewide average per pupil assessment beginning in the fiscal year following the fiscal year in which the levy was imposed. This levy shall be subject to the recall provisions of KRS 132.017.

(b) School districts that levied a five cents ($0.05) equivalent tax rate for debt service, new construction, and major renovation, beyond the rate required by KRS 157.440(1)(b) prior to May 18, 2010, shall not be required to levy an additional tax to receive the equalization funds provided in paragraph (a) of this subsection.

(c) If the school district utilizes the equalization funds to support a bond issue for construction purposes, equalization funds shall be provided until the earlier of twenty (20) years or date the bonds are retired.

(d) In the event that a school district receives funding pursuant to this subsection to support construction of a new school facility and subsequently, as a result of litigation, receives funding for the same facility for which state funds were provided, that school district shall reimburse the Commonwealth an amount equal to the amount provided under paragraph (a) of this subsection. Any funds received in this manner shall be deposited in the Budget Reserve Trust Fund Account established in KRS 48.705.

➔Section 6. KRS 158.070 is amended to read as follows:

(1) As used in this section:

(a) ***"Election" has the same meaning as in KRS 121.015;***

(b) "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;

(c)~~[(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;

(d)~~[(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;

(e)~~[(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

(f)~~[(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.

(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 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) (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 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.

(f) Each local board may close schools for the number of days deemed necessary for:

1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;

2. Local emergency 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) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)(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.

(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) (a) ***1.*** 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.

2. 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.

3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.

4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.

5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.

(b) 1. ***If any school in a district is used as a polling place, the*** school ***district*** shall be closed on the day of ***the***~~[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.

2. A district may be open on the day of an election if no school in the district is used as a polling place.

(c)~~[(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 (3)(d) of this section; or

2. Not include the day in the minimum school term specified in subsection (1) of this section.

(6) (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 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 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) Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.

(8) 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 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 day.

(9) 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, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have an alternative instruction plan approved by the commissioner of education for the use of 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 granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.

(10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (2) 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 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 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) Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance 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 days, professional development days, holidays, and days for planning activities without the presence of students; and

2. The provisions of the district's school calendar to make up student attendance 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 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 days.

➔Section 7. KRS 224.50-868 is amended to read as follows:

(1) Until June 30, ***2018***~~[2016]~~, 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 8. (1) 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.

(2) Executive Agency Lobbyists Registration Fee: Notwithstanding KRS 11A.211(5), the registration fee paid shall be $500.

(3) 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 government or agency that is the subject of the audit. 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 audits of other state agencies shall be charged to the agency that is the subject of such audit. 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.

(4) 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.

(5) 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.

(6) Pro Rata Assessment: 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 in a Restricted Funds account within the Personnel Cabinet.

(7) 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.

(8) Speed Title Procedure for Motor Vehicles: Notwithstanding KRS 186A.170(1)(b) and 601 KAR 9:200, sec. 2, (5) to the contrary, salvage or rebuilt titles shall be processed through the speed title procedure when an electronic notification is issued by a county clerk's office. The speed title fee provided in KRS 186A.130(3) shall apply.

➔Section 9. Assessment on Insurers: Notwithstanding KRS 304.17B-021 or any other provision of the Kentucky Revised Statutes to the contrary, for insurers who offer qualified health plans (QHPs), as defined in 42 U.S.C. sec. 18021, in the 2017 or 2018 plan year on the federal exchange in the individual market segment, the amount of the assessment imposed by KRS 304.17B-021 on health benefit plan premiums written in the individual market segment may be independently determined by the Department of Insurance but shall not exceed the maximum set forth in KRS 304.17B-021.

➔Section 10. Section 8 of this Act is effective for and applies to the fiscal year beginning July 1, 2016, and ending June 30, 2017, and the fiscal year beginning July 1, 2017, and ending June 30, 2018, and shall expire at the end of June 30, 2018.

➔Section 11. Section 9 of this Act is effective for and applies to the plan year beginning January 1, 2017, and ending December 31, 2017, and the plan year beginning January 1, 2018, and ending December 31, 2018, and shall expire at the end of December 31, 2018.

➔Section 12. Whereas this Act applies to the balancing of the Executive Branch Budget, 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 27, 2016.

CHAPTER 139

(HB 158)

AN ACT relating to postsecondary financial aid for students with intellectual disabilities.

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

➔Section 1. KRS 164.7882 is amended to read as follows:

(1) Notwithstanding any other statute to the contrary, a student shall be eligible for a Kentucky educational excellence scholarship who:

(a) 1. Received an alternative high school diploma described in KRS 158.140(2)(b) after June 30, 2012; or

2. Attended a Kentucky public high school after June 30, 2008, and is a student with an intellectual disability as defined in 34 C.F.R. sec. 668.231; and

(b) Enrolls in a comprehensive transition and postsecondary program at a participating institution located in Kentucky.

(2) A student enrolled in credit-bearing or non-credit-bearing courses as part of a comprehensive transition and postsecondary program ***prior to the 2016-2017 academic year*** shall receive:

(a) Two hundred fifty dollars ($250) for enrollment in at least six (6) hours in an academic term; and

(b) One hundred twenty-five dollars ($125) for enrollment in less than six (6) hours in an academic term.

(3) A student enrolled in credit-bearing or non-credit-bearing courses as part of a comprehensive transition and postsecondary program beginning with the 2016-2017 academic year shall receive:

(a) Five hundred dollars ($500) for enrollment in at least six (6) hours in an academic term; and

(b) Two hundred fifty dollars ($250) for enrollment in less than six (6) hours in an academic term.

(4) ~~[(3)]~~ A student shall be eligible for a scholarship under this section for a maximum of eight (8) academic terms.

(5) ~~[(4)]~~ The authority shall promulgate administrative regulations establishing the procedures for making awards under this section.

Signed by Governor April 27, 2016.

CHAPTER 140

(HB 384)

AN ACT relating to local health and fitness incentive programs for local emergency services personnel.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 64 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Emergency services personnel" means any nonelected persons employed by or volunteering for a:

1. Fire department operating under KRS Chapter 67 or 95 or under the authority of an urban-county government, consolidated local government, charter-county government or unified local government;

2. Police department operating under KRS Chapter 67 or 95 or under the authority of an urban-county government, consolidated local government, charter-county government, or unified local government; or

3. Sheriff's department; and

(b) "Local government" means a city, county, urban-county government, charter county government, consolidated local government, or unified local government.

(2) Any local government or group of local governments may elect, through the adoption of an ordinance, or identical ordinances in the case of a group of local governments, to establish an incentive program for emergency services personnel to be rewarded for their leadership in achieving health and fitness goals that can be a model for others in the community.

(3) The ordinance or ordinances shall specify what measures shall be part of the incentive program, which may include the following health and fitness indicators:

(a) Fasting blood lipid levels that include total cholesterol, low density lipoproteins, high density lipoproteins, and triglycerides;

(b) Fasting glucose levels;

(c) Systolic and diastolic blood pressure levels, the measurement of which is encouraged to be recorded when the participant is in a more relaxed state;

(d) Fitness levels, including activities such as distances walked, pushups, sit-ups, pull-ups, and, in lieu of pull-ups for females, timed hangs;

(e) Body fat percentages;

(f) Body mass index; and

(g) Any other measure of fitness or health as determined by the local government, such as a reduction in the use of tobacco products or sodium.

The ordinance or ordinances may provide considerations for differences in age and gender of the emergency services personnel. Local governments are encouraged, at a minimum, to include in their program the measures indicated in paragraphs (a) to (c) of this subsection.

(4) (a) Local governments may reward participants who make the most positive gains in the health and fitness indicators measured by the local government.

(b) The ordinance or ordinances shall clearly set out what health and fitness standards will be rewarded within the selected measures.

(5) The ordinance or ordinances may include a step-based system of awards, in the instance if a certain standard is met consistently or consecutively for an established duration of time, the reward is to be incrementally increased.

(6) The ordinance or ordinances, in addition to or in lieu of rewarding individual emergency services personnel performance, may reward performance to a particular department or any combination of departments either in the local government or among different local governments.

(7) The reward may be monetary in nature, or any other consideration or reward not otherwise prohibited by state or federal law.

(8) A local government may, by ordinance, elect to repeal the program.

(9) Any monetary reward provided under this section shall not be included in the calculation for a retirement allowance for any emergency services personnel participating in the County Employees Retirement System set out in KRS 78.510 to 78.852.

(10) A local government shall follow any applicable state and federal laws in the gathering of any health and fitness data from participants in the program, including the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

(11) Local governments are encouraged to acquire health and fitness baseline data for the participants by using previously collected health and fitness data or by collecting health and fitness data on the participants at the beginning of the program or when they begin participating in the program.

(12) Each local government adopting an ordinance pursuant to this section shall send a copy of its ordinance, and any amendments thereto, to the Kentucky Department for Local Government. The ordinance or amendment may be sent electronically or by any other method deemed suitable by the local government. The ordinances and amendments shall be deemed public records pursuant to KRS 61.870 to 61.884.

(13) A local government may accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be used for the sole purpose of this section and shall be placed in a separate account apart from all other funds of the local government.

(14) Nothing in this section shall be construed to prohibit any local government from enacting or establishing alternative incentives or from participating in other incentive programs for the rewarding of health or fitness levels or goals.

(15) Participation in the program shall be voluntary on the part of emergency services personnel. The failure of any emergency services personnel to meet a standard set out in this program, or to participate in the program, shall not be used as a measure of his or her job-related performance.

Signed by Governor April 27, 2016.

CHAPTER 141

(HB 609)

AN ACT relating to peace officers.

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

➔Section 1. KRS 61.886 is amended to read as follows:

(1) As used in KRS 61.886 to 61.892:

(a) "Commission" means the Breaks Interstate Park Commission created in KRS 148.220; and

(b) "TVA" means the Tennessee Valley Authority.

(2) The Tennessee Valley Authority or the Breaks Interstate Park Commission may apply to the Governor for the appointment and commissioning of peace officers. Such persons shall be selected from a list submitted by TVA or the commission to the Governor. The Governor, upon such application being made and upon the payment to ***the Kentucky State Treasurer***~~[him or her]~~ of a one (1) time fee of five dollars ($5) for each officer to be appointed, shall appoint, for annually renewable terms of one (1) year, such persons or as many thereof as ***the Governor***~~[he or she]~~ deems proper to be such peace officers and shall give commissions to those appointed. Appointments and annual renewals of appointments under this subsection shall be subject to approval by the sheriff of each county in which the peace officer will normally operate, not including counties into which he or she may pursue and arrest persons under KRS 61.887. ***Such commissions shall be recorded in the office of Secretary of State.***

(3) ***Upon the request of the commission, the commissioner of the Department of Parks may request the Governor to appoint and commission individuals designated by the commissioner that meet the requirements of Section 3 of this Act as peace officers. The Governor, upon such application being made and upon the payment to the Kentucky State Treasurer of a one (1) time fee of five dollars ($5) for each officer to be appointed, shall appoint for annually renewable terms of one (1) year such persons or as many thereof as the Governor deems proper to be such peace officers and shall give commissions to those appointed. Appointments and annual renewals of appointments under this subsection shall be subject to approval by the sheriff of each county in which the peace officer will normally operate, not including counties into which he or she may pursue and arrest persons under KRS 61.887.*** Such commissions shall be recorded in the office of Secretary of State.

(4) No person shall be eligible for appointment and commission as a TVA or commission peace officer unless he or she has established to the satisfaction of the Governor that, except for county residency requirements, he or she***:***

(a) Possesses the qualifications prescribed for nonelective peace officers by KRS 61.300***;*** and~~[, in addition, that he or she]~~

(b) Is a resident of Kentucky, or an adjoining state in which TVA or the commission operates, and has been for at least two (2) years at the time of his or her appointment.

(5) A TVA or commission peace officer shall not be considered a hazardous duty position within the meaning of KRS 61.592 and shall not be eligible to participate in the Kentucky Law Enforcement Foundation Program fund unless the officer meets the requirements of KRS 15.382, 15.404, and 15.440.

➔Section 2. KRS 61.887 is amended to read as follows:

(1) ***(a)*** Each TVA or commission ***peace*** officer appointed and commissioned pursuant to KRS 61.886 to 61.892 throughout every county in the Commonwealth in which TVA or the commission operates or owns or controls property, including leasehold interests:

1.~~[(a)]~~ Shall have and exercise the powers of sheriffs in making arrests for public offenses committed upon, about, or against such property or on public roads and the rights-of-way passing through or over such property;

2.~~[(b)]~~ Shall have and exercise the powers of sheriffs in making arrests in any situation in which a person is placed in imminent danger of death or serious injury;

3.~~[(c)]~~ Shall have authority to carry weapons for the reasonable purposes of his or her office and in performance of his or her assigned duties;

4.~~[(d)]~~ While in pursuit of a person fleeing after committing an act described in ***subparagraph 1. or 2. of this*** paragraph~~[(a) or (b) of this subsection]~~, may pursue the person and make arrest anywhere in the Commonwealth; and

5.~~[(e)]~~ Shall be subject to all the liabilities of sheriffs.

(b) In addition to the powers enumerated in paragraph (a) of this subsection, commission peace officers shall have the power to enforce the rules and regulations of the commission.

(2) TVA officers ***or commission peace officers*** appointed and commissioned pursuant to KRS 61.886 to 61.892 may, throughout any county in the Commonwealth in which TVA ***or the commission*** operates or owns or controls property, including leasehold interests, have and exercise the powers of sheriff in that county if the sheriff of that county provides prior written authorization to the TVA ***or commission*** defining the extent of supplemental authority being granted. Any supplemental authority granted pursuant to this subsection shall

expire with the officer's commission granted under KRS 61.886 and may be renewed, as provided in this subsection, upon renewal of the commission authorized under KRS 61.886.

(3) When countywide authority has not been granted under subsection (2) of this section, a sheriff of a county in which the TVA ***or commission*** has property, the chief of police of a city within the county, or the commissioner of the Department of Kentucky State Police may extend peace officer authority within the city or county, as appropriate, during a disaster or other emergency.

➔SECTION 3. A NEW SECTION OF KRS 61.886 TO 61.892 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner of the Department of Parks shall ensure that an employee of the commission that is being recommended by the commission to be appointed and commissioned in accordance with subsection (3) of Section 1 of this Act shall:

(a) Meet the minimum qualifications of subsection (4) of Section 1 of this Act;

(b) Abide by the Department of Parks' law enforcement in-service training requirements, if any; and

(c) Abide by the law enforcement directive of the Department of Parks, unless exceptions by the department are granted in writing.

(2) Expenses associated with training and equipping an employee of the commission as a commission peace officer to the Department of Parks' standards shall be paid by the commission unless otherwise agreed upon by the department.

Signed by Governor April 27, 2016.

CHAPTER 142

(SB 191)

AN ACT relating to reorganization and declaring an emergency.

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

➔Section 1. KRS 247.090 is amended to read as follows:

(1) The State Fair Board shall be composed of ***seventeen (17)*** ~~[fifteen (15)]~~ members, as follows:

(a) The Governor ***or his or her designee***;

(b) The Commissioner ***of Agriculture or his or her designee***;

(c) The dean of the ***University of Kentucky*** College of Agriculture***, Food and Environment or his or her designee*** ~~[of the University of Kentucky]~~;

(d) ***Five (5)*** ~~[Nine (9)]~~ members appointed ***by the Governor*** from the state at large ~~[by the Governor]~~ with due consideration to geographical distribution throughout the state;

(e) ***One (1) member appointed by the Governor from the state at large who is involved with, or experienced in, agribusiness;***

(f) One (1) member appointed by the Governor from a list of six (6) nominees that are representative of all segments of animal agriculture provided by trade organizations and commodity groups that may include but not be limited to the Kentucky Cattlemen's Association, Kentucky Dairy Development Council, Kentucky Livestock Improvement Association, Kentucky Pork Producers Association, Kentucky Poultry Federation, and Kentucky Sheep and Goat Development Office;

(g) One (1) member appointed by the Governor from a list of six (6) nominees that are representative of all segments of crop or plant production provided by trade organizations or commodity groups that may include but not be limited to Kentucky Corn Growers Association, Kentucky Grape and Wine Council, Kentucky Horticulture Council, Kentucky Small Grain Growers Association, and Kentucky Soybean Association;

(h) One (1) member appointed by the Governor from a list of six (6) nominees submitted by the governing body of the American Saddlebred Horse Association;

(i) One (1) member appointed by the Governor from a list of six (6) nominees provided by the Kentucky Farm Bureau Federation;

(j) One (1) member appointed by the Governor from a list of six (6) nominees provided by the Kentucky Association of Fairs and Horse Shows;

(k) One (1) member appointed by the Governor from a list of six (6) nominees provided by the Louisville Convention and Visitors Bureau representing the hospitality and tourism industry;

(l) The state president of the Kentucky FFA Association, who shall serve as an ex officio, nonvoting member for the duration of his or her term as student leader of the association; and

(m) The state president of the Kentucky 4-H Organization, who shall serve as an ex officio, nonvoting member for the duration of his or her term as student leader of the organization~~[One (1) member appointed by the Governor selected from a list provided by the Kentucky Association of Fairs and Horse Shows of six (6) eligible members of the association; and~~

~~(f) One (1) member shall be appointed from the state at large by the President of the Senate of the Kentucky General Assembly and one (1) member shall be appointed from the state at large by the Speaker of the House of Representatives of the Kentucky General Assembly]~~.

(2) The terms of the~~[appointed]~~ members of the board ***appointed by the Governor*** shall be ***staggered terms. Members of the board shall be appointed to a term of***~~[for]~~ four (4) years ***and shall serve until their successors are duly appointed and qualified. Members of the board shall be appointed to no more than three (3) terms that began on or after the effective date of this Act. Terms that began prior to the effective date of this Act shall not count toward the term limits established by this subsection***~~[, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify]~~. As the terms of each group of members expire, the Governor shall appoint successors for terms of four (4) years and until their successors are appointed and qualify. ***The initial appointments shall be for staggered terms, as follows:***

(a) Three (3) members shall be appointed for one (1) year;

(b) Three (3) members shall be appointed for two (2) years;

(c) Three (3) members shall be appointed for three (3) years; and

(d) Three (3) members shall be appointed for four (4) years.

Initial members shall be appointed by the Governor within thirty (30) days of the effective date of this Act.~~[Beginning with the appointments to be made for the terms commencing December 12, 1948, one (1) member of the first group of successor members to be appointed shall be appointed from a list of six (6) nominees consisting of three (3) names from each of the two (2) political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Livestock Improvement Association, and beginning December 12, 1972, one (1) member of the first group shall be appointed from a list of six (6) nominees so submitted by the governing body of the Kentucky State National Farmers Organization; one (1) member of the second such group shall be appointed from a list of six (6) nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one (1) member of the third group shall be appointed from a list of six (6) nominees so submitted by the governing body of the Kentucky Farm Bureau Federation.]~~ It is the intention of the General Assembly that the political affiliation of the appointed members shall be as evenly divided as possible between the two (2) political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term ~~[so occurring]~~shall be filled pursuant to the requirements and procedures for original appointments.

➔Section 2. KRS 247.100 is amended to read as follows:

~~[(1)]~~The State Fair Board shall be a body corporate with the usual corporate powers. Full minutes and records shall be kept of all meetings of the board and all official actions of the board shall be recorded therein, and such minutes and records shall constitute public records and be available at all reasonable times for public inspection.

~~[(2) A quorum of the board shall consist of five (5) members, and a majority of those present at any meeting of the board may act for the board upon any matter which may legally come before such meeting.]~~

➔Section 3. KRS 247.110 is amended to read as follows:

(1) The Governor shall appoint one (1) member of the board to serve as its chair. The Governor shall further designate a second member to serve as vice chair with authority to act in the absence of the chair. The chair and vice chair shall each serve for a period of one (1) year and may be reappointed by the Governor for subsequent years to those positions.

(2) The board shall meet monthly, a minimum of ten (10) months per year. A majority of the voting members of the board shall constitute a quorum for the transaction of business.

(3) The board shall 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 function and duties.

(4) ~~[The State Fair Board shall elect annually from among the members the Governor shall appoint a chairman and a vice chairman.]~~The board shall elect and employ a secretary who shall be responsible directly to the board as the keeper of all records pertaining to the operation of the fair or the business of the board. The president and chief executive officer provided for in KRS 247.130 shall be ex officio treasurer to the board.

➔Section 4. KRS 247.120 is amended to read as follows:

Members of the board, including the state president of the Kentucky FFA Association and the state president of the Kentucky 4-H Organization, shall receive one hundred dollars ($100) per day for each meeting attended, and shall be reimbursed for all reasonable and necessary expenses paid or incurred in the discharge of official business~~[The members of the State Fair Board shall be allowed their necessary traveling and hotel expenses, and shall be allowed one hundred dollars ($100) per day for attending the meetings of the State Fair Board, which shall not exceed ninety-six (96) in number in any one (1) year, and for services rendered in carrying on the State Fair]~~.

➔Section 5. KRS 247.140 is amended to read as follows:

(1) The State Fair Board:

(a) Shall have the custody and control of such property as now is under its custody and control, and of such property as may hereafter be placed under its control or transferred to it by the State Property and Buildings Commission, for any purposes mentioned in this section and the physical properties so under its custody and control or transferred to it are hereinafter referred to in this section, and in KRS 247.150 and 247.160, as the "state fairgrounds and an area in a city of the first class to be used as an exhibition center."

(b) May erect and repair buildings on the state fairgrounds and exhibition center, make any and all necessary or proper improvements, and generally carry on a program of development and extension of facilities designed to accomplish the objectives defined in this section.

(c) Shall promote the progress of the state and stimulate public interest in the advantages and development of the state by providing the facilities of the state fairgrounds for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions calculated to advance the educational, physical, and cultural interests of the public and by providing the facilities of the exhibition center for conventions, trade shows, public gatherings, and other functions calculated to advance and enhance the visitor industry, economy, entertainment, cultural and educational interests of the public.

(d) ***Shall***~~[May]~~ hold an annual fair on the state fairgrounds, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral, and all other industrial interests of the state, and prepare premium lists and establish rules of exhibition for the fair.

(e) May purchase liability insurance for the members and executive officers exempted from the classified service of the state by KRS 18A.115.

(f) Shall operate ***shows and expositions that include but are not limited to*** the North American International Livestock Exposition***, Kentucky State Fair and World's Championship Horse Show, and National Farm Machinery Show***~~[, which shall be under the direction of a director appointed by the Governor upon the recommendation of the North American International Livestock Exposition Executive Committee]~~.

(2) The State Fair Board may take, acquire and hold property, and all interest therein, by deed, gift, devise, bequest, lease, or eminent domain, or by transfer from the State Property and Buildings Commission, and may dispose of any property so acquired in the manner provided by law. In the exercise of its power of eminent domain it shall proceed in the manner provided in the Eminent Domain Act of Kentucky.

➔Section 6. KRS 247.220 is amended to read as follows:

(1) The Commissioner of Agriculture shall make grants of state funds to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.

(2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this section. No grant for buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Grants for facilities shall be made under regulations promulgated by the Fair Council and the Commissioner of Agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.

(3) There shall be a Fair Council in the Department of Agriculture. The council shall act in an advisory capacity to the Commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session when there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at any other place that may be determined.

(4) (a) The council shall be composed of the:

1. Commissioner as chairman ex officio;

2. Presidents or their designated representatives of the following state groups:

~~[a. Kentucky Livestock Improvement Association;]~~

a.~~[b.]~~ Kentucky Farm Bureau Federation;

b.~~[c.]~~ Kentucky Association of Fairs and Horse Shows, Inc.;

c.~~[d.]~~ Kentucky ***Colt Racing***~~[Harness Horse]~~ Association;

d.~~[e.]~~ American Saddlebred Horse Association; and

e.~~[f.]~~ Kentucky Walking Horse Association;

3. ***Agricultural Education Consultant of the Kentucky Department of Education***~~[Director of Vocational Agriculture Education]~~;

4. Dean of the ***University of Kentucky*** College of Agriculture***, Food and Environment***~~[of the University of Kentucky]~~;~~[and]~~

5. Co-chairs of the Interim Joint Committee on Agriculture***; and***~~[.]~~

6. A representative appointed by the Commissioner who is involved with, or experienced in, animal agriculture.

(b) The Commissioner may, with the concurrence of a majority of the members of the council, appoint additional members to the council.

(5) To qualify for a grant of state funds, a fair shall meet standards set by the Commissioner and his advisory council whose approval may be given only if the fair:

(a) Provides in its bylaws for holding an annual fair running for at least three (3) days;

(b) Presents, through the medium of youth organizations such as 4-H clubs, Future Farmers of America, and other similar organizations, an educational program concerning the production and marketing of the livestock, poultry, and horse industries;

(c) Complies with all administrative regulations which the Department of Agriculture is hereby authorized to promulgate; and

(d) Appoints one (1) or more members to its fair board from local livestock associations, horsemen's associations, and county farm bureaus, and selects one (1) or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever local livestock associations, horsemen's associations, and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing premium lists and planning agricultural exhibits.

(6) Any fair receiving a grant of state funds shall file with the director of the Division of Show and Fair Promotion in the Department of Agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a certified notarized financial report submitted by the treasurer of the local fair association.

➔Section 7. KRS 247.226 is amended to read as follows:

There is created the North American International Livestock Exposition Executive Committee which shall be attached for administrative purposes to the North American International Livestock Exposition Branch within the Division of Expositions within the State Fair Board.~~[The membership of the committee shall consist of eleven (11) members as follows: two (2) members at-large appointed by the Governor; the chairman of the State Fair Board; the Commissioner of the Department of Agriculture; the dean of the University of Kentucky School of Agriculture; and the chairpersons of the six (6) advisory subcommittees of the committee. The committee shall elect one (1) of its members to serve as chairperson. The terms of the members appointed by the Governor shall be concurrent with that of the Governor. The terms of the other members shall be concurrent with their respective, representative positions.]~~ The committee members shall receive no salary but shall be reimbursed for their expenses incurred in the performance of their duties in accordance with state regulations and such expenses shall be paid from agency receipts.

➔Section 8. KRS 247.228 is amended to read as follows:

The North American International Livestock Exposition Executive Committee shall have ~~[six (6)]~~ advisory subcommittees which shall provide advice and recommendations to the committee regarding exposition matters. ***These subcommittees shall be inclusive of all livestock approved to participate at the North American International Livestock Exposition. Members shall be experienced or knowledgeable in skills which would assist in the management of the Exposition.***~~[These subcommittees shall be the Dairy Advisory Subcommittee, the Beef Advisory Subcommittee, the Sheep Advisory Subcommittee, the Swine Advisory Subcommittee, the Equine Advisory Subcommittee, and the Consultant Advisory Subcommittee. The livestock subcommittee memberships shall be determined by the respective dairy, beef, sheep, swine, and equine breed associations approved to participate at the exposition, except that no breed association shall appoint more than three (3) of its members to the appropriate subcommittee. The consultant advisory subcommittee membership shall be determined by invitation of the State Fair Board and shall be no more than eight (8) people who are experienced or knowledgeable in skills which would assist in the management of the exposition.]~~

➔Section 9. The following KRS section is repealed:

247.200 Free passes prohibited.

➔Section 10. Upon the effective date of this Act, all authority, functions, and responsibilities vested in the former Kentucky State Fair Board shall be transferred to the newly re-created and established Kentucky State Fair Board, which shall utilize the authority, functions, and responsibilities to carry out the functions of the board. The Kentucky State Fair Board as it existed under Executive Order 2015-398, dated June 23, 2015, is hereby abolished, and the terms of office of the current appointees to the board shall conclude on the effective date of this Act, regardless of the date of any individual's appointment. All duties, functions, responsibilities, records, equipment, staff, and supporting budgets of the former Kentucky State Fair Board and all functions, rights, powers, duties, and obligations as set forth in the Kentucky Revised Statutes and other relevant provisions of the law are hereby transferred to the newly re-created and established board. On the effective date of this Act, Executive Order 2015-398 is nullified and ceases to have any effect.

➔Section 11. Whereas the Kentucky State Fair Board is instrumental in attracting world-class events in the agricultural, agribusiness, and entertainment arenas, as well as establishing regulatory and marketing considerations necessary to promote the safety and success of these endeavors, 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 27, 2016.

CHAPTER 143

(SB 18)

AN ACT relating to medical coverage.

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

➔Section 1. KRS 304.17A-578 is repealed, reenacted as a new section of KRS Chapter 304.17A, and amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Material change" means a change to a contract, the occurrence and timing of which is not otherwise clearly identified in the contract, that decreases the health care provider's payment or compensation or changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expense***, and includes any changes to provider network requirements, or inclusion in any new or modified insurance products***; and

(b) "Participating provider" means a ***provider*** ~~[physician licensed under KRS Chapter 311, an advanced practice registered nurse licensed under KRS Chapter 314, a psychologist licensed under KRS Chapter 319, or an optometrist licensed under KRS Chapter 320]~~ that has entered into an agreement with an insurer to provide health care services.

(2) ***Each insurer offering a health benefit plan shall establish procedures for changing an existing agreement with a participating provider that shall include the requirements of this section.***

(3) If an insurer offering a health benefit plan makes any material change to an agreement it has entered into with a participating provider for the provision of health care services, the insurer shall provide the participating provider with at least ninety (90) days' notice of the material change. The notice of a material change required under this section shall:

(a) Provide the proposed effective date of the change;

(b) Include a description of the material change;

(c) Include a statement that the participating provider has the option to either accept or reject the proposed material change in accordance with this section;

(d) Provide the name, business address, telephone number, and electronic mail address of a representative of the insurer to discuss the material change, if requested by the participating provider;

(e) Provide notice of the opportunity for a meeting using real-time communication to discuss the proposed changes if requested by the participating provider. For purposes of this paragraph, "real-time communication" means any mode of telecommunications in which all users can exchange information instantly or with negligible latency and includes the use of traditional telephone, mobile telephone, teleconferencing, and videoconferencing. If requested by the provider, the opportunity to communicate to discuss the proposed changes may occur via electronic mail instead of real-time communication; and

(f) Provide notice that upon three (3) material changes in a twelve (12) month period, the provider may request a copy of the contract with material changes consolidated into it. Provision of the copy of the contract by the insurer shall be for informational purposes only and shall have no effect on the terms and conditions of the contract.

(4) If a material change relates to the participating provider's inclusion in any new or modified insurance products, or proposes changes to the participating provider's membership networks:

(a) The material change shall only take effect upon the acceptance of the participating provider, evidenced by a written signature; and

(b) The notice of the proposed material change shall be sent by certified mail, return receipt requested.

(5) For any other material change not addressed in subsection (4) of this section:

(a) 1. The material change shall take effect on the date provided in the notice unless the participating provider objects to the change in accordance with this paragraph.

2. A participating provider who objects under this paragraph shall do so in writing and the written protest shall be delivered to the insurer within thirty (30) days of the participating provider's receipt of notice of the proposed material change.

3. Within thirty (30) days following the insurer's receipt of the written objection, the insurer and the participating provider shall confer in an effort to reach an agreement on the proposed change or any counter-proposals offered by the participating provider.

4. If the insurer and participating provider fail to reach an agreement during the thirty (30) day negotiation period described in subparagraph 3. of this paragraph, then thirty (30) days shall be allowed for the parties to unwind their relationship, provide notice to patients and other affected parties, and terminate the contract pursuant to its original terms; and

(b) The notice of proposed material change shall be sent in an orange-colored envelope with the phrase "ATTENTION! CONTRACT AMENDMENT ENCLOSED!" in no less than fourteen (14) point boldface Times New Roman font printed on the front of the envelope. This color of envelope shall be used for the sole purpose of communicating proposed material changes and shall not be used for other types of communication from an insurer~~[If an insurer issuing a managed care plan makes a material change to an agreement it has entered into with a participating provider for the provision of health care services, the insurer shall provide the participating provider with at least ninety (90) days' written notice of the material change. The notice shall include a description of the material change and a statement that the participating provider has the option to withdraw from the agreement prior to the material change becoming effective pursuant to subsection (3) of this section]~~.

~~[(3) A participating provider who opts to withdraw following notice of a material change pursuant to subsection (2) of this section shall send written notice of withdrawal to the insurer no later than forty-five (45) days prior to the effective date of the material change.]~~

(6)~~[(4)]~~ If an insurer issuing a ***health benefit***~~[managed care]~~ plan makes a change to an agreement that changes an existing prior authorization, precertification, notification, or referral program, or changes an edit program or specific edits, the insurer shall provide notice of the change to the participating provider at least fifteen (15) days prior to the change.

(7) Any notice required to be mailed pursuant to this section shall be sent to the participating provider's point of contact, as set forth in the provider agreement. If no point of contact is set forth in the provider agreement, the insurer shall send the requisite notice to the provider's place of business addressed to the provider.

➔Section 2. KRS 205.522 is amended to read as follows:

A managed care organization that provides Medicaid benefits pursuant to this chapter shall comply with the provisions of ***Section 1 of this Act and*** KRS 304.17A-740 to 304.17A-743.

➔Section 3. KRS 304.17C-060 is amended to read as follows:

(1) An insurer shall file with the commissioner sample copies of any agreements it enters into with providers for the provision of health care services. The commissioner shall promulgate administrative regulations prescribing the manner and form of the filings required. The agreements shall include the following:

(a) A hold harmless clause that states that the provider may not, under any circumstance, including:

1. Nonpayment of moneys due to providers by the insurer;

2. Insolvency of the insurer; or

3. Breach of the agreement,

bill, charge, collect a deposit, seek compensation, remuneration, or reimbursement from, or have any recourse against the subscriber, dependent of subscriber, enrollee, or any persons acting on their behalf, for services provided in accordance with the provider agreement. This provision shall not prohibit collection of deductible amounts, copayment amounts, coinsurance amounts, and amounts for noncovered services;

(b) A survivorship clause that states the hold harmless clause and continuity of care clause shall survive the termination of the agreement between the provider and the insurer; and

(c) A clause requiring that if a provider enters into any subcontract agreement with another provider to provide health care services to the subscriber, dependent of the subscriber, or enrollee of a limited health service benefit plan, the subcontract agreement must meet all requirements of this subtitle and that all such subcontract agreements shall be filed with the commissioner in accordance with this subsection.

(2) ***Each insurer shall establish procedures for changing an existing agreement with a participating provider, as defined in Section 1 of this Act, which comply with Section 1 of this Act.***

(3) An insurer that enters into any risk-sharing arrangement or subcontract agreement shall file a copy of the arrangement with the commissioner. The insurer shall also file the following information regarding the risk-sharing arrangement:

(a) The number of enrollees affected by the risk-sharing arrangement;

(b) The health care services to be provided to an enrollee under the risk-sharing arrangement;

(c) The nature of the financial risk to be shared between the insurer and entity or provider, including but not limited to the method of compensation;

(d) Any administrative functions delegated by the insurer to the entity or provider. The insurer shall describe a plan to ensure that the entity or provider will comply with the requirements of this subtitle in exercising any delegated administrative functions; and

(e) The insurer's oversight and compliance plan regarding the standards and method of review.

(4)~~[(3)]~~ Nothing in this section shall be construed as requiring an insurer to submit the actual financial information agreed to between the insurer and the entity or provider. The commissioner shall have access to a specific risk-sharing arrangement with an entity or provider upon request to the insurer. Financial information obtained by the department shall be considered to be a trade secret and shall not be subject to KRS 61.872 to 61.884.

➔Section 4. KRS 304.17A-258 is amended to read as follows:

(1) For purposes of this section:

(a) "Therapeutic food, formulas, and supplements" means products intended for the dietary treatment of inborn errors of metabolism or genetic conditions***, including but not limited to mitochondrial disease,*** under the direction of a physician***, and includes the use of vitamin and nutritional supplements such as coenzyme Q10, vitamin E, vitamin C, vitamin B1, vitamin B2, vitamin K1, and L-carnitine***; and

(b) "Low-protein modified food" means a product formulated to have less than one (1) gram of protein per serving and intended for the dietary treatment of inborn errors of metabolism or genetic conditions under the direction of a physician.

(2) A health benefit plan that provides prescription drug coverage shall include in that coverage therapeutic food, formulas, supplements, and low-protein modified food products for the treatment of inborn errors of metabolism or genetic conditions***, including those that are compounded,*** if the therapeutic food, formulas, supplements, and low-protein modified food products are obtained for the therapeutic treatment of inborn errors of metabolism or genetic conditions***, including but not limited to mitochondrial disease,*** under the direction of a physician. Coverage under this subsection may be subject, for each plan year, to a cap of twenty-five thousand dollars ($25,000) for therapeutic food, formulas, and supplements and a separate cap for each plan year of four thousand dollars ($4,000) on low-protein modified foods. Each cap shall be subject to annual inflation adjustments based on the consumer price index. ***Coverage under this section shall not be denied because two (2) or more supplements are compounded.***

(3) The requirements of this section shall apply to all health benefit plans issued or renewed on and after ***the effective date of this Act***~~[July 15, 2008]~~.

(4) Nothing in this section or KRS 205.560, 213.141, or 214.155 shall be construed to require a health benefit plan to provide coverage for therapeutic foods, formulas, supplements, or low-protein modified food for the treatment of lactose intolerance, protein intolerance, food allergy, food sensitivity, or any other condition or disease that is not an inborn error of metabolism or genetic condition.

➔Section 5. This Act takes effect January 1, 2017.

Became law without Governor's signature April 28, 2016.

CHAPTER 144

(HCR 185)

A CONCURRENT RESOLUTION establishing the Kentucky Workers' Compensation Task Force.

WHEREAS, workers' compensation was enacted by the 1916 Kentucky General Assembly to establish wage replacement and medical benefits for employees who sustain injuries arising out of and in the scope of employment, and to grant protections to employers against the expense and liability of defending and paying claims of negligence associated with work-related injuries; and

WHEREAS, the original Workers' Compensation Act has continuously evolved to accommodate changes occurring over time, including provisions enacted by the General Assembly establishing professional administration of the Worker's Compensation Program in 1987, providing more affordable insurance coverage for high-risk employers in 1994, modifying the indemnity benefit structure in 1996, revising some of the changes made in 1996 in 2000, and altering the manner in which black lung claims were adjudicated in 2002; and

WHEREAS, since no major changes to the workers' compensation system have been undertaken since 2002, consideration must now be given to possible changes to the workers' compensation system to allow it to continue to evolve to meet the challenges of a constantly changing workers' compensation landscape, such as increased cost of medical care for injured workers; and

WHEREAS, all aspects of the Kentucky workers' compensation system must be studied and potentially realigned to adequately safeguard the rights of both employees and employers under the workers' compensation system and to ensure that income, medical, and vocational benefits continue to be delivered to injured workers in a timely and efficient manner;

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 Legislative Research Commission is hereby directed to create a Kentucky Workers' Compensation Task Force that shall study and develop consensus recommendations concerning possible procedural and substantive changes to the workers' compensation system in Kentucky, with particular focus on enhancing the system of delivering income, medical, and vocational benefits to injured workers and improving the administration of the Kentucky workers' compensation system.

➔Section 2. The task force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(1) Two members of the Senate, to be appointed by the President of the Senate, with one member being of the majority party in the Senate and who will serve as co-chair, and one member being of the minority party in the Senate;

(2) Two members of the House of Representatives, to be appointed by the Speaker of the House, with one member being of the majority party in the House of Representatives and who will serve as co-chair, and one member being of the minority party in the House of Representatives;

(3) Five representatives of the Kentucky AFL-CIO;

(4) Two representatives of the Kentucky Justice Association;

(5) Two representatives of the Kentucky Workers' Association;

(6) A representative of the Kentucky Chamber of Commerce;

(7) A representative of the Kentucky Association of Manufacturers;

(8) A representative of National Federation of Independent Business/Kentucky;

(9) A representative of the Kentucky Employers' Mutual Insurance Authority;

(10) A representative of the Kentucky Retail Federation;

(11) A representative of the Kentucky League of Cities;

(12) A representative of the Kentucky Association of Counties;

(13) A representative of self-insured employers in Kentucky to be selected jointly by the Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky Chamber of Commerce;

(14) A representative of Kentucky workers' compensation insurance carriers to be selected by the Commissioner of the Department of Insurance;

(15) The Secretary of the Labor Cabinet or his or her designee as an ex officio member; and

(16) The Commissioner of the Department of Workers' Claims or his or her designee as an ex officio member.

➔Section 3. The task force shall meet a minimum of three times during the 2016 Interim of the General Assembly and shall submit a report to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2016. The report shall, at a minimum, include a detailed analysis of the current workers' compensation system and recommendations regarding proposed legislation, related to improving the delivery of workers' compensation benefits to injured workers.

➔Section 4. 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.

Became law without Governor's signature April 28, 2016.

CHAPTER 145

(HJR 160)

AN ACT relating to road projects.

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

➔Section 1. This Joint Resolution in conjunction with 2016 Regular Session HB 129 shall constitute the SixYear Road Plan. The last four years of the Six-Year Road Plan are as follows:

Became law without Governor's signature April 28, 2016.

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ADAIR	1068	KY-704	REPLACE BRIDGE ON KY 704 (11.909) OVER UNNAMED STREAM (SR=53.5) (001B00078N)	PL					
				DN	BRX		250,000		
				RW	BRX			150,000	
				UT	BRX			50,000	
				CN	BRX				50
				Project Cost:		0	250,000	200,000	50
Total for ADAIR county				PL					
				DN			250,000		
				RW				150,000	
				UT				50,000	
				CN					50
				Total Amounts:		0	250,000	200,000	50
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	BRZ		400,000		
				RW	BRZ			150,000	
				UT	BRZ			75,000	
				CN	BRZ			1,655,000	
				Project Cost:		0	400,000	1,880,000	
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 (14CCN)	PL					
				DN					
				RW					
				UT	SP	670,000			
				CN	SP		3,800,000		
				Project Cost:		670,000	3,800,000	0	
ALLEN	8902	KY-98	RECONSTRUCT 1.0 MILE EAST OF BRIDGE OVER BARREN RIVER LAKE TO CORRECT VERTICAL AND HORIZONTAL DEFICIENCIES.	PL					
				DN					
				RW					
				UT	SPP	300,000			
				CN	SPP		1,300,000		
				Project Cost:		300,000	1,300,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for ALLEN county				PL					
				DN			400,000		
				RW				150,000	
				UT		970,000		75,000	
				CN			5,100,000	1,655,000	
				Total Amounts:		970,000	5,500,000	1,880,000	
ANDERSON	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY.	PL	SPP				
				DN					
				RW					
				UT	SPP		5,000,000		
				CN	SPP				20,00
				Project Cost:		0	5,000,000	0	20,00
Total for ANDERSON county				PL					
				DN					
				RW					
				UT			5,000,000		
				CN					20,00
				Total Amounts:		0	5,000,000	0	20,00
BALLARD	1140.01	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION.	PL					
				DN	BRO	3,000,000			
				RW					
				UT					
				CN					
				Project Cost:		3,000,000	0	0	
BALLARD	1140.02	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION.	PL					
				DN	BRO		6,500,000		
				RW					
				UT					
				CN					
				Project Cost:		0	6,500,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BALLARD	1140.03	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION.	PL					
				DN	BRO			6,500,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	6,500,000	
BALLARD	8953	CR-1232	STUDY IMPROVEMENTS TO HOLLOWAY LANDING ROAD (CR 1232)	PL	SP			200,000	
				DN					
				RW					
				UT					
				CN					
				Project Cost:		0	0	200,000	
Total for BALLARD county				PL				200,000	
				DN		3,000,000	6,500,000	6,500,000	
				RW					
				UT					
				CN					
				Total Amounts:		3,000,000	6,500,000	6,700,000	
BARREN	8819	KY-90	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	27,500,000			
				Project Cost:		27,500,000	0	0	
BARREN	8821	KY-1297	MAJOR WIDENING FROM DONNELLY DRIVE TO US-31E (ROGER WELLS) IN GLASGOW AND WIDEN DONNELLY DRIVE.	PL					
				DN					
				RW					
				UT	STP	4,100,000			
				CN	STP			7,150,000	
				Project Cost:		4,100,000	0	7,150,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for BARREN county				PL					
				DN					
				RW					
				UT		4,100,000			
				CN		27,500,000		7,150,000	
				Total Amounts:		31,600,000	0	7,150,000	
BELL	110	KY-441	CONSTRUCT NEW ROUTE FROM KY 441 TO US 25E IN MIDDLESBORO. (08CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	6,400,000			
				Project Cost:		6,400,000	0	0	
BELL	8702	US-119	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	21,000,000			
				Project Cost:		21,000,000	0	0	
BELL	8805	US-119	CONSTRUCT LEFT AND RIGHT TURN LANES ONTO THE BELL COUNTY GARAGE/VETERANS PARK ENTRANCE FROM US 119. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,100,000			
				Project Cost:		1,100,000	0	0	
BELL	8901	KY-188	RECONSTRUCT TO CORRECT SAFETY ISSUES AND IMPROVE STABILIZATION OF ROADWAY ON KY 188 AND YELLOW CREEK ON THE SOUTHSIDE OF ROADWAY.	PL					
				DN					
				RW					
				UT	SPP	350,000			
				CN	SPP		2,500,000		
				Project Cost:		350,000	2,500,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BELL	8902	KY-1534	RECONSTRUCT KY 1534 AND YELLOW CREEK ALONG THE EASTSIDE OF ROADWAY FROM MP 1.3 TO MP 3.5 TO IMPROVE SAFETY.	PL					
				DN					
				RW					
				UT	SPP	250,000			
				CN	SPP		2,250,000		
				Project Cost:		250,000	2,250,000	0	
BELL	8903	KY-221	IMPROVE SAFETY ALONG KY 221 WHILE PROVIDING SAFER TURNING LANES FOR SCHOOL TRAFFIC.	PL					
				DN					
				RW					
				UT	SP	75,000			
				CN	SP		625,000		
				Project Cost:		75,000	625,000	0	
BELL	8904	KY-74	IMPROVE CURB AND GUTTER ON KY 74 FROM 10TH STREET TO 30TH STREET.	PL					
				DN					
				RW	SP	75,000			
				UT	SP	75,000			
				CN	SP		250,000		
				Project Cost:		150,000	250,000	0	
Total for BELL county				PL					
				DN					
				RW		75,000			
				UT		750,000			
				CN		28,500,000	5,625,000		
				Total Amounts:		29,325,000	5,625,000	0	
BOONE	14	I-75	RECONSTRUCT THE KY-536 (MT. ZION ROAD) INTERCHANGE. (14CCR)	PL					
				DN					
				RW					
				UT	IM	7,280,000			
				CN	IM	22,080,000			
				Project Cost:		29,360,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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					
				CN	IM		19,800,000		
				Project Cost:		0	19,800,000	0	
BOONE	18	I-75	RECONSTRUCT THE KY-338 (RICHWOOD ROAD) INTERCHANGE. (FUNDING FOR IMR SHOWN UNDER 6-14.01) (10CCR)(12CCR)(14CCR)	PL					
				DN					
				RW	IM	26,250,000			
				UT	IM		12,480,000		
				CN	IM			15,000,000	
				Project Cost:		26,250,000	12,480,000	15,000,000	
BOONE	18.1	I-75	RECONSTRUCT THE KY-338 (RICHWOOD ROAD) INTERCHANGE. (ADDITIONAL C-FUNDS FOR 6-18.00)	PL					
				DN					
				RW					
				UT					
				CN	IM			15,000,000	
				Project Cost:		0	0	15,000,000	
BOONE	18.11	I-75	RECONSTRUCT THE KY-338 (RICHWOOD ROAD) INTERCHANGE. (ADDITIONAL C-FUNDS FOR 6-18.00)	PL					
				DN					
				RW					
				UT					
				CN	IM				27,00
				Project Cost:		0	0	0	27,00
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. (2004BOPC)(2006BOPC)(12CCR)(NO BUILD)	PL					
				DN					
				RW					
				UT					
				CN	SP	4,370,000			
				Project Cost:		4,370,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BOONE	400.14	-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	
BOONE	400.15	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK		44,000		
				Project Cost:		0	44,000	0	
BOONE	400.16	-0	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	400.17	-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK				4
				Project Cost:		0	0	0	4
BOONE	401.14	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	56,000			
				Project Cost:		56,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BOONE	401.15	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK		56,000		
				Project Cost:		0	56,000	0	
BOONE	401.16	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK			56,000	
				Project Cost:		0	0	56,000	
BOONE	401.17	-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK				5
				Project Cost:		0	0	0	5
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	9,100,000			
				Project Cost:		9,100,000	0	0	
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		9,100,000		
				Project Cost:		0	9,100,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BOONE	966.09	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2021. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK			9,100,000	
				Project Cost:		0	0	9,100,000	
BOONE	966.1	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK				9,10
				Project Cost:		0	0	0	9,10
BOONE	1087	KY-842	REPLACE BRIDGE OVER NS (CNO&TP)RR ON RICHARDSON ROAD (KY 842) 0.14 MI E OF US 25 NEAR INDEPENDENCE (008B00092N)(SR=43)	PL					
				DN	BRX		500,000		
				RW	BRX			2,000,000	
				UT	BRX			500,000	
				CN					
				Project Cost:		0	500,000	2,500,000	
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				25,31
				Project Cost:		0	0	0	25,31
BOONE	8001.22	KY-237	RECONSTRUCT AND WIDEN KY 237 FROM VALLEY VIEW DRIVE TO ROGERS LANE.	PL					
				DN					
				RW					
				UT					
				CN	STP	9,000,000			
				Project Cost:		9,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for BOONE county				PL					
				DN			500,000		
				RW		26,250,000		2,000,000	
				UT		7,280,000	12,480,000	500,000	
				CN		44,650,000	29,000,000	39,200,000	61,51
				Total Amounts:		78,180,000	41,980,000	41,700,000	61,51
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	1,600,000			
				Project Cost:		1,600,000	0	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		1,600,000		
				Project Cost:		0	1,600,000	0	
BOYD	208.07	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2021. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SAH			1,600,000	
				Project Cost:		0	0	1,600,000	
BOYD	208.08	-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2022. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SAH				1,60
				Project Cost:		0	0	0	1,60

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for BOYD county				PL					
				DN					
				RW					
				UT					
				CN		1,600,000	1,600,000	1,600,000	1,60
				Total Amounts:		1,600,000	1,600,000	1,600,000	1,60
BRACKEN	355.21	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2019. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	190,000			
				Project Cost:		190,000	0	0	
BRACKEN	355.22	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		190,000		
				Project Cost:		0	190,000	0	
BRACKEN	355.23	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	SPP			190,000	
				Project Cost:		0	0	190,000	
BRACKEN	355.24	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	SPP				19
				Project Cost:		0	0	0	19

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BRACKEN	8309	KY-10	SPOT IMPROVEMENTS FROM THE CITY OF BROOKSVILLE SOUTH TO POWERSVILLE. (06CCN) (10CCR)	PL					
				DN					
				RW					
				UT	SPP	2,820,000			
				CN	SPP		25,310,000		
				Project Cost:		2,820,000	25,310,000	0	
BRACKEN	8901	KY-2228	IMPROVE SAFETY ALONG KY 2228 FROM KY 9 TO KY 8	PL					
				DN					
				RW					
				UT	SP	50,000			
				CN	SP		500,000		
				Project Cost:		50,000	500,000	0	
BRACKEN	8902	KY-9	ADD TURN LANES ON KY 9 AT KY 875 MT. ZION ROAD	PL					
				DN					
				RW					
				UT	SP	250,000			
				CN	SP		3,000,000		
				Project Cost:		250,000	3,000,000	0	
BRACKEN	8903	KY-19	IMPROVEMENTS TO KY 19 FROM KY 165 TO KY 10 TO IMPROVE SIGHT DISTANCE AND CURVE ISSUES	PL					
				DN					
				RW					
				UT	SP	500,000			
				CN	SP		9,000,000		
				Project Cost:		500,000	9,000,000	0	
Total for BRACKEN county				PL					
				DN					
				RW					
				UT		3,620,000			
				CN		190,000	38,000,000	190,000	19
				Total Amounts:		3,810,000	38,000,000	190,000	19

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BREATHITT	1110	KY-378	REPLACE BRIDGE OVER FROZEN CREEK ON KY 378 0.7 MI N OF KY 1812. (013B00050N)(SR=41)	PL					
				DN	BRX	250,000			
				RW	BRX			50,000	
				UT	BRX			50,000	
				CN	BRX				1,00
				Project Cost:		250,000	0	100,000	1,00
Total for BREATHITT county				PL					
				DN		250,000			
				RW				50,000	
				UT				50,000	
				CN					1,00
				Total Amounts:		250,000	0	100,000	1,00
BRECKINRIDGE	1090	CR-1021	REPLACE BRIDGE OVER SINKING CREEK ON DENTS BRIDGE ROAD (CR 1021) 1.4 MI W OF KY 333 (014C00003N)(SR=26)	PL					
				DN					
				RW	BRZ	30,000			
				UT	BRZ	50,000			
				CN	BRZ		500,000		
				Project Cost:		80,000	500,000	0	
BRECKINRIDGE	8703	KY-79	RECONSTRUCT KY 79 FROM KY 477 TO KY 428. (12CCN)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	12,170,000			
				Project Cost:		12,170,000	0	0	
BRECKINRIDGE	8902	KY-261	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74	PL					
				DN					
				RW					
				UT	SP	25,000			
				CN	SP		400,000		
				Project Cost:		25,000	400,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BRECKINRIDGE	8903	KY-261	REALIGN S-CURVE AND CULVERT WIDENING.	PL					
				DN					
				RW					
				UT	SP	50,000			
				CN	SP		600,000		
				Project Cost:		50,000	600,000	0	
Total for BRECKINRIDGE county				PL					
				DN					
				RW		30,000			
				UT		125,000			
				CN		12,170,000	1,500,000		
				Total Amounts:		12,325,000	1,500,000	0	
BULLITT	347.5	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM MT. WASHINGTON BYPASS EAST 2.0 MILES (04CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP		4,680,000		
				Project Cost:		0	4,680,000	0	
BULLITT	8956	KY-44	PROVIDE A RELIABLE CONNECTION AND IMPROVE SAFETY ALONG KY 44 FROM MP 9.2 TO MP 10.3, INCLUDING RAISING THE ROADWAY, WIDENING, AND REPLACING BRIDGE 015B00020N.	PL					
				DN	SPP		800,000		
				RW	SPP			1,710,000	
				UT	SPP			590,000	
				CN	SP				5,00
				Project Cost:		0	800,000	2,300,000	5,00
Total for BULLITT county				PL					
				DN			800,000		
				RW				1,710,000	
				UT				590,000	
				CN			4,680,000		5,00
				Total Amounts:		0	5,480,000	2,300,000	5,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BUTLER	125.14	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	157,200			
				Project Cost:		157,200	0	0	
BUTLER	125.15	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		157,200		
				Project Cost:		0	157,200	0	
BUTLER	125.16	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			157,200	
				Project Cost:		0	0	157,200	
BUTLER	125.17	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2022.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				15
				Project Cost:		0	0	0	15
BUTLER	2042.01	WN-9007	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL					
				DN					
				RW					
				UT					
				CN	NH	10,000,000			
				Project Cost:		10,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BUTLER	2042.02	-0	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL					
				DN					
				RW					
				UT					
				CN	NH			10,000,000	
				Project Cost:		0	0	10,000,000	
BUTLER	2042.03	-0	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL					
				DN					
				RW					
				UT					
				CN	NH				15,00
				Project Cost:		0	0	0	15,00
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	157,200			
				Project Cost:		157,200	0	0	
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	157,200	0	
BUTLER	8504.11	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			157,200	
				Project Cost:		0	0	157,200	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
BUTLER	8504.12	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2022.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				15
				Project Cost:		0	0	0	15
Total for BUTLER county				PL					
				DN					
				RW					
				UT					
				CN		10,314,400	314,400	10,314,400	15,31
				Total Amounts:		10,314,400	314,400	10,314,400	15,31
CALDWELL	141	KY-139	RECONSTRUCT SUBSTANDARD CURVES AT ROCK SPRINGS HILL(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	2,640,000			
				Project Cost:		2,640,000	0	0	
CALDWELL	153	-0	NEW CONNECTOR FROM HOPKINSVILLE ROAD (KY-91) TO WILSON WAREHOUSE ROAD (KY-293) NORTHEAST OF PRINCETON. (06CCR) (10CCR)(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	13,470,000			
				Project Cost:		13,470,000	0	0	
Total for CALDWELL county				PL					
				DN					
				RW					
				UT					
				CN		16,110,000			
				Total Amounts:		16,110,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CALLOWAY	121	KY-1327	MURRAY FIVE-POINTS INTERSECTION ROUNDABOUT. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	2,080,000			
				Project Cost:		2,080,000	0	0	
CALLOWAY	8852	US-641	NEW CONSTRUCTION OF 4-LANE ON US-641 SOUTH OF MURRAY FROM END OF SECTION 1 TO TENNESSEE STATE LINE. (SEE 6-314.10 FOR PRIORITY SECTION)(14CCN)	PL					
				DN					
				RW					
				UT	SPP	7,500,000			
				CN	SPP			50,000,000	
				Project Cost:		7,500,000	0	50,000,000	
CALLOWAY	8952	CS-1047	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121	PL					
				DN					
				RW					
				UT	STP		2,000,000		
				CN	STP				2,50
				Project Cost:		0	2,000,000	0	2,50
Total for CALLOWAY county				PL					
				DN					
				RW					
				UT		7,500,000	2,000,000		
				CN		2,080,000		50,000,000	2,50
				Total Amounts:		9,580,000	2,000,000	50,000,000	2,50
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)(14CCR)	PL					
				DN					
				RW	STP			10,940,000	
				UT	SP				7,96
				CN	SP				42,39
				Project Cost:		0	0	10,940,000	50,35

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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					
				RW	BRX	200,000			
				UT	BRX	190,000			
				CN	BRX			3,290,000	
				Project Cost:		390,000	0	3,290,000	
CAMPBELL	1095	CR-1363	REPLACE BRIDGE ON COVERT RUN PIKE (CR-1363) (0.048) OVER TRIBUTARY TO TAYLOR CREEK. (SR=11.9) 019C00069N	PL					
				DN	BRZ			175,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	175,000	
Total for CAMPBELL county				PL					
				DN				175,000	
				RW		200,000		10,940,000	
				UT		190,000			7,96
				CN				3,290,000	42,39
				Total Amounts:		390,000	0	14,405,000	50,35
CARROLL	1084	US-42	REPLACE BRIDGE OVER KENTUCKY RIVER ON US 42 IN PRESTONSVILLE/CARROLLTON 0.13 MI E OF KY 55. (021B00043N)(SR=27.8)	PL					
				DN	BRX		2,080,000		
				RW	BRX			1,740,000	
				UT	BRX			680,000	
				CN					
				Project Cost:		0	2,080,000	2,420,000	
Total for CARROLL county				PL					
				DN			2,080,000		
				RW				1,740,000	
				UT				680,000	
				CN					
				Total Amounts:		0	2,080,000	2,420,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CARTER	144	KY-7	KY-7 (CAROL MALONE BLVD.) WIDENING FROM LITTLE SANDY RIVER BRIDGE TO ACADEMIC PARKWAY. (08CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,640,000			
				Project Cost:		3,640,000	0	0	
Total for CARTER county				PL					
				DN					
				RW					
				UT					
				CN		3,640,000			
				Total Amounts:		3,640,000	0	0	
CASEY	1067	CR-1169	REPLACE BRIDGE ON CR-1169 (0.059) OVER SOUTH FORK CREEK. (SR=23) 023C00029N	PL					
				DN	BRZ			250,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	250,000	
CASEY	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)	PL					
				DN	SPP	1,560,000			
				RW	SPP			3,420,000	
				UT					
				CN					
				Project Cost:		1,560,000	0	3,420,000	
CASEY	8704	KY-49	RECONSTRUCT BRUSHY CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN)	PL					
				DN	SPP	1,250,000			
				RW	SPP			1,320,000	
				UT	SPP				1,04
				CN					
				Project Cost:		1,250,000	0	1,320,000	1,04

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CASEY	8705	KY-501	REALIGN KY 501 TO INTERSECT KY 70 EAST OF EXISTING LOCATION AND CORRECT VERTICAL ALIGNMENT OF KY 70 NEAR EXISTING INTERSECTION.(12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	900,000			
				Project Cost:		900,000	0	0	
Total for CASEY county				PL					
				DN		2,810,000		250,000	
				RW				4,740,000	
				UT					1,04
				CN		900,000			
				Total Amounts:		3,710,000	0	4,990,000	1,04
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					
				RW	STP		4,700,000		
				UT	STP		2,410,000		
				CN					
				Project Cost:		0	7,110,000	0	
CHRISTIAN	381	US-41	CONSTRUCT NEW CONNECTOR FROM US 41 NEAR THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE.	PL					
				DN	SPP	1,000,000			
				RW	SPP		300,000		
				UT	SPP			700,000	
				CN	SPP				12,00
				Project Cost:		1,000,000	300,000	700,000	12,00
CHRISTIAN	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT)	PL					
				DN	NH	1,000,000			
				RW	NH		1,000,000		
				UT	NH			1,000,000	
				CN					
				Project Cost:		1,000,000	1,000,000	1,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CHRISTIAN	899	US-68	ADDRESS CONGESTION AND MOBILITY OF US 68 FROM KY 91 TO KY 1007 IN HOPKINSVILLE.	PL					
				DN	SPP	1,200,000			
				RW	SPP			1,750,000	
				UT	SPP			1,500,000	
				CN	SPP				5,50
				Project Cost:		1,200,000	0	3,250,000	5,50
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=30.3)	PL					
				DN	BRX	550,000			
				RW	BRX			120,000	
				UT	BRX			400,000	
				CN	BRX				2,34
				Project Cost:		550,000	0	520,000	2,34
CHRISTIAN	1094	CS-1262	REPLACE BRIDGE OVER N FORK LITTLE RIVER ON MILBROOKE DRIVE (CS 1262) 500 FT SW OF KAREN DRIVE (CS 1268) (SR 6) 024C00081N	PL					
				DN					
				RW					
				UT					
				CN	BRZ	800,000			
				Project Cost:		800,000	0	0	
CHRISTIAN	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625)	PL					
				DN	SP			1,000,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	1,000,000	
CHRISTIAN	8954	KY-115	IMPROVE AND WIDEN KY 115 FROM I-24 (MP 2.901) TO ANDERSON ROAD (MP 6.87).	PL					
				DN	SP				1,30
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	1,30

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for CHRISTIAN county				PL					
				DN		3,750,000		1,000,000	1,300
				RW			6,000,000	1,870,000	
				UT			2,410,000	3,600,000	
				CN		800,000			19,840
				Total Amounts:		4,550,000	8,410,000	6,470,000	21,140
CLARK	6	I-64	RECONSTRUCT EB REST AREA	PL					
				DN					
				RW					
				UT					
				CN	IM			4,000,000	
				Project Cost:		0	0	4,000,000	
CLARK	8506.01	I-64	RECONSTRUCT I-64/MOUNTAIN PARKWAY INTERCHANGE TO ADD NEW RAMPS TO AND FROM THE EAST.(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	11,620,000			
				Project Cost:		11,620,000	0	0	
CLARK	8952	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM I-64 IN CLARK COUNTY (MP 14.210) TO 500 FEET WEST OF SEWELL SHOP ROAD. (MP 17.032)	PL					
				DN					
				RW	SP	6,000,000			
				UT	SP			10,500,000	
				CN	SP				36,50
				Project Cost:		6,000,000	0	10,500,000	36,50
Total for CLARK county				PL					
				DN					
				RW		6,000,000			
				UT				10,500,000	
				CN		11,620,000		4,000,000	36,50
				Total Amounts:		17,620,000	0	14,500,000	36,50

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CLAY	273.01	US-421	WEST BYPASS OF MANCHESTER (GRADE, DRAIN & INCIDENTAL SURFACING). (RU-04DEOB) (10CCR)	PL					
				DN					
				RW	SP		6,180,000		
				UT	SP		2,930,000		
				CN	SP				54,16
				Project Cost:		0	9,110,000	0	54,16
CLAY	364	KY-11	CORRECT STANDARDIZED ROADWAY GEOMETRICS AND ADDRESS SAFETY ISSUES FROM SOUTH OF ENGINE BRANCH ROUTE TO US 421 (MP 7.2 TO MP 8.9).	PL					
				DN	STP	500,000			
				RW	STP			2,000,000	
				UT	STP			600,000	
				CN					
				Project Cost:		500,000	0	2,600,000	
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	BRZ	150,000			
				RW	BRZ		30,000		
				UT	BRZ		50,000		
				CN	BRZ				34
				Project Cost:		150,000	80,000	0	34
CLAY	8632	US-421	CONSTRUCT A NEW ENTRANCE TO THE GREEN PARK FROM US-421 TO END NEAR CEMETERY. (10CCN)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP				3,15
				Project Cost:		0	0	0	3,15
CLAY	8910	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LAUREL LINE TO MANCHESTER (JUST PAST EXIT 20 AT BRIDGE OVER KY 80/US 421), MP 10.593 TO MP 21.498 (SEGMENT 7)	PL					
				DN					
				RW					
				UT	SP	11,000,000			
				CN	SP		98,000,000		
				Project Cost:		11,000,000	98,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CLAY	8911	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM MANCHESTER TO CLAY/LESLIE LINE; MP 21.498 TO MP 35.929 (SEGMENT 8)	PL					
				DN					
				RW	SP	18,000,000			
				UT	SP		13,000,000		
				CN	SP			129,900,000	
				Project Cost:		18,000,000	13,000,000	129,900,000	
CLAY	8957	KY-11	RECONSTRUCT AND IMPROVE EXISTING ALIGNMENTS, WITH SHOULDERS, OF BARBOURVILLE - MANCHESTER ROAD (KY 11) FROM THE KNOX-CLAY COUNTY LINE (MP 0.0) TO US 421 IN CLAY COUNTY (MP 8.891)	PL					
				DN	SP			3,000,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	3,000,000	
Total for CLAY county				PL					
				DN		650,000		3,000,000	
				RW		18,000,000	6,210,000	2,000,000	
				UT		11,000,000	15,980,000	600,000	
				CN			98,000,000	129,900,000	57,65
				Total Amounts:		29,650,000	120,190,000	135,500,000	57,65
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	BRX	250,000			
				RW	BRX			100,000	
				UT	BRX			10,000	
				CN	BRX				64
				Project Cost:		250,000	0	110,000	64
CLINTON	8601.26	US-127	RELOCATION 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 INTER. OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL					
				DN					
				RW	NH	1,110,000			
				UT	NH	550,000			
				CN	NH			25,000,000	
				Project Cost:		1,660,000	0	25,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CLINTON	8601.3	US-127	RELOCATION 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 FOR	PL					
				DN					
				RW					
				UT					
				CN	SP		27,000,000		
				Project Cost:		0	27,000,000	0	
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		4,000,000		
				Project Cost:		0	4,000,000	0	
CLINTON	8601.32	US-127	RELOCATION 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 INTER. OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL					
				DN					
				RW					
				UT					
				CN	NH				26,30
				Project Cost:		0	0	0	26,30
Total for CLINTON county				PL					
				DN		250,000			
				RW		1,110,000		100,000	
				UT		550,000		10,000	
				CN			31,000,000	25,000,000	26,94
				Total Amounts:		1,910,000	31,000,000	25,110,000	26,94
CRITTENDEN	326.16	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	402,000			
				Project Cost:		402,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
CRITTENDEN	326.17	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		402,000		
				Project Cost:		0	402,000	0	
CRITTENDEN	326.18	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	SPP			402,000	
				Project Cost:		0	0	402,000	
CRITTENDEN	326.19	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	SPP				40
				Project Cost:		0	0	0	40
CRITTENDEN	1159	CR-1085	REPLACE BRIDGE ON CR-1085 (0.048) OVER HUGHES BRANCH (SR=22.7) 028C00053N	PL					
				DN	BRZ			300,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	300,000	
Total for CRITTENDEN county				PL					
				DN				300,000	
				RW					
				UT					
				CN		402,000	402,000	402,000	40
				Total Amounts:		402,000	402,000	702,000	40

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRO	4,000,000			
				Project Cost:		4,000,000	0	0	
CUMBERLAND	8852	KY-90	RECONSTRUCT KY-90 FROM NORRIS BRANCH WESTERLY TO KY-496 NEAR MARROWBONE. (14CCN)	PL					
				DN					
				RW	SP	3,200,000			
				UT	SP	1,800,000			
				CN	SP			22,000,000	
				Project Cost:		5,000,000	0	22,000,000	
Total for CUMBERLAND county				PL					
				DN					
				RW		3,200,000			
				UT		1,800,000			
				CN		4,000,000		22,000,000	
				Total Amounts:		9,000,000	0	22,000,000	
DAVIESS	2092.01	WN-9007	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL					
				DN					
				RW					
				UT					
				CN	NH		11,000,000		
				Project Cost:		0	11,000,000	0	
DAVIESS	8300	KY-54	WIDENING KY-54 FROM THE US-60 BYPASS TOWARD WHITESVILLE FROM MILEPOST 4.51 TO MILEPOST 8.0. (06CCN)(10CCR)(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	33,750,000			
				Project Cost:		33,750,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
DAVIESS	8952	KY-331	WIDEN KY 331 LANE AND SHOULDERS FROM INTERSECTION WITH SECOND STREET (MP 0.436) TO HARBOR ROAD (MP 1.991)	PL					
				DN	SP				80
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	80
Total for DAVIESS county				PL					
				DN					80
				RW					
				UT					
				CN		33,750,000	11,000,000		
				Total Amounts:		33,750,000	11,000,000	0	80
ELLIOTT	192.01	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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	20,000,000			
				Project Cost:		20,000,000	0	0	
ELLIOTT	192.02	KY-32	RECONSTRUCT KY-32 FROM 0.408 MILES WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)	PL					
				DN					
				RW					
				UT					
				CN	STP		20,000,000		
				Project Cost:		0	20,000,000	0	
ELLIOTT	192.03	KY-32	RECONSTRUCT KY-32 FROM KY-504 NEAR ELLIOTTVILLE TO 0.408 MI WEST OF STEGALL COLD SPRING ROAD IN ELLIOTT COUNTY.	PL					
				DN					
				RW					
				UT					
				CN	SP		35,000,000		
				Project Cost:		0	35,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ELLIOTT	192.04	KY-32	RECONSTRUCT KY-32 FROM KY-504 NEAR ELLIOTTVILLE TO 0.408 MI WEST OF STEGALL COLD SPRING ROAD IN ELLIOTT COUNTY.	PL					
				DN					
				RW					
				UT					
				CN	SP			22,000,000	
				Project Cost:		0	0	22,000,000	
ELLIOTT	228	KY-7	RECONSTRUCT KY 7 FROM SOUTH CITY LIMITS OF SANDY HOOK TOWARD WRIGLEY. (12CCR)	PL					
				DN					
				RW					
				UT	SP	6,000,000			
				CN	SP		20,000,000		
				Project Cost:		6,000,000	20,000,000	0	
ELLIOTT	228.1	KY-7	RECONSTRUCT KY 7 FROM SOUTH CITY LIMITS OF SANDY HOOK TOWARD WRIGLEY. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP			9,500,000	
				Project Cost:		0	0	9,500,000	
ELLIOTT	228.2	KY-7	RECONSTRUCT KY 7 FROM SOUTH CITY LIMITS OF SANDY HOOK TOWARD WRIGLEY. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP				9,50
				Project Cost:		0	0	0	9,50
ELLIOTT	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP	7,000,000			
				Project Cost:		7,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for ELLIOTT county				PL					
				DN					
				RW					
				UT		6,000,000			
				CN		27,000,000	75,000,000	31,500,000	9,50
				Total Amounts:		33,000,000	75,000,000	31,500,000	9,50
FAYETTE	113.02	KY-4	NEW CIRCLE ROAD REHAB AND WIDENING FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	18,000,000			
				Project Cost:		18,000,000	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	8,000,000			
				Project Cost:		8,000,000	0	0	
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 CONTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SLX		8,200,000		
				Project Cost:		0	8,200,000	0	
FAYETTE	227.15	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2021. (FUNDING SUBJECT TO FISCAL CONTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SLX			8,200,000	
				Project Cost:		0	0	8,200,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
FAYETTE	227.16	-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022. (FUNDING SUBJECT TO FISCAL CONTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SLX				8,20
				Project Cost:		0	0	0	8,20
FAYETTE	252	KY-922	SIX-LANE NEWTOWN PIKE FROM KY-4 TO I-75.	PL					
				DN					
				RW					
				UT	STP	5,000,000			
				CN	STP	20,000,000			
				Project Cost:		25,000,000	0	0	
FAYETTE	357.16	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	330,000			
				Project Cost:		330,000	0	0	
FAYETTE	357.17	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		330,000		
				Project Cost:		0	330,000	0	
FAYETTE	357.18	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			330,000	
				Project Cost:		0	0	330,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
FAYETTE	357.19	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2022.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				33
				Project Cost:		0	0	0	33
FAYETTE	366.03	KY-4	WIDEN NEW CIRCLE ROAD IN LEXINGTON FROM GEORGETOWN ROAD TO BOARDWALK AVENUE INCLUDING INTERCHANGE RECONSTRUCTION AT NEWTOWN PIKE. (ADDITIONAL C-FUNDS FOR 7-366.00)	PL					
				DN					
				RW					
				UT					
				CN	NH	10,930,000			
				Project Cost:		10,930,000	0	0	
FAYETTE	412	US-27	REPLACE L&N RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY) (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT	SPP	1,550,000			
				CN	SPP			12,040,000	
				Project Cost:		1,550,000	0	12,040,000	
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	BRZ	300,000			
				RW	BRZ			100,000	
				UT	BRZ			200,000	
				CN	BRZ				75
				Project Cost:		300,000	0	300,000	75
FAYETTE	8806	KY-4	SOUND BARRIERS ALONG OUTER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND ALUMNI DRIVE. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	5,000,000			
				Project Cost:		5,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
FAYETTE	8901		EXTEND CITATION BLVD.	PL					
				DN					
				RW					
				UT	SP	1,100,000			
				CN	SP		8,100,000		
				Project Cost:		1,100,000	8,100,000	0	
FAYETTE	8902	KY-1927	EXTEND THE EXISTING 4-LANE ON LIBERTY ROAD FROM GRAFTONS MILL LANE (MP 1.145) TO NEW CIRCLE ROAD (MP 0.0) AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD.	PL					
				DN					
				RW					
				UT	SP	4,000,000			
				CN	SP		10,000,000		
				Project Cost:		4,000,000	10,000,000	0	
FAYETTE	8909	I-75	WIDEN I-64/I-75 TO 8 LANES FROM BRYAN STATION OVERPASS (MP 112.012) TO NORTHERN SPLIT (MP 117.665) TO ALLEVIATE CONGESTION (SECTION 1)	PL					
				DN					
				RW					
				UT					
				CN	IM	40,000,000			
				Project Cost:		40,000,000	0	0	
Total for FAYETTE county				PL					
				DN		300,000			
				RW				100,000	
				UT		11,650,000		200,000	
				CN		102,260,000	26,630,000	20,570,000	9,28
				Total Amounts:		114,210,000	26,630,000	20,870,000	9,28
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	BRX		500,000		
				RW	BRX			100,000	
				UT	BRX			200,000	
				CN	BRX				75
				Project Cost:		0	500,000	300,000	75

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRZ	75,000			
				UT	BRZ	50,000			
				CN	BRZ		600,000		
				Project Cost:		125,000	600,000	0	
FLEMING	8815	KY-165	UPGRADE, WIDEN, AND PROVIDE SPOT IMPROVEMENTS ON KY-165 TO IMPROVE SAFETY FROM KY-32 TO US-68. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	
FLEMING	8901	KY-11	CONSTRUCT LEFT TURN LANES ON KY 11 AT ROSS DRIVE, TAYLOR MILL AND THE INDUSTRIAL PARK ROAD.	PL					
				DN					
				RW					
				UT	SPP	350,000			
				CN	SPP		750,000		
				Project Cost:		350,000	750,000	0	
FLEMING	8903	KY-32	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156.	PL					
				DN					
				RW	SPP	1,500,000			
				UT	SPP		1,500,000		
				CN	SPP			10,750,000	
				Project Cost:		1,500,000	1,500,000	10,750,000	
Total for FLEMING county				PL					
				DN			500,000		
				RW		1,575,000		100,000	
				UT		400,000	1,500,000	200,000	
				CN		5,000,000	1,350,000	10,750,000	75
				Total Amounts:		6,975,000	3,350,000	11,050,000	75

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
FLOYD	1.2	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE MAGOFFIN/FLOYD COUNTY LINE TO THE HEAD OF LEFT FORK OF ABBOTT CREEK. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL					
				DN	NH		2,900,000		
				RW	SP			6,020,000	
				UT	SP			1,200,000	
				CN	SP				72,00
				Project Cost:		0	2,900,000	7,220,000	72,00
FLOYD	1.3	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE HEAD OF LEFT FORK OF ABBOTT CREEK TO NEELEY BRANCH ROAD. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL					
				DN	NH	3,200,000			
				RW	SP		4,000,000		
				UT	SP		4,500,000		
				CN	SP				43,00
				Project Cost:		3,200,000	8,500,000	0	43,00
FLOYD	1.4	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM NEELEY BRANCH ROAD TO COUNTY ROAD 1386 AT PRESTONSBURG ELEMENTARY SCHOOL. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL					
				DN					
				RW	SP	3,000,000			
				UT	SP	4,000,000			
				CN	SP				47,00
				Project Cost:		7,000,000	0	0	47,00
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			
				RW	BRX		300,000		
				UT	BRX		500,000		
				CN	BRX				3,50
				Project Cost:		750,000	800,000	0	3,50
FLOYD	1121	KY-550	REPLACE BRIDGE OVER BRUSH CREEK ON KY 550 AT JCT WITH KY 850. (036B00015N) (SR=41.3)(EBRP)	PL					
				DN	BRX	300,000			
				RW	BRX		200,000		
				UT	BRX		300,000		
				CN	BRX				1,00
				Project Cost:		300,000	500,000	0	1,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for FLOYD county				PL					
				DN		4,250,000	2,900,000		
				RW		3,000,000	4,500,000	6,020,000	
				UT		4,000,000	5,300,000	1,200,000	
				CN					166,50
				Total Amounts:		11,250,000	12,700,000	7,220,000	166,50
FRANKLIN	2035.7	I-64	PAVEMENT REHAB AND BRIDGE WIDENING ON I-64 FROM MP 47.70 TO MP 53.75. (2004BOPC) (DESIGN FUNDED UNDER 5-2035.40)	PL					
				DN					
				RW					
				UT	IM	110,000			
				CN	IM		29,250,000		
				Project Cost:		110,000	29,250,000	0	
Total for FRANKLIN county				PL					
				DN					
				RW					
				UT		110,000			
				CN			29,250,000		
				Total Amounts:		110,000	29,250,000	0	
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	NH	3,000,000			
				RW	NH			3,830,000	
				UT	NH				1,00
				CN					
				Project Cost:		3,000,000	0	3,830,000	1,00
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	NH	750,000			
				UT					
				CN	NH			15,000,000	
				Project Cost:		750,000	0	15,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
FULTON	320.16	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	126,000			
				Project Cost:		126,000	0	0	
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	126,000	0	
FULTON	320.18	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	SPP			126,000	
				Project Cost:		0	0	126,000	
FULTON	320.19	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	SPP				12
				Project Cost:		0	0	0	12
Total for FULTON county				PL					
				DN		3,000,000			
				RW		750,000		3,830,000	
				UT					1,00
				CN		126,000	126,000	15,126,000	12
				Total Amounts:		3,876,000	126,000	18,956,000	1,12

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
GALLATIN	8909	US-42	IMPROVE SAFETY, CONGESTION, AND PEDESTRIAN AND FREIGHT MOBILITY ON US 42 IN WARSAW FROM DAVIS DRIVE TO .4 MILES EAST OF DORMAN DRIVE. MP 7.281-7.8	PL					
				DN					
				RW					
				UT					
				CN	SPP		7,000,000		
				Project Cost:		0	7,000,000	0	
GALLATIN	8910	I-71	RECONSTRUCT I 71 FROM US 127 FROM MP 62.8 TO MP 64 TO IMPROVE GEOMETRICS	PL					
				DN	IM	2,200,000			
				RW	IM		1,500,000		
				UT	IM		500,000		
				CN	IM			31,000,000	
				Project Cost:		2,200,000	2,000,000	31,000,000	
Total for GALLATIN county				PL					
				DN		2,200,000			
				RW			1,500,000		
				UT			500,000		
				CN			7,000,000	31,000,000	
				Total Amounts:		2,200,000	9,000,000	31,000,000	
GARRARD	196.3	US-27	RECONSTRUCT US 27 FROM WEST LANCASTER BYPASS TO KY 34.	PL					
				DN					
				RW					
				UT	SPP	9,000,000			
				CN	SPP		38,000,000		
				Project Cost:		9,000,000	38,000,000	0	
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. (040B00024N) (SR=35.5)(EBRP)	PL					
				DN	BRX		300,000		
				RW	BRX			100,000	
				UT	BRX			75,000	
				CN	BRX				75
				Project Cost:		0	300,000	175,000	75

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for GARRARD county				PL					
				DN			300,000		
				RW				100,000	
				UT		9,000,000		75,000	
				CN			38,000,000		75
				Total Amounts:		9,000,000	38,300,000	175,000	75
GRANT	112.1	I-75	CONSTRUCT AN INTERCHANGE ON I-75 AT SHERMAN. (06CCN)(08CCN)(10CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	44,130,000			
				Project Cost:		44,130,000	0	0	
GRANT	8714	CR-1138	REPLACE BRIDGE ON SOUTH END OF BLANCHET ROAD 0.3 MILES NORTHEAST OF US 25. (SR=35.9) 041C00012N (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,630,000			
				Project Cost:		1,630,000	0	0	
GRANT	8715	CR-1138	REPLACE BRIDGE ON NORTH END OF BLANCHET ROAD 0.2 MILES SOUTHEAST OF THE JUNCTION WITH US 25. (SR=28.1) 041C00014N (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	BRZ		2,250,000		
				Project Cost:		0	2,250,000	0	
Total for GRANT county				PL					
				DN					
				RW					
				UT					
				CN		45,760,000	2,250,000		
				Total Amounts:		45,760,000	2,250,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
GRAVES	1157	CR-1088	REPLACE BRIDGE OVER PANTHER CREEK ON MCKENDREE CHURCH RD (CR 1088) 0.3 MI E OF KY 301 042C00010N SR 28.3	PL					
				DN	BRZ	280,000			
				RW	BRZ			120,000	
				UT	BRZ			120,000	
				CN	BRZ				55
				Project Cost:		280,000	0	240,000	55
Total for GRAVES county				PL					
				DN		280,000			
				RW				120,000	
				UT				120,000	
				CN					55
				Total Amounts:		280,000	0	240,000	55
GRAYSON	8502	US-62	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)(10CCR)(14CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP	9,120,000			
				Project Cost:		9,120,000	0	0	
GRAYSON	8953	CS-1145	PROVIDE A CONNECTION FROM EAST WHITE OAK STREET TO WEST CARROLL GIBSON BOULEVARD AT THE NEW JUDICIAL CENTER	PL					
				DN	SP			300,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	300,000	
GRAYSON	8954	KY-3155	EXTEND THE WILLIAM THOMASON BYWAY (KY 3155) FROM THE SOUTHERN INTERSECTION AT KY 259 WESTERLY TO KY 54	PL					
				DN					
				RW	SPP		1,800,000		
				UT	SPP		200,000		
				CN	SPP			3,000,000	
				Project Cost:		0	2,000,000	3,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for GRAYSON county				PL					
				DN				300,000	
				RW			1,800,000		
				UT			200,000		
				CN		9,120,000		3,000,000	
				Total Amounts:		9,120,000	2,000,000	3,300,000	
GREEN	397.1	US-68	US68 IMPROVEMENTS FROM T DAVIS RD TO CLOVER LICK CREEK (MP 6.425 TO 11.744) AS PER 3-203 SCOPING STUDY (SPOT IMPROVEMENTS #11, 12 & 13). (DESIGN UNDER 4-397)(2014BOP)	PL					
				DN					
				RW					
				UT					
				CN	SP	20,000,000			
				Project Cost:		20,000,000	0	0	
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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	9,000,000			
				Project Cost:		9,000,000	0	0	
GREEN	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM 0.20 MILES WEST OF AKIN NARROWS OF PITMAN RD (MP 8.996) TO KY 61 (MP 11.232). (14CCN)	PL					
				DN					
				RW	SPP	1,600,000			
				UT	SPP		900,000		
				CN	SPP			5,100,000	
				Project Cost:		1,600,000	900,000	5,100,000	
GREEN	8905	KY-61	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY61 TO KY1906	PL					
				DN					
				RW					
				UT	SP	1,000,000			
				CN	SP		4,300,000		
				Project Cost:		1,000,000	4,300,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
GREEN	8910	KY-323	MINOR SPOT IMPROVEMENTS ON GABE ROAD.	PL					
				DN					
				RW					
				UT	SP	145,000			
				CN	SP		420,000		
				Project Cost:		145,000	420,000	0	
Total for GREEN county				PL					
				DN					
				RW		1,600,000			
				UT		1,145,000	900,000		
				CN		29,000,000	4,720,000	5,100,000	
				Total Amounts:		31,745,000	5,620,000	5,100,000	
GREENUP	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)(14CCR)	PL					
				DN					
				RW					
				UT	SPP	3,380,000			
				CN	SPP		36,000,000		
				Project Cost:		3,380,000	36,000,000	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	BRZ	350,000			
				RW	BRZ			500,000	
				UT	BRZ			350,000	
				CN					
				Project Cost:		350,000	0	850,000	
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	STP	6,750,000			
				CN	STP		26,000,000		
				Project Cost:		6,750,000	26,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for GREENUP county				PL					
				DN		350,000			
				RW				500,000	
				UT		10,130,000		350,000	
				CN			62,000,000		
				Total Amounts:		10,480,000	62,000,000	850,000	
HANCOCK	316.11	KY-69	BRIDGE PAINTING OF THE BOB CUMMINGS LINCOLN TRAIL BRIDGE OVER THE OHIO RIVER BETWEEN CANNELTON, INDIANA AND HAWESVILLE, KENTUCKY. INDOT IS THE LEAD STATE ON THE PROJECT. (ADDITIONAL FUNDING	PL					
				DN					
				RW					
				UT					
				CN	BRO	2,975,000			
				Project Cost:		2,975,000	0	0	
Total for HANCOCK county				PL					
				DN					
				RW					
				UT					
				CN		2,975,000			
				Total Amounts:		2,975,000	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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH				35,10
				Project Cost:		0	0	0	35,10
HARDIN	153.05	KY-251	KY 251: FROM KY-434 TO KY-313. (BRAC) (10CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	4,390,000			
				Project Cost:		4,390,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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			
				Project Cost:		9,230,000	0	0	
HARDIN	286.1	I-65	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION. (10CCR)	PL					
				DN					
				RW	IM	110,000			
				UT	IM	1,040,000			
				CN	IM				15,69
				Project Cost:		1,150,000	0	0	15,69
HARDIN	1093	US-62	REPLACE BRIDGE ON US 62 OVER ROLLING FORK AT THE HARDIN-NELSON CO LINE. (SR=49.3) 047B00023N	PL					
				DN	BRX	800,000			
				RW	BRX			30,000	
				UT	BRX			25,000	
				CN	BRX				4,76
				Project Cost:		800,000	0	55,000	4,76
HARDIN	8907	KY-313	ADD TURN LANE ON KY 313 AT COLE RIDGE AVENUE	PL					
				DN					
				RW					
				UT	SB2	50,000			
				CN	SB2		250,000		
				Project Cost:		50,000	250,000	0	
Total for HARDIN county				PL					
				DN		800,000			
				RW		110,000		30,000	
				UT		1,090,000		25,000	
				CN		13,620,000	250,000		55,55
				Total Amounts:		15,620,000	250,000	55,000	55,55

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
HARLAN	269.2	US-421	HARLAN-VIRGINIA STATE LINE; RESCOPE US-421 FROM BARN BRANCH TO VIRGINIA STATE LINE. (08CCR)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	10,000,000			
				Project Cost:		10,000,000	0	0	
HARLAN	269.3	US-421	HARLAN-VIRGINIA STATE LINE; RESCOPE US-421 FROM BARN BRANCH TO VIRGINIA STATE LINE. (08CCR)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	23,800,000			
				Project Cost:		23,800,000	0	0	
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	BRX		250,000		
				RW	BRX			100,000	
				UT	BRX			75,000	
				CN	BRX				55
				Project Cost:		0	250,000	175,000	55
HARLAN	1101	US-119	REPLACE BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. (SR=32.3) 048B00126N	PL					
				DN	BRO	800,000			
				RW	BRO			200,000	
				UT	BRO			100,000	
				CN	BRO				7,50
				Project Cost:		800,000	0	300,000	7,50
HARLAN	1107	CR-1328	REPLACE BRIDGE ON SWEET BALL RD (CR-1328) (0.175) OVER AGES BRANCH. (SR=12.9) 048C00072N	PL					
				DN	BRZ			250,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	250,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
HARLAN	8703	US-119	PROVIDE A PASSING BAY ON US 119 FROM MP 1.2 TO MP 2.2 IN HARLAN COUNTY.(12CCN) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	3,000,000			
				Project Cost:		3,000,000	0	0	
HARLAN	8906	US-119	ADDRESS HORIZONTAL ALIGNMENT AND SAFETY ISSUES ON US 119 NEAR HARLAN/BELL COUNTY LINE.	PL					
				DN					
				RW					
				UT					
				CN	NH	17,350,000			
				Project Cost:		17,350,000	0	0	
Total for HARLAN county				PL					
				DN		800,000	250,000	250,000	
				RW				300,000	
				UT				175,000	
				CN		54,150,000			8,05
				Total Amounts:		54,950,000	250,000	725,000	8,05
HARRISON	8302	US-27	CONSTRUCT WEST US-27 CYNTHIANA BYPASS: SECTION THREE FROM US-27N TO US-62 EAST. (06CCN)	PL					
				DN	SP	7,300,000			
				RW					
				UT					
				CN					
				Project Cost:		7,300,000	0	0	
Total for HARRISON county				PL					
				DN		7,300,000			
				RW					
				UT					
				CN					
				Total Amounts:		7,300,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
HART	441	KY-335	IMPROVE CONNECTIVITY AND SAFETY BY PROVIDING A ROUTE FOR TRUCK TRAFFIC WEST OF HORSE CAVE FROM KY 218 TO US 31W TO AVOID THE RAILROAD CROSSING AND DOWNTOWN AREA.	PL					
				DN					
				RW					
				UT	SPP	1,000,000			
				CN	SPP		8,400,000		
				Project Cost:		1,000,000	8,400,000	0	
Total for HART county				PL					
				DN					
				RW					
				UT		1,000,000			
				CN			8,400,000		
				Total Amounts:		1,000,000	8,400,000	0	
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	26,180,000			
				Project Cost:		26,180,000	0	0	
HENDERSON	79.1	US-60	PADUCAH-HENDERSON; CONSTRUCT US-60 BYPASS OF CORYDON.(04CCR)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	33,170,000			
				Project Cost:		33,170,000	0	0	
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	700,000			
				Project Cost:		700,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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		700,000		
				Project Cost:		0	700,000	0	
HENDERSON	700.16	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2021. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SHN			700,000	
				Project Cost:		0	0	700,000	
HENDERSON	700.17	-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2022. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SHN				60
				Project Cost:		0	0	0	60
HENDERSON	1080.02	US-60	REPLACE BRIDGE ON US 60 OVER GREEN RIVER AT INTERSECTION WITH KY 1078 (SR 39) 051B00015N (ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN	BRO	5,000,000			
				Project Cost:		5,000,000	0	0	
HENDERSON	1088.1	I-69	DEVELOP ALIGNMENT FOR INTERSTATE 69 HENDERSON/EVANSVILLE OHIO RIVER CROSSING (TO BE DEVELOPED IN CONCERT WITH 2-1088.00).	PL					
				DN					
				RW					
				UT	NH	15,000,000			
				CN					
				Project Cost:		15,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for HENDERSON county				PL					
				DN					
				RW					
				UT		15,000,000			
				CN		65,050,000	700,000	700,000	60
				Total Amounts:		80,050,000	700,000	700,000	60
HICKMAN	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	380,000			
				RW	BRZ			150,000	
				UT	BRZ			250,000	
				CN	BRZ				1,83
				Project Cost:		380,000	0	400,000	1,83
Total for HICKMAN county				PL					
				DN		380,000			
				RW				150,000	
				UT				250,000	
				CN					1,83
				Total Amounts:		380,000	0	400,000	1,83
HOPKINS	137.01	US-41	WIDEN US-41A TO 5 LANES FROM US-41 WEST TO KINGDOM HALL ROAD IN MADISONVILLE. (2002BOPC)(04CCR)(SEE 2-137.02 FOR "HPP" COMPONENT)(08CCR)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	27,000,000			
				Project Cost:		27,000,000	0	0	
HOPKINS	137.2	US-41	WIDEN US-41A FROM YORKWOOD PLACE TO US 41 / KY 281. (SECTION 2) (2012BOP)	PL					
				DN					
				RW					
				UT					
				CN	SPP	11,000,000			
				Project Cost:		11,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for HOPKINS county				PL					
				DN					
				RW					
				UT					
				CN		38,000,000			
				Total Amounts:		38,000,000	0	0	
JACKSON	278.3	KY-30	RECONSTRUCT KY 30 FROM US 421 TO THE OWSLEY COUNTY LINE. (14CCR)(SEE 10-279.60 FOR PE & ENVIR)	PL					
				DN					
				RW					
				UT	SPP	5,000,000			
				CN	SPP		47,000,000		
				Project Cost:		5,000,000	47,000,000	0	
Total for JACKSON county				PL					
				DN					
				RW					
				UT		5,000,000			
				CN			47,000,000		
				Total Amounts:		5,000,000	47,000,000	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	IM	24,000,000			
				Project Cost:		24,000,000	0	0	
JEFFERSON	21.01	I-265	SNYDER FREEWAY; RECONSTRUCT 2 RAMPS AT I-265/I-64 INTERCHANGE EAST OF LOUISVILLE. (DESIGNED WITH 5-41.00)(ADDITIONAL FUNDS FOR C PHASE)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	IM		10,000,000		
				Project Cost:		0	10,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
JEFFERSON	21.02	I-265	COMPLETE I-265/I-64 INTERCHANGE IMPROVEMENTS.(ADDITIONAL FUNDS FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN	IM			19,600,000	
				Project Cost:		0	0	19,600,000	
JEFFERSON	64	I-64	I-64 BRIDGE (SHERMAN MINTON) OVER THE OHIO RIVER @ LOUISVILLE (B279); JOINT PROJECT WITH INDIANA TO PAINT THIS BRIDGE. (056B00279N)	PL					
				DN					
				RW					
				UT					
				CN	IM			4,160,000	
				Project Cost:		0	0	4,160,000	
JEFFERSON	483	I-71	SIX LANE PRIORITY SECTION OF I-71 BETWEEN I-265 AND KY 329.	PL					
				DN					
				RW					
				UT	NH	500,000			
				CN	NH		45,000,000		
				Project Cost:		500,000	45,000,000	0	
JEFFERSON	537	I-265	SIX LANE PRIORITY SECTION OF I-265 BETWEEN TAYLORSVILLE ROAD AND I-71.	PL					
				DN					
				RW					
				UT	NH		2,000,000		
				CN	NH			40,000,000	
				Project Cost:		0	2,000,000	40,000,000	
JEFFERSON	804	I-264	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY 1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594) (12CCR)(14CCR)	PL					
				DN					
				RW	NH	5,020,000			
				UT	NH	710,000			
				CN	NH		24,170,000		
				Project Cost:		5,730,000	24,170,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
JEFFERSON	804.02	I-264	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY 1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594) (ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN	NH			23,000,000	
				Project Cost:		0	0	23,000,000	
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	23,000,000			
				Project Cost:		23,000,000	0	0	
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		23,500,000		
				Project Cost:		0	23,500,000	0	
JEFFERSON	965.19	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2021. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SLO			23,500,000	
				Project Cost:		0	0	23,500,000	
JEFFERSON	965.2	-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SLO				23,50
				Project Cost:		0	0	0	23,50

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	600,000			
				Project Cost:		600,000	0	0	
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	BRZ	20,000			
				UT	BRZ	50,000			
				CN	BRZ		850,000		
				Project Cost:		70,000	850,000	0	
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	BRZ	450,000			
				RW	BRZ			50,000	
				UT	BRZ			10,000	
				CN	BRZ				1,25
				Project Cost:		450,000	0	60,000	1,25
JEFFERSON	8405	I-264	INTERCHANGE AT MANSLICK ROAD (KY-1931) AND I-264. (08CCN)(10CCR)(12CCR)(14CCR)	PL					
				DN					
				RW	NH	4,000,000			
				UT	NH		1,800,000		
				CN					
				Project Cost:		4,000,000	1,800,000	0	
JEFFERSON	8503	KY-2055	WIDEN KY-2055 (MT. HOLLY ROAD) FROM NATIONAL TURNPIKE TO FAIRDALE ROAD. (08CCN)	PL					
				DN					
				RW					
				UT	SP	5,220,000			
				CN	SP		9,750,000		
				Project Cost:		5,220,000	9,750,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
JEFFERSON	8611	KY-2053	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PRESTON HIGHWAY TO PENN RUN CREEK BRIDGE. (10CCN)(12CCR)(SAME AS 5-8205.10)	PL					
				DN	STP	630,000			
				RW	SP		3,500,000		
				UT	SP		7,200,000		
				CN	SP				11,00
				Project Cost:		630,000	10,700,000	0	11,00
JEFFERSON	8612	KY-2053	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PENN RUN CREEK BRIDGE TO CEDAR CREEK ROAD. (10CCN)(12CCR)(SAME AS 5-8205.20)	PL					
				DN					
				RW					
				UT					
				CN	SP	7,910,000			
				Project Cost:		7,910,000	0	0	
JEFFERSON	8907	KY-1450	4-LANE BLUE LICK RD FROM GENE SNYDER TO BULLITT COUNTY LINE	PL					
				DN					
				RW					
				UT	SP	10,000,000			
				CN	SP		37,500,000		
				Project Cost:		10,000,000	37,500,000	0	
JEFFERSON	8951	I-64	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON I-64 WESTBOUND BETWEEN MILEPOINTS 13.7 AND 14.2	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,850,000			
				Project Cost:		1,850,000	0	0	
JEFFERSON	8952	US-60	WIDEN US 60 TO THREE LANES FROM EASTWOOD CUTOFF (MP 14.7) TO ROCKCREST WAY (MP 15.1)	PL					
				DN	SP		325,000		
				RW	SP			400,000	
				UT	SP				45
				CN					
				Project Cost:		0	325,000	400,000	45

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
JEFFERSON	8953	KY-1747	IMPROVE THE HURSTBOURNE PARKWAY (KY 1747) AT SHELBYVILLE ROAD (US 60) INTERSECTION TO INCREASE CAPACITY, REDUCE DELAYS, AND IMPROVE SAFETY	PL					
				DN					
				RW					
				UT	SPP	1,000,000			
				CN	SPP		2,500,000		
				Project Cost:		1,000,000	2,500,000	0	
JEFFERSON	8957	I-265	DESIGN AND BUILD A NOISE BARRIER WALL ON THE NORTH SIDE OF I-265 BETWEEN MP 15.3 AND MP 16.1 FOR APPROXIMATELY 4700 FEET.	PL					
				DN	SP				25
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	25
JEFFERSON	8960	I-64	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE WESTBOUND SIDE OF I-64 FROM MP 10.3 TO MP 11.2 FOR APPROXIMATELY 4800 FEET.	PL					
				DN	SP			250,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	250,000	
JEFFERSON	8961	I-265	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTH SIDE OF I-265 FROM MP 16.6 TO MP 17.2 FOR APPROXIMATELY 3,100 FEET.	PL					
				DN	SP				25
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	25
JEFFERSON	8963	I-71	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON I-71 NORTHBOUND FROM NEAR GLENVIEW AVENUE TO JUST NORTH OF THE LIME KILN OVERPASS FOR APPROXIMATELY 2,700 FEET.	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,730,000			
				Project Cost:		1,730,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for JEFFERSON county				PL					
				DN		1,080,000	325,000	250,000	50
				RW		9,040,000	3,500,000	450,000	
				UT		17,480,000	11,000,000	10,000	45
				CN		59,090,000	153,270,000	110,260,000	35,75
				Total Amounts:		86,690,000	168,095,000	110,970,000	36,70
JESSAMINE	87.51	-0	EAST NICHOLASVILLE BYPASS SECTION II; FROM KY-39, EXTENDING SOUTHWESTERLY TO US-27 SOUTH OF NICHOLASVILLE. (SEE 7-8305.00 FOR D PHASE.)(2000BOP)(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	10,000,000			
				Project Cost:		10,000,000	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	STP	7,500,000			
				UT	STP	5,000,000			
				CN	STP			12,000,000	
				Project Cost:		12,500,000	0	12,000,000	
JESSAMINE	419	KY-169	RECONSTRUCT KY 169 JUST EAST OF KEENE TO ELIMINATE DROP OFFS	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	
JESSAMINE	915	US-68	RECONSTRUCT INTERSECTION OF KY 29 NORTH OF WILMORE.	PL					
				DN					
				RW					
				UT	STP	600,000			
				CN	STP			3,000,000	
				Project Cost:		600,000	0	3,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRX	350,000			
				RW	BRX		100,000		
				UT	BRX		200,000		
				CN	BRX				1,65
				Project Cost:		350,000	300,000	0	1,65
JESSAMINE	1144	CR-1238	REPLACE BRIDGE ON CR-1238 (0.88) OVER NS SYSTEM. (SR=26.3) 057R00605N	PL					
				DN	BRZ		375,000		
				RW	BRZ				15
				UT	BRZ				15
				CN					
				Project Cost:		0	375,000	0	30
JESSAMINE	8404	US-27	CONSTRUCT A NEW 4 LANE CONNECTOR BETWEEN US-27 AND I-75. (08CCN)(12CCR)	PL					
				DN					
				RW	STP	10,000,000			
				UT	STP		3,000,000		
				CN					
				Project Cost:		10,000,000	3,000,000	0	
JESSAMINE	8906	KY-169	RECONSTRUCT KY 169 FROM US 68 TO 0.54 MILES NORTH OF CLEAR CREEK RD (MP. 14.448 TO MP 19.000)	PL					
				DN					
				RW					
				UT	SP	4,000,000			
				CN	SP		18,500,000		
				Project Cost:		4,000,000	18,500,000	0	
Total for JESSAMINE county				PL					
				DN		350,000	375,000		
				RW		18,500,000	100,000		15
				UT		9,600,000	4,200,000		15
				CN		10,000,000	18,500,000	17,000,000	1,65
				Total Amounts:		38,450,000	23,175,000	17,000,000	1,95

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
JOHNSON	8903	KY-1428	IMPROVE SAFETY AND GEOMETRICS FROM KY 321 RAMP TO PAINTSVILLE, AT THE BROADWAY INTERSECTION.	PL					
				DN					
				RW	SPP	8,000,000			
				UT	SPP		1,500,000		
				CN	SPP			15,000,000	
				Project Cost:		8,000,000	1,500,000	15,000,000	
Total for JOHNSON county				PL					
				DN					
				RW		8,000,000			
				UT			1,500,000		
				CN				15,000,000	
				Total Amounts:		8,000,000	1,500,000	15,000,000	
KENTON	162.1	KY-1303	RECONSTRUCT KY 1303 FROM KY 536 (MP 0.000) TO BEECHGROVE ELEMENTARY (MP 1.100) (PRIORITY SECTION 1). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)	PL					
				DN					
				RW	STP	3,000,000			
				UT	STP		1,000,000		
				CN	STP				10,00
				Project Cost:		3,000,000	1,000,000	0	10,00
KENTON	162.2	KY-536	RECONSTRUCT KY 536 FROM THE EAST END OF THE NS RAILROAD BRIDGE (B91)(MP 14.363 IN BOONE) TO KY 1303 (MP 1.061)	PL					
				DN					
				RW					
				UT	STP	1,000,000			
				CN	STP		8,000,000		
				Project Cost:		1,000,000	8,000,000	0	
Total for KENTON county				PL					
				DN					
				RW		3,000,000			
				UT		1,000,000	1,000,000		
				CN			8,000,000		10,00
				Total Amounts:		4,000,000	9,000,000	0	10,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
KNOTT	1124	CS-1016	REPLACE BRIDGE OVER RIGHT FORK TROUBLESOME CREEK ON FIELDWOOD DRIVE (CS1016) IN HINDMAN (060C00060N)(SR=21.9)	PL					
				DN	BRZ	300,000			
				RW	BRZ			150,000	
				UT	BRZ			250,000	
				CN	BRZ				25
				Project Cost:		300,000	0	400,000	25
Total for KNOTT county				PL					
				DN		300,000			
				RW				150,000	
				UT				250,000	
				CN					25
				Total Amounts:		300,000	0	400,000	25
KNOX	1102	CR-1325	REPLACE BRIDGE ON OLD HWY 25 (CR 1325) JUST WEST OF US 25E. (SR=20.7) 061C00063N	PL					
				DN	BRZ	250,000			
				RW	BRZ			50,000	
				UT	BRZ			25,000	
				CN	BRZ				40
				Project Cost:		250,000	0	75,000	40
KNOX	8958	KY-11	RECONSTRUCT AND IMPROVE EXISTING ALIGNMENTS, WITH SHOULDERS, OF BARBOURVILLE - MANCHESTER ROAD (KY 11) FROM US 25E (MP 10.1) TO THE KNOX-CLAY COUNTY LINE (MP 22.7)	PL					
				DN	SP			4,500,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	4,500,000	
Total for KNOX county				PL					
				DN		250,000		4,500,000	
				RW				50,000	
				UT				25,000	
				CN					40
				Total Amounts:		250,000	0	4,575,000	40

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRX	50,000			
				UT	BRX	100,000			
				CN	BRX		400,000		
				Project Cost:		150,000	400,000	0	
LARUE	8908	KY-61	REPLACE BRIDGE OVER SOUTH FORK BRANCH	PL					
				DN					
				RW					
				UT	BRZ	100,000			
				CN	BRZ		400,000		
				Project Cost:		100,000	400,000	0	
LARUE	8909	KY-222	CONNECTOR IMPROVEMENTS HODGENVILLE TO I-65	PL					
				DN					
				RW					
				UT	SP	100,000			
				CN	SP		400,000		
				Project Cost:		100,000	400,000	0	
Total for LARUE county				PL					
				DN					
				RW		50,000			
				UT		300,000			
				CN			1,200,000		
				Total Amounts:		350,000	1,200,000	0	
LAUREL	9.1	I-75	WIDEN I-75 TO 6-LANES FROM US-25E TO THE LITTLE LAUREL RIVER (MP 28.9 TO MP 33.2)	PL					
				DN	IM		500,000		
				RW	IM			200,000	
				UT	IM			200,000	
				CN	IM				40,00
				Project Cost:		0	500,000	400,000	40,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	NH	2,480,000			
				CN	NH		9,250,000		
				Project Cost:		2,480,000	9,250,000	0	
LAUREL	1094	CR-1341	REPLACE BRIDGE ON DOG BRANCH SCHOOL RD (CR 1341) 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			
				Project Cost:		1,000,000	0	0	
LAUREL	8907	KY-80	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: EASTERN APPROACH TO THE ROCKCASTLE RIVER BRIDGE TO I-75 (SEGMENT 4)	PL					
				DN					
				RW	SP	40,000,000			
				UT	SP		20,400,000		
				CN	SP			164,500,000	
				Project Cost:		40,000,000	20,400,000	164,500,000	
LAUREL	8908	KY-80	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: LONDON BYPASS, I-75 TO THE HAL ROGERS PARKWAY (SEGMENT 5)	PL					
				DN					
				RW	SP	25,000,000			
				UT	SP		18,500,000		
				CN	SP			131,700,000	
				Project Cost:		25,000,000	18,500,000	131,700,000	
LAUREL	8909	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: APPROXIMATELY 4 MILES EAST OF KY 192 TO CLAY/LAUREL LINE, MP 7.877 TO MP 10.593 (SEGMENT 6)	PL					
				DN					
				RW	SP	2,200,000			
				UT	SP			1,000,000	
				CN	SP			27,000,000	
				Project Cost:		2,200,000	0	28,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LAUREL	8952	KY-490	IMPROVE SAFETY ON KY 490 FROM MP 0.0 TO MP 3.8 BY REPAIRING SHOULDER BREAKOFFS AND PAVEMENT SETTLING, AS WELL AS RESURFACING ROADWAY.	PL					
				DN					
				RW					
				UT					
				CN	SP				50
				Project Cost:		0	0	0	50
LAUREL	8953	CR-1414	REPLACE BRIDGE (063C00044N) ON MT. ZION CHURCH ROAD (CR 1414)	PL					
				DN	SP				30
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	30
Total for LAUREL county				PL					
				DN			500,000		30
				RW		67,200,000		200,000	
				UT		2,480,000	38,900,000	1,200,000	
				CN		1,000,000	9,250,000	323,200,000	40,50
				Total Amounts:		70,680,000	48,650,000	324,600,000	40,80
LAWRENCE	3	KY-3215	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	19,900,000			
				Project Cost:		19,900,000	0	0	
LAWRENCE	8951	CR-1044	SPOT IMPROVEMENTS ON SPANKEM BRANCH ROAD (CR 1044).	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for LAWRENCE county				PL					
				DN					
				RW					
				UT					
				CN		20,400,000			
				Total Amounts:		20,400,000	0	0	
LESLIE	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)	PL					
				DN					
				RW					
				UT					
				CN	BRO	3,040,000			
				Project Cost:		3,040,000	0	0	
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					
				RW	BRX	100,000			
				UT	BRX	75,000			
				CN	BRX		700,000		
				Project Cost:		175,000	700,000	0	
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	BRZ			60,000	
				UT	BRZ			50,000	
				CN	BRZ				42
				Project Cost:		175,000	0	110,000	42
LESLIE	1104	CR-1219	REPLACE BRIDGE ON MILE BRANCH RD (CR 1219) (MP 0.022) OVER BEECH FORK. (SR=4.0) 066C00048N	PL					
				DN	BRZ	350,000			
				RW	BRZ			150,000	
				UT	BRZ			25,000	
				CN	BRZ				70
				Project Cost:		350,000	0	175,000	70

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LESLIE	1106	CR-1207	REPLACE BRIDGE ON WILLIAMS BRANCH RD (CR-1207) (0.028) OVER MIDDLE FORK KENTUCKY RIVER. (SR=2) 066C00020N	PL					
				DN	BRZ		350,000		
				RW	BRZ				10
				UT	BRZ				10
				CN					
				Project Cost:		0	350,000	0	20
LESLIE	8912	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LESLIE LINE TO HYDEN SPUR, MP 35.929 TO MP 44.188 (SEGMENT 9)	PL					
				DN	NH	1,000,000			
				RW	SP		12,000,000		
				UT	SP		9,000,000		
				CN	SP			94,400,000	
				Project Cost:		1,000,000	21,000,000	94,400,000	
LESLIE	8913	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM HYDEN SPUR TO LESLIE/PERRY LINE (SEGMENT 10)	PL					
				DN	NH	1,000,000			
				RW	SP		10,000,000		
				UT	SP		7,000,000		
				CN	SP				61,60
				Project Cost:		1,000,000	17,000,000	0	61,60
LESLIE	8951	US-421	CONSTRUCT RIGHT TURN LANE ON US 421 AT INTERSECTION WITH KY 80.	PL					
				DN	SPP			500,000	
				RW	SPP				10
				UT	SPP				25
				CN					
				Project Cost:		0	0	500,000	35
Total for LESLIE county				PL					
				DN		2,525,000	350,000	500,000	
				RW		100,000	22,000,000	210,000	20
				UT		75,000	16,000,000	75,000	35
				CN		3,040,000	700,000	94,400,000	62,72
				Total Amounts:		5,740,000	39,050,000	95,185,000	63,27

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LETCHER	199.31	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM EXISTING 4-LANE AT KY-1862 TO PAST JUST NORTH OF THE MAYKING MALL.	PL					
				DN					
				RW	NH	1,350,000			
				UT	NH	1,350,000			
				CN	NH			10,000,000	
				Project Cost:		2,700,000	0	10,000,000	
LETCHER	199.32	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM NORTH OF MAYKING MALL TO JUST SOUTH OF THE TRUCK PASSING LANES AND KY-3406.	PL					
				DN	NH		600,000		
				RW	NH				75
				UT	NH				45
				CN					
				Project Cost:		0	600,000	0	1,20
LETCHER	199.33	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM KY-3406 AND THE BEGINNING OF THE NORTHBOUND TRUCK PASSING LANES TO JUST NORTH OF KY-805.	PL					
				DN	NH		1,300,000		
				RW	NH				1,15
				UT	NH				1,45
				CN					
				Project Cost:		0	1,300,000	0	2,60
LETCHER	199.34	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM NORTH OF KY-805 TO THE EXISTING 4-LANE.	PL					
				DN	NH		1,000,000		
				RW	NH				75
				UT	NH				75
				CN					
				Project Cost:		0	1,000,000	0	1,50
LETCHER	199.51	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23.	PL					
				DN					
				RW					
				UT					
				CN	NH		18,000,000		
				Project Cost:		0	18,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LETCHER	199.52	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23.	PL					
				DN					
				RW					
				UT					
				CN	NH			10,000,000	
				Project Cost:		0	0	10,000,000	
LETCHER	311.8	US-119	RECONSTRUCTION OF US-119 FROM 0.15 MILE WEST OF KY-806 TO KY-932. 2012BOP	PL					
				DN					
				RW					
				UT	APD	300,000			
				CN	APD		34,000,000		
				Project Cost:		300,000	34,000,000	0	
LETCHER	311.81	US-119	RECONSTRUCTION OF US-119 FROM 0.15 MILE WEST OF KY-806 TO KY-932. 2012BOP	PL					
				DN					
				RW					
				UT					
				CN	APD			9,000,000	
				Project Cost:		0	0	9,000,000	
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					
				RW	BRX	75,000			
				UT	BRX	75,000			
				CN	BRX			450,000	
				Project Cost:		150,000	0	450,000	
LETCHER	1125	CR-1226	REPLACE BRIDGE ON HAMPTON BRANCH (CR 1226) (MP 0.01) OVER COWAN CREEK. (SR=7.0) 067C00021N	PL					
				DN					
				RW	BRZ	150,000			
				UT	BRZ	100,000			
				CN	BRZ			300,000	
				Project Cost:		250,000	0	300,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LETCHER	1126	CR-1225	REPLACE BRIDGE ON CR-1225 (0.034) OVER COWAN CREEK. (SR=3.0) 067C00020N	PL					
				DN	BRZ		600,000		
				RW	BRZ				250
				UT	BRZ				300
				CN					
				Project Cost:		0	600,000	0	550
LETCHER	8909	KY-160	UPGRADE KY-160 (ROXANA-VAN ROAD) WITH SHOULDER/BREAK REPAIRS, CULVERT EXTENSIONS, AND DRAINAGE UPGRADES.	PL					
				DN					
				RW	SPP	50,000			
				UT	SPP	100,000			
				CN	SPP		3,150,000		
				Project Cost:		150,000	3,150,000	0	
LETCHER	8910	KY-160	CURVE CORRECTION AT MP 17.7 ALONG KY 160 NEAR INTERSECTION WITH KY 588	PL					
				DN	SPP	300,000			
				RW	SPP		100,000		
				UT	SPP		100,000		
				CN	SPP			5,000,000	
				Project Cost:		300,000	200,000	5,000,000	
LETCHER	8911	KY-160	RESURFACE KY-160 (ROXANA-VAN ROAD) FROM MP 15.376 TO MP 21.843	PL					
				DN					
				RW					
				UT					
				CN	SPP			1,200,000	
				Project Cost:		0	0	1,200,000	
Total for LETCHER county				PL					
				DN		300,000	3,500,000		
				RW		1,625,000	100,000		2,90
				UT		1,925,000	100,000		2,95
				CN			55,150,000	35,950,000	
				Total Amounts:		3,850,000	58,850,000	35,950,000	5,85

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LEWIS	231	KY-59	RECONSTRUCT KY-59 FROM KY-9 (AA) IN VANCEBURG TO JUNCTION OF KY-344 MP 18.1 TO MP 23.19	PL					
				DN					
				RW	STP	5,000,000			
				UT	STP	3,000,000			
				CN	STP		40,000,000		
				Project Cost:		8,000,000	40,000,000	0	
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					
				RW					
				UT					
				CN	BRX	900,000			
				Project Cost:		900,000	0	0	
LEWIS	8806	KY-8	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.	PL					
				DN					
				RW	STP	5,000,000			
				UT	STP	3,500,000			
				CN	STP			20,000,000	
				Project Cost:		8,500,000	0	20,000,000	
LEWIS	8806.1	KY-8	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.	PL					
				DN					
				RW					
				UT					
				CN	STP				10,00
				Project Cost:		0	0	0	10,00
LEWIS	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE. (14CCN)	PL					
				DN					
				RW					
				UT	STP	3,400,000			
				CN	STP			20,000,000	
				Project Cost:		3,400,000	0	20,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LEWIS	8807.01	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP				10,00
				Project Cost:		0	0	0	10,00
LEWIS	8904.1	KY-59	RECONSTRUCT FROM KY 59 FROM KY 9 IN VANCEBURG TO JUNCTION OF KY 344.	PL					
				DN					
				RW					
				UT					
				CN	STP			20,000,000	
				Project Cost:		0	0	20,000,000	
LEWIS	8917	KY-9	PAVEMENT REHABILITATION ON THE AA HIGHWAY (KY 9) FROM THE INTERSECTION OF KY 59 (MP 11.205) TO 0.481 MILES NORTH OF CR 1303 (MP 15.800) IN LEWIS COUNTY. A TOTAL OF 4.595 MILES.	PL					
				DN					
				RW					
				UT					
				CN	NH	1,280,000			
				Project Cost:		1,280,000	0	0	
Total for LEWIS county				PL					
				DN					
				RW		10,000,000			
				UT		9,900,000			
				CN		2,180,000	40,000,000	60,000,000	20,00
				Total Amounts:		22,080,000	40,000,000	60,000,000	20,00
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					
				RW	NH	1,400,000			
				UT	NH	1,100,000			
				CN	NH			6,500,000	
				Project Cost:		2,500,000	0	6,500,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
LINCOLN	1066	CR-1043	REPLACE BRIDGE ON CR-1043 (0.643) OVER LOGAN CREEK. (SR=20.2) 069C00008N	PL					
				DN	BRZ			250,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	250,000	
Total for LINCOLN county				PL					
				DN				250,000	
				RW		1,400,000			
				UT		1,100,000			
				CN				6,500,000	
				Total Amounts:		2,500,000	0	6,750,000	
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	BRO	15,000,000			
				Project Cost:		15,000,000	0	0	
LIVINGSTON	1142.02	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	BRO		15,000,000		
				Project Cost:		0	15,000,000	0	
LIVINGSTON	1142.03	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	BRO			5,650,000	
				Project Cost:		0	0	5,650,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for LIVINGSTON county				PL					
				DN					
				RW					
				UT					
				CN		15,000,000	15,000,000	5,650,000	
				Total Amounts:		15,000,000	15,000,000	5,650,000	
LOGAN	8908	KY-2349	IMPROVE SAFETY BY IMPROVING SIGHT LINES CROSSING RAILROAD BETWEEN STOCKYARDS AND INDUSTRIAL PARK	PL					
				DN					
				RW	SPP	100,000			
				UT	SPP	150,000			
				CN	SPP		850,000		
				Project Cost:		250,000	850,000	0	
Total for LOGAN county				PL					
				DN					
				RW		100,000			
				UT		150,000			
				CN			850,000		
				Total Amounts:		250,000	850,000	0	
MADISON	235	KY-52	RELOCATE AND/OR REALIGN KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD)	PL					
				DN					
				RW					
				UT					
				CN	SPP	33,870,000			
				Project Cost:		33,870,000	0	0	
MADISON	1137	KY-3376	REPLACE BRIDGE OVER TERRILL BRANCH ROAD ON KY 3376 IN BEREA 200 FT N OF PEACHTREE DRIVE (CS 2072).(076B00085N)(SR=46.5)	PL					
				DN	BRX	300,000			
				RW	BRX			75,000	
				UT	BRX			325,000	
				CN	BRX				75
				Project Cost:		300,000	0	400,000	75

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MADISON	1142	CR-1017	REPLACE BRIDGE ON CR-1017 (3.405) OVER MUDDY CREEK. (SR=27.5) 076C00004N	PL					
				DN	BRZ		275,000		
				RW	BRZ				10
				UT	BRZ				10
				CN					
				Project Cost:		0	275,000	0	20
MADISON	1143	CR-1044	REPLACE BRIDGE ON CR-1044 (0.007) OVER BR OF MUDDY CREEK. (SR=29.5) 076C00066N	PL					
				DN	BRZ		300,000		
				RW	BRZ				10
				UT	BRZ				10
				CN					
				Project Cost:		0	300,000	0	20
MADISON	8853	KY-2881	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON RD TO THE MADISON CO AIRPORT TO INCLUDE CALEAST RD (KY 2881 MP.783-MP 2.780), JOHN BALLARD RD (KY 2877 MP 0-MP.806 & CR 1236 MP0-MP.429) FROM	PL					
				DN	SPP	1,000,000			
				RW	SPP		500,000		
				UT	SP			2,700,000	
				CN	SP				9,00
				Project Cost:		1,000,000	500,000	2,700,000	9,00
Total for MADISON county				PL					
				DN		1,300,000	575,000		
				RW			500,000	75,000	20
				UT				3,025,000	20
				CN		33,870,000			9,75
				Total Amounts:		35,170,000	1,075,000	3,100,000	10,15
MAGOFFIN	126.4	KY-9009	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) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH		40,000,000		
				Project Cost:		0	40,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MAGOFFIN	126.41	KY-9009	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) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP			25,000,000	
				Project Cost:		0	0	25,000,000	
MAGOFFIN	126.42	KY-9009	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) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP				22,87
				Project Cost:		0	0	0	22,87
MAGOFFIN	126.52	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	NH	7,700,000			
				Project Cost:		7,700,000	0	0	
MAGOFFIN	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL					
				DN					
				RW					
				UT	NH	2,500,000			
				CN	SP			98,000,000	
				Project Cost:		2,500,000	0	98,000,000	
MAGOFFIN	8901	US-460	RECONSTRUCT US 460 IN MAGOFFIN COUNTY AT IVY POINT HILL FROM MP 10.0 TO 10.7.	PL					
				DN					
				RW	STP	1,500,000			
				UT	STP		200,000		
				CN	STP			6,000,000	
				Project Cost:		1,500,000	200,000	6,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for MAGOFFIN county				PL					
				DN					
				RW		1,500,000			
				UT		2,500,000	200,000		
				CN		7,700,000	40,000,000	129,000,000	22,87
				Total Amounts:		11,700,000	40,200,000	129,000,000	22,87
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	SP		31,850,000		
				Project Cost:		0	31,850,000	0	
MARION	8714	-0	CONNECTOR FROM HENDRICKSON DRIVE TO CORPORATE DRIVE (12CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	5,000,000			
				Project Cost:		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	SP	12,000,000			
				Project Cost:		12,000,000	0	0	
MARION	8805	-0	NEW CONSTRUCTION - EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	10,100,000			
				Project Cost:		10,100,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MARION	8810	KY-243	SAFETY IMPROVEMENTS TO KY-243 BETWEEN HWY 68 AND GRAVEL SWITCH (MP 1.751 TO MP 2.558). (14CCN)	PL					
				DN	SP	150,000			
				RW	SP		750,000		
				UT					
				CN					
				Project Cost:		150,000	750,000	0	
MARION	8913	US-68	IMPROVE INTERSECTION OF US 68 AND KY 2154	PL					
				DN					
				RW	SP	550,000			
				UT	SP	750,000			
				CN	SP		1,100,000		
				Project Cost:		1,300,000	1,100,000	0	
MARION	8914	KY-84	REPLACE BRIDGE ON KY 84 OVER HARDINS CREEK	PL					
				DN					
				RW	SP	30,000			
				UT	SP	50,000			
				CN	SP		582,000		
				Project Cost:		80,000	582,000	0	
MARION	8916	KY-55	HEARTLAND PARKWAY: LEBANON BYPASS TO MARION/WASHINGTON LINE	PL					
				DN					
				RW					
				UT					
				CN	NH	4,500,000			
				Project Cost:		4,500,000	0	0	
MARION	8917	US-68	HEARTLAND PARKWAY: MARION/TAYLOR LINE TO LEBANON BYPASS	PL					
				DN					
				RW					
				UT					
				CN	NH	11,000,000			
				Project Cost:		11,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MARION	8952	KY 49	ADDRESS GEOMETRIC DEFICIENCIES AND SAFETY ALONG KY 49 SOUTH OF BRADFORDSVILLE FROM MP 6.9 TO MP 7.6.	PL					
				DN	SP				50
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	50
Total for MARION county				PL					
				DN		150,000			50
				RW		580,000	750,000		
				UT		800,000			
				CN		42,600,000	33,532,000		
				Total Amounts:		44,130,000	34,282,000	0	50
MARTIN	154.11	KY-40	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					
				DN					
				RW					
				UT					
				CN	SPP	16,000,000			
				Project Cost:		16,000,000	0	0	
MARTIN	154.12	KY-40	INEZ TO WARFIELD (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK [STA. 190+00 TO STA. 298+00] (ADDITIONAL FUNDING FOR C PHASE)	PL					
				DN					
				RW					
				UT					
				CN	SPP	19,560,000			
				Project Cost:		19,560,000	0	0	
MARTIN	154.16	KY-40	INEZ TO WARFIELD (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)] (2002BOP)	PL					
				DN					
				RW					
				UT					
				CN	STP		48,140,000		
				Project Cost:		0	48,140,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MARTIN	154.17	KY-40	INEZ TO WARFIELD (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)]	PL					
				DN					
				RW					
				UT					
				CN	STP			18,000,000	
				Project Cost:		0	0	18,000,000	
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	STP				18,00
				Project Cost:		0	0	0	18,00
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	STP				17,08
				Project Cost:		0	0	0	17,08
Total for MARTIN county				PL					
				DN					
				RW					
				UT					
				CN		35,560,000	48,140,000	18,000,000	35,08
				Total Amounts:		35,560,000	48,140,000	18,000,000	35,08
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)(06CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP		32,450,000		
				Project Cost:		0	32,450,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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) (06CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	33,750,000			
				Project Cost:		33,750,000	0	0	
MASON	8809	US-68	ADDITION OF AN INTERCHANGE ON HEATHER FRENCH HENRY SOUTHERN LOOP (US 62 AND US 68). (14CCN)	PL					
				DN					
				RW	STP	750,000			
				UT	STP	500,000			
				CN	STP		8,000,000		
				Project Cost:		1,250,000	8,000,000	0	
MASON	8906	KY-3056	REPLACE BRIDGE ON KY 3056 OVER SOUTH FORK LAWRENCE CREEK.	PL					
				DN					
				RW					
				UT	BRO	175,000			
				CN	BRO		1,250,000		
				Project Cost:		175,000	1,250,000	0	
MASON	8907	KY-9	WIDEN KY 9/AA HIGHWAY TO 4 LANES FROM KY 435 TO KY 2370 IN BRACKEN CO.	PL					
				DN					
				RW					
				UT	SP	5,000,000			
				CN	SP		45,000,000		
				Project Cost:		5,000,000	45,000,000	0	
MASON	8908	KY-9	WIDEN THE AA HIGHWAY TO 4 LANES FROM KY 1449 TO KY 11.	PL					
				DN					
				RW					
				UT	SP	3,500,000			
				CN	SP		24,000,000		
				Project Cost:		3,500,000	24,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MASON	8909	KY-11	IMPROVE SAFETY BY ADDING LEFT AND RIGHT TURN LANES FOR EXIT ALONG KY 11.	PL					
				DN					
				RW					
				UT	SP	400,000			
				CN	SP		4,000,000		
				Project Cost:		400,000	4,000,000	0	
MASON	8910	CR-1124	REPLACE THE BRIDGE ON DAVIS LANE	PL					
				DN					
				RW					
				UT	BRZ	150,000			
				CN	BRZ		1,000,000		
				Project Cost:		150,000	1,000,000	0	
MASON	8911	CR-1019	REPLACE THE BRIDGE ON KENNEDY CREEK ROAD	PL					
				DN					
				RW					
				UT	BRZ	100,000			
				CN	BRZ		550,000		
				Project Cost:		100,000	550,000	0	
Total for MASON county				PL					
				DN					
				RW		750,000			
				UT		9,825,000			
				CN		33,750,000	116,250,000		
				Total Amounts:		44,325,000	116,250,000	0	
MCCRACKEN	153	KY-1286	UPGRADE KY 1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)	PL					
				DN					
				RW					
				UT	SPP	4,870,000			
				CN	SPP		17,720,000		
				Project Cost:		4,870,000	17,720,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MCCRACKEN	310.1	-0	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	SPP	2,520,000			
				UT	SPP		2,490,000		
				CN					
				Project Cost:		2,520,000	2,490,000	0	
MCCRACKEN	1115.1	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR) (14CCR)(LET W/ 1-1115.20)	PL					
				DN					
				RW					
				UT					
				CN	STP	10,820,000			
				Project Cost:		10,820,000	0	0	
MCCRACKEN	1115.2	US-62	RELOCATION OF US-62 FROM US-60 DEPARTURE TO KY-1887 (PARK ROAD).(10CCR) (12CCR)(LET W/ 1-1115.10)	PL					
				DN					
				RW					
				UT	STP	2,710,000			
				CN	STP		8,660,000		
				Project Cost:		2,710,000	8,660,000	0	
MCCRACKEN	1152	KY-1954	REPLACE BRIDGE OVER BOTTOM DITCH ON KY 1954 0.7 MILE NORTH OF KY 348 (073B00096N) (SR=8.3).	PL					
				DN					
				RW	BRX	140,000			
				UT	BRX	120,000			
				CN	BRX		560,000		
				Project Cost:		260,000	560,000	0	
MCCRACKEN	1154	KY-994	REPLACE BRIDGE OVER BRANCH OF BOTTOM DITCH ON KY 994 0.8 MI NW OF KY 348 (073B00015N)(SR=35.3)(EBRP)	PL					
				DN	BRX		240,000		
				RW	BRX			320,000	
				UT	BRX			310,000	
				CN	BRX				43
				Project Cost:		0	240,000	630,000	43

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MCCRACKEN	8003	I-24	I-24; CONSTRUCT NEW INTERCHANGE AT KY-994 (OLD MAYFIELD ROAD) SE OF PADUCAH. (00CCN)(14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	31,590,000			
				Project Cost:		31,590,000	0	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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	16,230,000			
				Project Cost:		16,230,000	0	0	
Total for MCCRACKEN county				PL					
				DN			240,000		
				RW		2,660,000		320,000	
				UT		7,700,000	2,490,000	310,000	
				CN		58,640,000	26,940,000		43
				Total Amounts:		69,000,000	29,670,000	630,000	43
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	BRZ	280,000			
				RW	BRZ		50,000		
				UT	BRZ		20,000		
				CN	BRZ				57
				Project Cost:		280,000	70,000	0	57
Total for MCCREARY county				PL					
				DN		280,000			
				RW			50,000		
				UT			20,000		
				CN					57
				Total Amounts:		280,000	70,000	0	57

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MCLEAN	1090	KY-2385	REPLACE BRIDGE OVER BRANCH OF POND DRAIN CREEK ON KY 2385 0.9 MI SW OF KY 81 (075B00066N)(SR=43.6)	PL					
				DN	BRX	440,000			
				RW	BRX			60,000	
				UT	BRX			120,000	
				CN	BRX				94
				Project Cost:		440,000	0	180,000	94
Total for MCLEAN county				PL					
				DN		440,000			
				RW				60,000	
				UT				120,000	
				CN					94
				Total Amounts:		440,000	0	180,000	94
MEADE	1088	KY-823	REPLACE BRIDGE OVER UNNAMED STREAM ON KY 823 0.5 MILE WEST OF KY 2734. (082B00008N) (SR=45.2)	PL					
				DN	BRX	150,000			
				RW	BRX			50,000	
				UT	BRX			80,000	
				CN	BRX				67
				Project Cost:		150,000	0	130,000	67
MEADE	8702	KY-79	RECONSTRUCT KY 79 FROM KY 428 TO KY 144. (12CCN)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	11,410,000			
				Project Cost:		11,410,000	0	0	
Total for MEADE county				PL					
				DN		150,000			
				RW				50,000	
				UT				80,000	
				CN		11,410,000			67
				Total Amounts:		11,560,000	0	130,000	67

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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. (14CCN)	PL					
				DN					
				RW	SPP	3,000,000			
				UT	SPP		1,500,000		
				CN	SP				10,00
				Project Cost:		3,000,000	1,500,000	0	10,00
MENIFEE	8805	US-460	WIDEN EXISTING ROADWAY AND IMPROVE VERTICAL AND HORIZONTAL CURVES. NEW CONSTRUCTION. COMPLETES US 460 UPGRADES IN MENIFEE COUNTY FROM MP 14.35 TO 19.39 AND IN MORGAN COUNTY FROM MP 0	PL					
				DN	SPP	3,000,000			
				RW	SPP		3,500,000		
				UT					
				CN					
				Project Cost:		3,000,000	3,500,000	0	
Total for MENIFEE county				PL					
				DN		3,000,000			
				RW		3,000,000	3,500,000		
				UT			1,500,000		
				CN					10,00
				Total Amounts:		6,000,000	5,000,000	0	10,00
METCALFE	112.1	KY-90	SUMMER SHADE BYPASS. (06CCR)(2006BOPC) (08CCR)(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP		15,190,000		
				Project Cost:		0	15,190,000	0	
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	BRX	250,000			
				RW	BRX		75,000		
				UT	BRX		100,000		
				CN	BRX			235,000	
				Project Cost:		250,000	175,000	235,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
METCALFE	8706	US-68	SPOT IMPROVEMENTS ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE.(12CCN)	PL					
				DN					
				RW					
				UT	STP	1,200,000			
				CN	STP			7,000,000	
				Project Cost:		1,200,000	0	7,000,000	
METCALFE	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON THE WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL RD (MP 10.0) S OF EDMONTON, CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE COURTHOUSE SQ, TO US 68	PL					
				DN					
				RW					
				UT					
				CN	SPP	11,945,000			
				Project Cost:		11,945,000	0	0	
METCALFE	8955	KY-163	IMPROVE HIGHWAY SAFETY AND SYSTEMS MOBILITY IN THE KY 163 CORRIDOR BETWEEN KY 90 (MP 2.907) AND THE PROPOSED WEST EDMONTON BYPASS (MP 9.777)	PL					
				DN	SP			2,500,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	2,500,000	
Total for METCALFE county				PL					
				DN		250,000		2,500,000	
				RW			75,000		
				UT		1,200,000	100,000		
				CN		11,945,000	15,190,000	7,235,000	
				Total Amounts:		13,395,000	15,365,000	9,735,000	
MONROE	128.1	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	444,000			
				Project Cost:		444,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MONROE	128.11	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		444,000		
				Project Cost:		0	444,000	0	
MONROE	128.12	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			444,000	
				Project Cost:		0	0	444,000	
MONROE	128.13	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2022.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				44
				Project Cost:		0	0	0	44
MONROE	8954	KY-63	RECONSTRUCT INTERSECTION OF KY 63 AND POPLAR LOG CHURCH ROAD	PL					
				DN					
				RW					
				UT					
				CN	SPP	700,000			
				Project Cost:		700,000	0	0	
Total for MONROE county				PL					
				DN					
				RW					
				UT					
				CN		1,144,000	444,000	444,000	44
				Total Amounts:		1,144,000	444,000	444,000	44

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MONTGOMERY	8810	US-60	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	8,000,000			
				Project Cost:		8,000,000	0	0	
MONTGOMERY	8953	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM 500 FEET WEST OF SEWELL SHOP ROAD (MP 17.032) IN CLARK COUNTY TO 500 FEET WEST OF BENTBROOK (MP 2.007) IN MONTGOMERY COUNTY	PL					
				DN	SP				1,50
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	1,50
Total for MONTGOMERY county				PL					
				DN					1,50
				RW					
				UT					
				CN		8,000,000			
				Total Amounts:		8,000,000	0	0	1,50
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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	12,100,000			
				Project Cost:		12,100,000	0	0	
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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH		15,000,000		
				Project Cost:		0	15,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRX		300,000		
				RW	BRX			150,000	
				UT	BRX			50,000	
				CN	BRX				1,25
				Project Cost:		0	300,000	200,000	1,25
MORGAN	8804		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	SPP	335,000			
				CN	SPP		5,868,000		
				Project Cost:		335,000	5,868,000	0	
MORGAN	8902	KY-191	REPLACE BRIDGE ON KY 191 OVER CANEY CREEK .5 MILES WEST OF KY 1162	PL					
				DN					
				RW					
				UT	SPP	100,000			
				CN	SPP		750,000		
				Project Cost:		100,000	750,000	0	
Total for MORGAN county				PL					
				DN			300,000		
				RW				150,000	
				UT		435,000		50,000	
				CN		12,100,000	21,618,000		1,25
				Total Amounts:		12,535,000	21,918,000	200,000	1,25
MUHLENBERG	160	US-431	IMPROVE RAILROAD CROSSING AT MP 15.674 BETWEEN CENTRAL CITY AND DRAKESBORO. (04CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	2,710,000			
				Project Cost:		2,710,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
MUHLENBERG	8803	KY-2533	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. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,500,000			
				Project Cost:		4,500,000	0	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. (14CCN)	PL					
				DN					
				RW					
				UT	SPP	180,000			
				CN	SPP		980,000		
				Project Cost:		180,000	980,000	0	
Total for MUHLENBERG county				PL					
				DN					
				RW					
				UT		180,000			
				CN		7,210,000	980,000		
				Total Amounts:		7,390,000	980,000	0	
NELSON	1089	KY-509	REPLACE BRIDGE OVER FROMAN CREEK ON KY 509 0.9 MI W OF US 31E (090B00068N)(SR=38.7)	PL					
				DN	BRX		150,000		
				RW	BRX			100,000	
				UT	BRX			80,000	
				CN	BRX				80
				Project Cost:		0	150,000	180,000	80
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	BRZ	100,000			
				RW	BRZ			30,000	
				UT	BRZ			50,000	
				CN	BRZ				24
				Project Cost:		100,000	0	80,000	24

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
NELSON	8307.2	KY-245	WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).	PL					
				DN					
				RW	SP	10,000,000			
				UT	SP	6,700,000			
				CN	SP			46,000,000	
				Project Cost:		16,700,000	0	46,000,000	
NELSON	8308.1	US-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN)	PL					
				DN					
				RW					
				UT					
				CN	SP	13,160,000			
				Project Cost:		13,160,000	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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		25,000,000		
				Project Cost:		0	25,000,000	0	
Total for NELSON county				PL					
				DN		100,000	150,000		
				RW		10,000,000		130,000	
				UT		6,700,000		130,000	
				CN		13,160,000	25,000,000	46,000,000	1,04
				Total Amounts:		29,960,000	25,150,000	46,260,000	1,04
NICHOLAS	8951	CR-1010	REPLACE BRIDGE ON ABNER'S MILL ROAD (CR 1010) 2.4 MILES NORTH OF KY 32.	PL					
				DN					
				RW					
				UT					
				CN	BRX	100,000			
				Project Cost:		100,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for NICHOLAS county				PL					
				DN					
				RW					
				UT					
				CN		100,000			
				Total Amounts:		100,000	0	0	
OHIO	1091	US-62	REPLACE BRIDGE OVER THREELICK FORK ON US 62 0.4 MILE E OF GREEN MEADOWS DRIVE (CS 6068) IN BEAVER DAM. (092B00033N) (SR=48)	PL					
				DN	BRX		440,000		
				RW	BRX			60,000	
				UT	BRX			120,000	
				CN	BRX				1,29
				Project Cost:		0	440,000	180,000	1,29
OHIO	8810	KY-69	WIDEN/RECONSTRUCT KY 69 FROM CENTERTOWN TO HARTFORD. (14CCN)	PL					
				DN					
				RW					
				UT	STP		5,000,000		
				CN	STP			16,500,000	
				Project Cost:		0	5,000,000	16,500,000	
OHIO	8901	KY-54	UPGRADE KY 54 TO A 3 LANE AND PROVIDE NEW CURB AND GUTTER AND ADDRESS TWO DANGEROUS CURVES AT FORDSVILLE ON EAST SIDE OF ROADWAY.	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP		7,000,000		
				Project Cost:		2,000,000	7,000,000	0	
OHIO	8951	KY-54	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS	PL					
				DN					
				RW	SPP	1,000,000			
				UT	SPP		2,000,000		
				CN	SPP			7,000,000	
				Project Cost:		1,000,000	2,000,000	7,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for OHIO county				PL					
				DN			440,000		
				RW		1,000,000		60,000	
				UT		2,000,000	7,000,000	120,000	
				CN			7,000,000	23,500,000	1,29
				Total Amounts:		3,000,000	14,440,000	23,680,000	1,29
OLDHAM	304.1	KY-22	RECONSTRUCT KY-22 FROM KY-329 TO ABBOTT LANE. (2004BOPC)(08CCR)(10CCR) (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	12,340,000			
				Project Cost:		12,340,000	0	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	
OLDHAM	483.1	I-275	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY 329 (MP 14.1) TO KY 393 (MP 18.0)	PL					
				DN	NH	3,500,000			
				RW	NH		1,900,000		
				UT	NH			1,700,000	
				CN	NH				34,00
				Project Cost:		3,500,000	1,900,000	1,700,000	34,00
OLDHAM	483.2	I-275	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY 393 (MP 18.0) TO KY 53 (MP 22.4), INCLUDING A NEW INTERCHANGE AT MP 20.6	PL					
				DN	NH	5,500,000			
				RW	NH				2,30
				UT					
				CN					
				Project Cost:		5,500,000	0	0	2,30

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
OLDHAM	8852	KY-53	DESIGN FOR IMPROVING KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)	PL					
				DN	STP		2,000,000		
				RW					
				UT					
				CN					
				Project Cost:		0	2,000,000	0	
Total for OLDHAM county				PL					
				DN		9,000,000	2,000,000		
				RW			1,900,000		2,30
				UT				1,700,000	
				CN		23,290,000			34,00
				Total Amounts:		32,290,000	3,900,000	1,700,000	36,30
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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	23,400,000			
				Project Cost:		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					
				RW	BRZ	100,000			
				UT	BRZ	100,000			
				CN	BRZ		500,000		
				Project Cost:		200,000	500,000	0	
OWEN	8702	KY-22	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE.(12CCN) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	31,000,000			
				Project Cost:		31,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for OWEN county				PL					
				DN					
				RW		100,000			
				UT		100,000			
				CN		54,400,000	500,000		
				Total Amounts:		54,600,000	500,000	0	
OWSLEY	279.62	KY-30	RECONSTRUCT KY 30 FROM KY 847 TO THE JACKSON COUNTY LINE.(14CCR)(SEE 10-279.60 FOR PE & ENVIR) (AR/W)	PL					
				DN					
				RW					
				UT					
				CN	STP	16,510,000			
				Project Cost:		16,510,000	0	0	
Total for OWSLEY county				PL					
				DN					
				RW					
				UT					
				CN		16,510,000			
				Total Amounts:		16,510,000	0	0	
PENDLETON	1092	CR-1020	REPLACE BRIDGE ON HALE RD (CR 1020) 0.395MI N OF FLOUR CREEK RD. (SR=22.0) 096C00102N	PL					
				DN					
				RW					
				UT					
				CN	BRZ	200,000			
				Project Cost:		200,000	0	0	
PENDLETON	1094	CR-1207	REPLACE BRIDGE ON EAST FAIRVIEW RD (CR-1207) (1.618) OVER S. FORK GRASSY CREEK. (SR=28) 096C00072N	PL					
				DN	BRZ		250,000		
				RW	BRZ				20
				UT	BRZ				20
				CN					
				Project Cost:		0	250,000	0	40

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for PENDLETON county				PL					
				DN			250,000		
				RW					20
				UT					20
				CN		200,000			
				Total Amounts:		200,000	250,000	0	40
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	12,000,000			
				Project Cost:		12,000,000	0	0	
PERRY	269.2	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN)	PL					
				DN	SP		1,510,000		
				RW	SP				3,04
				UT	SP		2,050,000		
				CN	SP		60,000,000		
				Project Cost:		0	63,560,000	0	3,04
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	50,000			
				UT	BRZ	50,000			
				CN	BRZ		500,000		
				Project Cost:		100,000	500,000	0	
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	BRZ	300,000			
				RW	BRZ			100,000	
				UT	BRZ			100,000	
				CN	BRZ				1,50
				Project Cost:		300,000	0	200,000	1,50

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRZ	250,000			
				RW	BRZ		50,000		
				UT	BRZ		75,000		
				CN	BRZ				50
				Project Cost:		250,000	125,000	0	50
PERRY	8903	HR-9006	NEW INTERCHANGE OFF OF A NEW EXIT 57 HAL ROGERS PARKWAY	PL					
				DN					
				RW					
				UT	STP	159,000			
				CN	STP		13,750,000		
				Project Cost:		159,000	13,750,000	0	
PERRY	8904	KY-80	IMPROVE SAFETY AND SUBSTANDARD GEOMETRICS FROM BAKER STREET TO KY 15 IN COMBS.	PL					
				DN					
				RW					
				UT	SP	212,000			
				CN	SP		1,060,000		
				Project Cost:		212,000	1,060,000	0	
PERRY	8906	KY-80	SAFETY IMPROVEMENTS ON KY 80 FROM LESLIE COUNTY LINE TO KY 451.	PL					
				DN					
				RW					
				UT	SP	257,000			
				CN	SP		4,800,000		
				Project Cost:		257,000	4,800,000	0	
PERRY	8907	KY-476	IMPROVE SAFETY AND DRAINAGE ALONG KY 478 NORTH OF AJAX HOLLOW TO JAKES BRANCH FIRE DEPARTMENT.	PL					
				DN					
				RW					
				UT	SP	265,000			
				CN	SP		1,380,000		
				Project Cost:		265,000	1,380,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
PERRY	8908	KY-476	REPAIR SLIDE AREA TO CORRECT A CONTINUOUS MAINTENANCE ISSUE FROM MP 2.9 TO MP 3.1.	PL					
				DN					
				RW					
				UT	SP	53,000			
				CN	SP		530,000		
				Project Cost:		53,000	530,000	0	
PERRY	8909	KY-451	RECONSTRUCT FROM LOCUST STREET TO KY 15X IN HAZARD	PL					
				DN					
				RW					
				UT	SP	1,060,000			
				CN	SP		6,500,000		
				Project Cost:		1,060,000	6,500,000	0	
PERRY	8910	KY-1166	REPLACE BRIDGE ON KY-1166 OVER RT. FK. MACES CREEK. SR=26.8	PL					
				DN					
				RW					
				UT	BRO	103,000			
				CN	BRO		1,060,000		
				Project Cost:		103,000	1,060,000	0	
PERRY	8912	KY-1088	RECONSTRUCT CURVE EAST OF HURT CEMETERY TO WEST OF HURT BR RD.	PL					
				DN					
				RW					
				UT	SP	53,000			
				CN	SP		1,400,000		
				Project Cost:		53,000	1,400,000	0	
PERRY	8913	KY-1168	REPLACE BRIDGE ON KY 1168 OVER MACES CREEK	PL					
				DN					
				RW					
				UT	BRO	103,000			
				CN	BRO		1,060,000		
				Project Cost:		103,000	1,060,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
PERRY	8914	HR-9006	NEW INTERCHANGE OFF OF HAL ROGERS PARKWAY AT MP 52.85	PL					
				DN					
				RW					
				UT	SP	250,000			
				CN	SP		11,000,000		
				Project Cost:		250,000	11,000,000	0	
PERRY	8915	CR-1150	REPLACE BRIDGE OVER LEATHERWOOD CREEK. SR=35	PL					
				DN					
				RW					
				UT	BRO	78,000			
				CN	BRO		583,000		
				Project Cost:		78,000	583,000	0	
PERRY	8917	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM LESLIE/PERRY LINE TO HAZARD, INCLUDING INTERCHANGE IN HAZARD; MP 51.03 TO MP59.09	PL					
				DN	SP	1,000,000			
				RW	SP			12,000,000	
				UT	SP			9,000,000	
				CN					
				Project Cost:		1,000,000	0	21,000,000	
Total for PERRY county				PL					
				DN		1,550,000	1,510,000		
				RW		50,000	50,000	12,100,000	3,04
				UT		2,643,000	2,125,000	9,100,000	
				CN		12,000,000	103,623,000		2,00
				Total Amounts:		16,243,000	107,308,000	21,200,000	5,04
PIKE	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT	PL					
				DN					
				RW					
				UT					
				CN	SPP	12,500,000			
				Project Cost:		12,500,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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)	PL					
				DN					
				RW					
				UT					
				CN	NH	17,000,000			
				Project Cost:		17,000,000	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)(14CCN)	PL					
				DN					
				RW					
				UT					
				CN	APD	17,550,000			
				Project Cost:		17,550,000	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					
				RW	BRZ	100,000			
				UT	BRZ	100,000			
				CN	BRZ			1,200,000	
				Project Cost:		200,000	0	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	BRZ			150,000	
				UT	BRZ			150,000	
				CN	BRZ				50
				Project Cost:		300,000	0	300,000	50
PIKE	8905	KY-881	IMPROVE CONNECTIVITY BETWEEN KY 881 AND US 119	PL					
				DN					
				RW	SPP	1,530,000			
				UT	SPP		1,500,000		
				CN	SPP			21,500,000	
				Project Cost:		1,530,000	1,500,000	21,500,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
PIKE	8906		IMPROVE CONNECTIVITY BETWEEN KY 292 AND US 119/US 52 MINGO	PL					
				DN					
				RW	SPP	50,000			
				UT	SPP		100,000		
				CN	SPP			2,850,000	
				Project Cost:		50,000	100,000	2,850,000	
PIKE	8912	KY-610	REPLACE VIRGIE BRIDGE OVER SHELBY CREEK ON KY 610	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,600,000			
				Project Cost:		1,600,000	0	0	
PIKE	8913.1	KY-194	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 18.68 TO MP 20.98	PL					
				DN					
				RW	SPP	2,000,000			
				UT	SPP		1,500,000		
				CN	SPP			14,139,000	
				Project Cost:		2,000,000	1,500,000	14,139,000	
PIKE	8913.2	KY-194	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 22.00 TO MP 27.00	PL					
				DN					
				RW	SP	3,500,000			
				UT	SP		2,600,000		
				CN	SP			78,720,000	
				Project Cost:		3,500,000	2,600,000	78,720,000	
PIKE	8913.3	KY-632	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 0.21 TO MP 4.00	PL					
				DN	SP	3,200,000			
				RW	SP		3,300,000		
				UT	SP			2,500,000	
				CN	SP				44,30
				Project Cost:		3,200,000	3,300,000	2,500,000	44,30

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
PIKE	8913.4	KY-632	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 4.20 TO MP 10.50	PL					
				DN	SP		2,300,000		
				RW					
				UT					
				CN					
				Project Cost:		0	2,300,000	0	
PIKE	8913.5	KY-632	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 10.50 TO MP 14.00	PL					
				DN	SP			3,000,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	3,000,000	
Total for PIKE county				PL					
				DN		3,500,000	2,300,000	3,000,000	
				RW		7,180,000	3,300,000	150,000	
				UT		100,000	5,700,000	2,650,000	
				CN		48,650,000		118,409,000	44,80
				Total Amounts:		59,430,000	11,300,000	124,209,000	44,80
POWELL	163	KY-213	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 11 TO BOTTOM OF MOUNTAIN. (12CCR)	PL					
				DN					
				RW	SPP	6,060,000			
				UT	SPP			1,090,000	
				CN	SPP				10,13
				Project Cost:		6,060,000	0	1,090,000	10,13
Total for POWELL county				PL					
				DN					
				RW		6,060,000			
				UT				1,090,000	
				CN					10,13
				Total Amounts:		6,060,000	0	1,090,000	10,13

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
PULASKI	8901		UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS INCLUDING ACCESS: SOMERSET NORTHERN BYPASS, LOUIE B. NUNN (CUMBERLAND) PARKWAY TO HAL ROGERS PARKWAY (KY 80) (SEGMENT 1)	PL					
				DN					
				RW					
				UT	SP	15,000,000			
				CN	SP		65,000,000		
				Project Cost:		15,000,000	65,000,000	0	
PULASKI	8902	KY-80	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: HAL ROGERS PARKWAY TO THE WESTERN APPROACHES OF THE ROCKCASTLE RIVER BRIDGE (SEGMENT 2)	PL					
				DN					
				RW	SP	30,000,000			
				UT	SP		26,900,000		
				CN	SP			163,000,000	
				Project Cost:		30,000,000	26,900,000	163,000,000	
PULASKI	8903	KY-80	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: ROCKCASTLE RIVER BRIDGE AND APPROACHES (SEGMENT 3)	PL					
				DN					
				RW	SP	5,000,000			
				UT	SP		4,900,000		
				CN	SP			35,800,000	
				Project Cost:		5,000,000	4,900,000	35,800,000	
Total for PULASKI county				PL					
				DN					
				RW		35,000,000			
				UT		15,000,000	31,800,000		
				CN			65,000,000	198,800,000	
				Total Amounts:		50,000,000	96,800,000	198,800,000	
ROBERTSON	8713	US-62	IMPROVE SAFETY BEGINNING AT ORCHARD AVENUE TO THE INTERSECTION AT KY 616. (12CCN)(14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	10,200,000			
				Project Cost:		10,200,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for ROBERTSON county				PL					
				DN					
				RW					
				UT					
				CN		10,200,000			
				Total Amounts:		10,200,000	0	0	
ROCKCASTLE	8718.011	I-75	MAKE I-75 THREE LANES IN EACH DIRECTION FROM MP 60.1 TO MP 64.5. (12CCN) (DESIGN/BUILD)	PL					
				DN					
				RW					
				UT					
				CN	IM	15,000,000			
				Project Cost:		15,000,000	0	0	
ROCKCASTLE	8718.012	I-75	MAKE I-75 THREE LANES IN EACH DIRECTION FROM MP 60.1 TO MP 64.5. (12CCN) (DESIGN/BUILD)	PL					
				DN					
				RW					
				UT					
				CN	IM		12,500,000		
				Project Cost:		0	12,500,000	0	
ROCKCASTLE	8952	US-461	FOUR LANE KY 461 FROM US 150 TO THE EXISTING FOUR LANE APPROACH.	PL					
				DN	SP				1,20
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	1,20
Total for ROCKCASTLE county				PL					
				DN					1,20
				RW					
				UT					
				CN		15,000,000	12,500,000		
				Total Amounts:		15,000,000	12,500,000	0	1,20

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	BRZ	350,000			
				RW	BRZ		50,000		
				UT	BRZ		50,000		
				CN	BRZ			400,000	
				Project Cost:		350,000	100,000	400,000	
ROWAN	8406	KY-377	RECONSTRUCT KY 377 FROM KY 32 (MP 0.0) TO JUST NORTH OF KY 799 (MP 8.2+-) TO IMPROVE SAFETY, CAPACITY, EFFICIENCY AND HIGHWAY SYSTEMS CONNECTIVITY. (08CCN)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	41,600,000			
				Project Cost:		41,600,000	0	0	
ROWAN	8913	US-60	PROVIDE WEST TURN LANES ON US 60 AT SUNNYBROOK.	PL					
				DN					
				RW					
				UT	SPP	400,000			
				CN	SPP		2,500,000		
				Project Cost:		400,000	2,500,000	0	
ROWAN	8914	CR-1025	REPLACE BRIDGE ON LITTLE PERRY ROAD OVER TRIPLETT CREEK.	PL					
				DN					
				RW					
				UT	BRZ	100,000			
				CN	BRZ		900,000		
				Project Cost:		100,000	900,000	0	
ROWAN	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO.	PL	STP				
				DN					
				RW					
				UT	STP	1,000,000			
				CN	STP		12,500,000		
				Project Cost:		1,000,000	12,500,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for ROWAN county				PL					
				DN		350,000			
				RW			50,000		
				UT		1,500,000	50,000		
				CN		41,600,000	15,900,000	400,000	
				Total Amounts:		43,450,000	16,000,000	400,000	
RUSSELL	8601.22	US-127	RECONSTRUCT US 127 FR APPROX .36 MI E OF INTERSECTION KY 1730 & MANNTOWN RD EXTEND N TO N BANK OF CUMBERLAND RIVER INCLUDE NEW BRIDGE OVER LAKE CUMBERLAND FR CLINTON CO TO RUSSELL	PL					
				DN					
				RW					
				UT					
				CN	NH	15,000,000			
				Project Cost:		15,000,000	0	0	
Total for RUSSELL county				PL					
				DN					
				RW					
				UT					
				CN		15,000,000			
				Total Amounts:		15,000,000	0	0	
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					
				RW	BRZ	100,000			
				UT	BRZ	250,000			
				CN	BRZ		1,250,000		
				Project Cost:		350,000	1,250,000	0	
SCOTT	8907	KY-227	RECONSTRUCT KY-227 FROM MP 2.98 TO MP 3.34 TO IMPROVE HORIZONTAL CURVE	PL					
				DN					
				RW					
				UT					
				CN	STP	1,250,000			
				Project Cost:		1,250,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for SCOTT county				PL					
				DN					
				RW		100,000			
				UT		250,000			
				CN		1,250,000	1,250,000		
				Total Amounts:		1,600,000	1,250,000	0	
SHELBY	8511	KY-53	WIDEN KY-53 TO FOUR LANES FROM I-64 TO US-60. (08CCN)(10CCN)(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP	11,290,000			
				Project Cost:		11,290,000	0	0	
SHELBY	8958	KY-55X	WIDEN KY 55X FROM TWO TO FIVE LANES FROM US 60 (MP 0.0) NORTH TO KY 43 (MP 1.354).	PL					
				DN	SP		1,420,000		
				RW	SP			175,000	
				UT	SP			786,000	
				CN	SP				10,72
				Project Cost:		0	1,420,000	961,000	10,72
SHELBY	8959		NEW NORTH-SOUTH ROUTE BETWEEN US 60 AND BENSON PIKE WEST OF AND PARALLEL TO ROCKET LANE (KY 1871)	PL					
				DN	SP				77
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	77
Total for SHELBY county				PL					
				DN			1,420,000		77
				RW				175,000	
				UT				786,000	
				CN		11,290,000			10,72
				Total Amounts:		11,290,000	1,420,000	961,000	11,49

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
SIMPSON	8856	US-31	MAJOR WIDENING TO 5-LANES WITH URBAN SECTION FROM KY-1008 TO KY-621. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	9,000,000			
				Project Cost:		9,000,000	0	0	
Total for SIMPSON county				PL					
				DN					
				RW					
				UT					
				CN		9,000,000			
				Total Amounts:		9,000,000	0	0	
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	BRX		350,000		
				RW	BRX			10,000	
				UT	BRX			20,000	
				CN	BRX				68
				Project Cost:		0	350,000	30,000	68
SPENCER	8954	KY-155	CONSTRUCT A 2+1 ROAD ON KY 55/155 (TAYLORSVILLE ROAD) IN SPENCER COUNTY AND KY 155 (TAYLORSVILLE LAKE ROAD) IN JEFFERSON COUNTY BY ADDING A CONTINUOUS THIRD LANE THAT SERVES AS AN	PL					
				DN	SPP				4,75
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	4,75
SPENCER	8955	KY-44	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 44 NEAR DUTCHMAN CREEK ROAD.	PL					
				DN	SPP		230,000		
				RW	SPP			170,000	
				UT	SPP			160,000	
				CN	SPP				1,00
				Project Cost:		0	230,000	330,000	1,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for SPENCER county				PL					
				DN			580,000		4,75
				RW				180,000	
				UT				180,000	
				CN					1,68
				Total Amounts:		0	580,000	360,000	6,43
TAYLOR	142.2	KY-555	HEARTLAND PARKWAY; CAMPBELLSVILLE BYPASS FROM KY-55 SOUTH TO KY-70. (2010BOP)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	15,190,000			
				Project Cost:		15,190,000	0	0	
TAYLOR	142.3	KY-555	HEARTLAND PARKWAY; CAMPBELLSVILLE BYPASS FROM KY-70 TO US-68 EAST OF CAMPBELLSVILLE. (2010BOP)	PL					
				DN					
				RW	STP	4,920,000			
				UT	STP	500,000			
				CN	STP		10,770,000		
				Project Cost:		5,420,000	10,770,000	0	
TAYLOR	8920	KY-55	CONSTRUCT 2 LANES WITH PASSING LANE TO CONTINUE ROUTE FROM ADAIR/TAYLOR COUNTY LINE TO CAMPBELLSVILLE BYPASS. MP 0.0 TO MP 8.003	PL					
				DN					
				RW	NH	1,000,000			
				UT	NH		1,000,000		
				CN	NH			9,000,000	
				Project Cost:		1,000,000	1,000,000	9,000,000	
TAYLOR	8951	KY-210	PLANNING STUDY FOR KY 210	PL	SP	250,000			
				DN					
				RW					
				UT					
				CN					
				Project Cost:		250,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for TAYLOR county				PL		250,000			
				DN					
				RW		5,920,000			
				UT		500,000	1,000,000		
				CN		15,190,000	10,770,000	9,000,000	
				Total Amounts:		21,860,000	11,770,000	9,000,000	
TRIGG	1160	CR-1380	REPLACE BRIDGE ON CR-1380 (0.014) OVER DYERS CREEK (SR=17.8) 111C00027N	PL					
				DN	BRZ			200,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	200,000	
TRIGG	8951	KY-139	REALIGN KY 124 APPROACH TO KY 139 TO IMPROVE INTERSECTION ANGLE AND SIGHT DISTANCE	PL					
				DN					
				RW	SPP	150,000			
				UT	SPP	150,000			
				CN	SPP	600,000			
				Project Cost:		900,000	0	0	
Total for TRIGG county				PL					
				DN				200,000	
				RW		150,000			
				UT		150,000			
				CN		600,000			
				Total Amounts:		900,000	0	200,000	
UNION	123.01	US-60	PADUCAH-HENDERSON; WAVERLY BYPASS. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SP	20,550,000			
				Project Cost:		20,550,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
UNION	8955	US-60	RECONSTRUCT US 60 TO ALLEVIATE FLOODING ISSUES BETWEEN MP 23.8 AND MP 25.2.	PL					
				DN					
				RW	SPP	150,000			
				UT	SPP	250,000			
				CN	SPP		2,000,000		
				Project Cost:		400,000	2,000,000	0	
Total for UNION county				PL					
				DN					
				RW		150,000			
				UT		250,000			
				CN		20,550,000	2,000,000		
				Total Amounts:		20,950,000	2,000,000	0	
WARREN	202	WN-9007	RECONSTRUCT THE EXISTING NATCHER PARKWAY/US 231 INTERCHANGE ON WEST SIDE OF BOWLING GREEN. (12CCR)	PL					
				DN					
				RW	NH	1,740,000			
				UT	NH	1,690,000			
				CN	NH			9,130,000	
				Project Cost:		3,430,000	0	9,130,000	
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	NH	800,000			
				RW	NH			2,000,000	
				UT	NH			950,000	
				CN	NH				6,30
				Project Cost:		800,000	0	2,950,000	6,30
WARREN	8852	KY-884	RECONSTRUCT KY-884 FROM LONG ROAD TO THE NATCHER PARKWAY (MP 5.516 TO MP 7.438). (14CCN) (BRIDGE OVER NATCHER PKWY UNDER 3-8818).	PL					
				DN					
				RW					
				UT					
				CN	SPP	9,150,000			
				Project Cost:		9,150,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
WARREN	8853	US-31	MINOR WIDENING (2 + 1 CONCEPT) FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK.(14CCN)	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP		13,500,000		
				Project Cost:		2,000,000	13,500,000	0	
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).(14CCN)	PL					
				DN					
				RW					
				UT	SPP	2,500,000			
				CN	SPP		5,500,000		
				Project Cost:		2,500,000	5,500,000	0	
WARREN	8857	US-31	MAJOR WIDENING/RECONSTRUCTION FROM CAMPBELL LANE (US 231) TO UNIVERSITY BOULEVARD (US 231X). MP 10.561 TO MP 11.688 (14CCN)	PL					
				DN					
				RW	SPP	1,750,000			
				UT	SPP		2,000,000		
				CN	SPP		4,250,000		
				Project Cost:		1,750,000	6,250,000	0	
WARREN	8904	US-31W	MAJOR WIDENING WITH URBAN SECTION FROM CEMETERY ROAD TO US 68 IN BOWLING GREEN, INCLUDING IMPROVING SAFETY AT THE INTERSECTION OF US 31W BYPASS AND KY 234.	PL					
				DN					
				RW	SP	2,500,000			
				UT	SP	3,000,000			
				CN	SP		7,800,000		
				Project Cost:		5,500,000	7,800,000	0	
WARREN	8951	US-231	IMPROVE CAPACITY AND SAFETY ON SCOTTSVILLE ROAD BY WIDENING TO SIX LANES FROM KY 884 (3 SPRINGS RD) TO WILKINSON TRACE/ASHLEY CIRCLE.	PL					
				DN					
				RW	SPP	9,500,000			
				UT	SPP	19,900,000			
				CN	SPP			30,100,000	
				Project Cost:		29,400,000	0	30,100,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
Total for WARREN county				PL					
				DN		800,000			
				RW		15,490,000		2,000,000	
				UT		29,090,000	2,000,000	950,000	
				CN		9,150,000	31,050,000	39,230,000	6,30
				Total Amounts:		54,530,000	33,050,000	42,180,000	6,30
WASHINGTON	1094	KY-528	REPLACE BRIDGE ON KY 528 (MP 1.437) OVER ROAD RUN BRANCH. (SD,SR=46.6) (115B00043N)	PL					
				DN	BRX		150,000		
				RW	BRX			50,000	
				UT	BRX			50,000	
				CN	BRX				38
				Project Cost:		0	150,000	100,000	38
WASHINGTON	8958	US-150	ADDRESS SAFETY, MOBILITY, AND GEOMETRIC ISSUES ALONG US 150 IN WASHINGTON COUNTY FROM 400 FEET WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY 1872) TO 0.7 MILES EAST OF GRUNDY HOME	PL					
				DN	SPP	700,000			
				RW	SPP		900,000		
				UT	SP			1,100,000	
				CN	SP				9,82
				Project Cost:		700,000	900,000	1,100,000	9,82
Total for WASHINGTON county				PL					
				DN		700,000	150,000		
				RW			900,000	50,000	
				UT				1,150,000	
				CN					10,20
				Total Amounts:		700,000	1,050,000	1,200,000	10,20
WAYNE	109.1	KY-90	RECONSTRUCT KY-90 FROM OLD MILL SPRINGS ROAD TO BRIDGE AT MP 19.5. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	8,440,000			
				Project Cost:		8,440,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
WAYNE	8951	KY-92	PLANNING STUDY FOR KY 92 EAST IN WAYNE AND RUSSELL COUNTIES	PL	SP	250,000			
				DN					
				RW					
				UT					
				CN					
				Project Cost:		250,000	0	0	
Total for WAYNE county				PL		250,000			
				DN					
				RW					
				UT					
				CN		8,440,000			
				Total Amounts:		8,690,000	0	0	
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	SPP		9,000,000		
				Project Cost:		0	9,000,000	0	
WHITLEY	8960	I-75	WIDEN I-75 TO EIGHT LANES FROM MP 20.2 TO MP 27.943 IN WHITLEY COUNTY AND MP 27.943 TO MP 28.85 (US 25E) IN LAUREL COUNTY	PL					
				DN	NH				2,00
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	2,00
Total for WHITLEY county				PL					
				DN					2,00
				RW					
				UT					
				CN			9,000,000		
				Total Amounts:		0	9,000,000	0	2,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
WOLFE	168	KY-9009	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)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	10,000,000			
				Project Cost:		10,000,000	0	0	
Total for WOLFE county				PL					
				DN					
				RW					
				UT					
				CN		10,000,000			
				Total Amounts:		10,000,000	0	0	
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	BRZ	325,000			
				RW	BRZ		50,000		
				UT	BRZ		100,000		
				CN	BRZ				75
				Project Cost:		325,000	150,000	0	75
WOODFORD	8904	KY-33	RECONSTRUCT KY 33 FROM 100 FEET NORTH OF KY 1267 TO 100 FEET NORTH OF KY 169 MP 3.04 TO MP 10.65	PL					
				DN					
				RW	SPP	8,300,000			
				UT	SPP		6,400,000		
				CN	SPP			22,500,000	
				Project Cost:		8,300,000	6,400,000	22,500,000	
WOODFORD	8905	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70)	PL					
				DN					
				RW					
				UT					
				CN	SPP		2,000,000		
				Project Cost:		0	2,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
WOODFORD	8908		EXTEND FALLING SPRINGS BLVD FROM TYRONE PIKE (US-62) TO CLIFTON ROAD (KY-1964) (NEW ROUTE)	PL					
				DN	SP	900,000			
				RW	SP		2,750,000		
				UT	SP			4,250,000	
				CN	SP				7,25
				Project Cost:		900,000	2,750,000	4,250,000	7,25
Total for WOODFORD county				PL					
				DN		1,225,000			
				RW		8,300,000	2,800,000		
				UT			6,500,000	4,250,000	
				CN			2,000,000	22,500,000	8,00
				Total Amounts:		9,525,000	11,300,000	26,750,000	8,00
ZVARIOUS	65.16	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE NHS FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	IM	3,800,000			
				Project Cost:		3,800,000	0	0	
ZVARIOUS	65.17	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE NHS FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	IM		3,800,000		
				Project Cost:		0	3,800,000	0	
ZVARIOUS	65.18	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	IM			3,800,000	
				Project Cost:		0	0	3,800,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	65.19	-0	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE INTERSTATE HIGHWAY SYSTEM FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	IM				3,80
				Project Cost:		0	0	0	3,80
ZVARIOUS	66.14	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	NH	2,000,000			
				Project Cost:		2,000,000	0	0	
ZVARIOUS	66.15	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	NH		2,000,000		
				Project Cost:		0	2,000,000	0	
ZVARIOUS	66.16	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	NH			2,000,000	
				Project Cost:		0	0	2,000,000	
ZVARIOUS	66.17	-0	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	NH				2,00
				Project Cost:		0	0	0	2,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	195.15	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2013. (98CCR)	PL					
				DN					
				RW					
				UT					
				CN	TE	17,400,000			
				Project Cost:		17,400,000	0	0	
ZVARIOUS	195.16	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2014 (98CCR)	PL					
				DN					
				RW					
				UT					
				CN	TE		11,600,000		
				Project Cost:		0	11,600,000	0	
ZVARIOUS	195.17	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2015.	PL					
				DN					
				RW					
				UT					
				CN	TE			14,500,000	
				Project Cost:		0	0	14,500,000	
ZVARIOUS	195.18	-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2016.	PL					
				DN					
				RW					
				UT					
				CN	TE				14,50
				Project Cost:		0	0	0	14,50
ZVARIOUS	219.17	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	CM	17,400,000			
				Project Cost:		17,400,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	219.18	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	CM		14,300,000		
				Project Cost:		0	14,300,000	0	
ZVARIOUS	219.19	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	CM			17,800,000	
				Project Cost:		0	0	17,800,000	
ZVARIOUS	219.2	-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	CM				17,80
				Project Cost:		0	0	0	17,80
ZVARIOUS	224.13	-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	STP	10,000,000			
				Project Cost:		10,000,000	0	0	
ZVARIOUS	224.14	-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	STP			33,000,000	
				Project Cost:		0	0	33,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	224.15	-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	STP				50,00
				Project Cost:		0	0	0	50,00
ZVARIOUS	327.15	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	BRO	2,600,000			
				Project Cost:		2,600,000	0	0	
ZVARIOUS	327.16	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BRO		2,600,000		
				Project Cost:		0	2,600,000	0	
ZVARIOUS	327.17	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRO			2,600,000	
				Project Cost:		0	0	2,600,000	
ZVARIOUS	327.18	-0	STATEWIDE BRIDGE INSPECTION FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRO				2,60
				Project Cost:		0	0	0	2,60

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	333.15	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	FH	1,641,000			
				Project Cost:		1,641,000	0	0	
ZVARIOUS	333.16	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FH		1,641,000		
				Project Cost:		0	1,641,000	0	
ZVARIOUS	333.17	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	FH			1,641,000	
				Project Cost:		0	0	1,641,000	
ZVARIOUS	333.18	-0	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	FH				1,64
				Project Cost:		0	0	0	1,64
ZVARIOUS	337.14	-0	STATEWIDE I-STATE ROUTES FOR FY 2019. (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	IM	40,000,000			
				Project Cost:		40,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	337.15	-0	STATEWIDE I-STATE ROUTES FOR FY 2020. (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	IM		12,000,000		
				Project Cost:		0	12,000,000	0	
ZVARIOUS	337.16	-0	STATEWIDE I-STATE ROUTES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	IM			50,000,000	
				Project Cost:		0	0	50,000,000	
ZVARIOUS	337.17	-0	STATEWIDE I-STATE ROUTES FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	IM				50,00
				Project Cost:		0	0	0	50,00
ZVARIOUS	346.15	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,100,000			
				Project Cost:		1,100,000	0	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	1,100,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	346.17	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRZ			1,100,000	
				Project Cost:		0	0	1,100,000	
ZVARIOUS	346.18	-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRZ				1,10
				Project Cost:		0	0	0	1,10
ZVARIOUS	352.15	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	RRP	4,000,000			
				Project Cost:		4,000,000	0	0	
ZVARIOUS	352.16	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	RRP		4,200,000		
				Project Cost:		0	4,200,000	0	
ZVARIOUS	352.17	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	RRP			4,400,000	
				Project Cost:		0	0	4,400,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	352.18	-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	RRP				4,40
				Project Cost:		0	0	0	4,40
ZVARIOUS	369.09	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	NH	20,000,000			
				Project Cost:		20,000,000	0	0	
ZVARIOUS	369.1	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	NH		25,000,000		
				Project Cost:		0	25,000,000	0	
ZVARIOUS	369.11	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	NH			60,000,000	
				Project Cost:		0	0	60,000,000	
ZVARIOUS	369.12	-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	NH				80,00
				Project Cost:		0	0	0	80,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	388.09	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	BRO	1,600,000			
				Project Cost:		1,600,000	0	0	
ZVARIOUS	388.1	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BRO		1,600,000		
				Project Cost:		0	1,600,000	0	
ZVARIOUS	388.11	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRO			1,600,000	
				Project Cost:		0	0	1,600,000	
ZVARIOUS	388.12	-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRO				1,60
				Project Cost:		0	0	0	1,60
ZVARIOUS	395.07	-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2019.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	7,500,000			
				Project Cost:		7,500,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	395.09	-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			7,500,000	
				Project Cost:		0	0	7,500,000	
ZVARIOUS	397.06	-0	PAVEMENT REHABILITATION FOR FY 2019. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	10,000,000			
				Project Cost:		10,000,000	0	0	
ZVARIOUS	397.07	-0	PAVEMENT REHABILITATION FOR FY 2020. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		10,000,000		
				Project Cost:		0	10,000,000	0	
ZVARIOUS	397.08	-0	PAVEMENT REHABILITATION FOR FY 2021. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			10,000,000	
				Project Cost:		0	0	10,000,000	
ZVARIOUS	397.09	-0	PAVEMENT REHABILITATION FOR FY 2022. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				10,00
				Project Cost:		0	0	0	10,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	400.06	-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	
ZVARIOUS	400.07	-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL					
				DN					
				RW					
				UT					
				CN	SPP		500,000		
				Project Cost:		0	500,000	0	
ZVARIOUS	400.08	-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL					
				DN					
				RW					
				UT					
				CN	SPP			500,000	
				Project Cost:		0	0	500,000	
ZVARIOUS	400.09	-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL					
				DN					
				RW					
				UT					
				CN	SPP				50
				Project Cost:		0	0	0	50
ZVARIOUS	510.03	-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL					
				DN					
				RW					
				UT					
				CN	SPP	15,000,000			
				Project Cost:		15,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	510.04	-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL					
				DN					
				RW					
				UT					
				CN	SPP		15,000,000		
				Project Cost:		0	15,000,000	0	
ZVARIOUS	510.05	-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL					
				DN					
				RW					
				UT					
				CN	SPP			15,000,000	
				Project Cost:		0	0	15,000,000	
ZVARIOUS	510.06	-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL					
				DN					
				RW					
				UT					
				CN	SPP				15,00
				Project Cost:		0	0	0	15,00
ZVARIOUS	511.03	-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION.	PL					
				DN					
				RW					
				UT					
				CN	SPP	10,000,000			
				Project Cost:		10,000,000	0	0	
ZVARIOUS	511.04	-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION.	PL					
				DN					
				RW					
				UT					
				CN	SPP		10,000,000		
				Project Cost:		0	10,000,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	511.05	-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION.	PL					
				DN					
				RW					
				UT					
				CN	SPP			10,000,000	
				Project Cost:		0	0	10,000,000	
ZVARIOUS	511.06	-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION.	PL					
				DN					
				RW					
				UT					
				CN	SPP				10,00
				Project Cost:		0	0	0	10,00
ZVARIOUS	514	-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,500,000			
				Project Cost:		1,500,000	0	0	
ZVARIOUS	515	-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	SPP		1,500,000		
				Project Cost:		0	1,500,000	0	
ZVARIOUS	516	-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	SPP			1,500,000	
				Project Cost:		0	0	1,500,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	517	-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	SPP				1,50
				Project Cost:		0	0	0	1,50
ZVARIOUS	911.08	-0	STATEWIDE SAFETY PROGRAM FOR FY 2019. (HSIP)	PL					
				DN					
				RW					
				UT					
				CN	SAF	42,300,000			
				Project Cost:		42,300,000	0	0	
ZVARIOUS	911.09	-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL					
				DN					
				RW					
				UT					
				CN	SAF		45,400,000		
				Project Cost:		0	45,400,000	0	
ZVARIOUS	911.1	-0	STATEWIDE SAFETY PROGRAM FOR FY 2021. (HSIP)	PL					
				DN					
				RW					
				UT					
				CN	SAF			47,500,000	
				Project Cost:		0	0	47,500,000	
ZVARIOUS	911.11	-0	STATEWIDE SAFETY PROGRAM FOR FY 2022. (HSIP)	PL					
				DN					
				RW					
				UT					
				CN	SAF				47,50
				Project Cost:		0	0	0	47,50

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	1063.15	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	BRX	500,000			
				Project Cost:		500,000	0	0	
ZVARIOUS	1063.16	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BRX		500,000		
				Project Cost:		0	500,000	0	
ZVARIOUS	1063.17	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRX			500,000	
				Project Cost:		0	0	500,000	
ZVARIOUS	1063.18	-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRX				50
				Project Cost:		0	0	0	50
ZVARIOUS	1071.07	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL					
				DN					
				RW					
				UT					
				CN	BRO	1,500,000			
				Project Cost:		1,500,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	1071.08	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL					
				DN					
				RW					
				UT					
				CN	BRO		1,500,000		
				Project Cost:		0	1,500,000	0	
ZVARIOUS	1071.09	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL					
				DN					
				RW					
				UT					
				CN	BRO			1,500,000	
				Project Cost:		0	0	1,500,000	
ZVARIOUS	1071.1	-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES.	PL					
				DN					
				RW					
				UT					
				CN	BRO				1,50
				Project Cost:		0	0	0	1,50
ZVARIOUS	1073.06	-0	BRO PROJECT ACTIVITY IN 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRO			25,000,000	
				Project Cost:		0	0	25,000,000	
ZVARIOUS	1073.07	-0	BRO PROJECT ACTIVITY IN 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRO				25,00
				Project Cost:		0	0	0	25,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	1074.07	-0	STATEWIDE OFF SYSTEM BRIDGE REPLACEMENT PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	BRZ			6,000,000	
				Project Cost:		0	0	6,000,000	
ZVARIOUS	1075.09	-0	STATEWIDE "BRX" FUNDS FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRX			5,000,000	
				Project Cost:		0	0	5,000,000	
ZVARIOUS	1075.1	-0	STATEWIDE "BRX" FUNDS FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRX				5,00
				Project Cost:		0	0	0	5,00
ZVARIOUS	1083	-0	BRO PROJECT ACTIVITY IN 2020.	PL					
				DN					
				RW					
				UT					
				CN	BRO		15,000,000		
				Project Cost:		0	15,000,000	0	
ZVARIOUS	1083.01	-0	BRO BRIDGE DESIGN FUNDING FOR 2021.	PL					
				DN	BRO			3,000,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	3,000,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	1083.02	-0	BRO BRIDGE DESIGN FUNDING FOR 2022.	PL					
				DN	BRO				3,000
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	3,000
ZVARIOUS	2700.13	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2019.	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	
ZVARIOUS	2700.14	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	SPP		5,000,000		
				Project Cost:		0	5,000,000	0	
ZVARIOUS	2700.15	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	SPP			5,000,000	
				Project Cost:		0	0	5,000,000	
ZVARIOUS	2700.16	-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	SPP				5,00
				Project Cost:		0	0	0	5,00

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	3011	-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
				Project Cost:		1,000,000	0	0	
ZVARIOUS	3012	-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	SPP		1,000,000		
				Project Cost:		0	1,000,000	0	
ZVARIOUS	3013	-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	SPP			1,000,000	
				Project Cost:		0	0	1,000,000	
ZVARIOUS	3014	-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	SPP				1,00
				Project Cost:		0	0	0	1,00
ZVARIOUS	8500.15	-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	8500.16	-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			5,000,000	
				Project Cost:		0	0	5,000,000	
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	17,800,000			
				Project Cost:		17,800,000	0	0	
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	26,700,000			
				Project Cost:		26,700,000	0	0	
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	9,100,000			
				Project Cost:		9,100,000	0	0	
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		9,100,000		
				Project Cost:		0	9,100,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
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	9,100,000			
				Project Cost:		9,100,000	0	0	
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		9,100,000		
				Project Cost:		0	9,100,000	0	
ZVARIOUS	9068.67	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	STP			9,100,000	
				Project Cost:		0	0	9,100,000	
ZVARIOUS	9068.68	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	STP				9,10
				Project Cost:		0	0	0	9,10
ZVARIOUS	9068.69	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BRO			9,100,000	
				Project Cost:		0	0	9,100,000	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	9068.7	US-68	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2022.	PL					
				DN					
				RW					
				UT					
				CN	BRO				9,10
				Project Cost:		0	0	0	9,10
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	13,700,000			
				Project Cost:		13,700,000	0	0	
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	20,600,000			
				Project Cost:		20,600,000	0	0	
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		25,100,000		
				Project Cost:		0	25,100,000	0	
ZVARIOUS	9659.24	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	NH		37,700,000		
				Project Cost:		0	37,700,000	0	

2018-2022 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2019	FY 2020	FY 2021	FY
ZVARIOUS	9659.25	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2021. (JZ1-FD53 "IM" COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	IM			25,100,000	
				Project Cost:		0	0	25,100,000	
ZVARIOUS	9659.26	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2021. (JZ1-FD53 "NH" COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	NH			37,700,000	
				Project Cost:		0	0	37,700,000	
ZVARIOUS	9659.27	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2022. (JZ1-FD53 "IM" COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	IM				25,10
				Project Cost:		0	0	0	25,10
ZVARIOUS	9659.28	-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2022. (JZ1-FD53 "NH" COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	NH				37,70
				Project Cost:		0	0	0	37,70
Total for ZVARIOUS county				PL					
				DN				3,000,000	3,00
				RW					
				UT					
				CN		318,341,000	266,241,000	414,441,000	432,94
				Total Amounts:		318,341,000	266,241,000	417,441,000	435,94

2018-2022 HIGHWAY CONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2019	FY 2020	FY 2021	FY 2022	
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	17,850,000	34,000,000	9,000,000	0	
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	49,074,000	55,253,000	55,250,000	50,300,000	
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	7,015,000	9,445,000	18,060,000	30,132,200	
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	12,045,000	13,475,000	15,495,000	13,513,000	
CM	FEDERAL CONGESTION MITIGATION FUNDS	17,400,000	14,300,000	17,800,000	17,800,000	
FH	FEDERAL FOREST HIGHWAY FUNDS	1,641,000	1,641,000	1,641,000	1,641,000	
IM	FEDERAL INTERSTATE MAINTENANCE FUNDS	213,370,000	127,430,000	168,060,000	161,590,000	
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	307,220,000	240,620,000	266,810,000	247,000,000	1
RRP	SAFETY-RAILROAD PROTECTION	4,000,000	4,200,000	4,400,000	4,400,000	
SAF	FEDERAL SAFETY FUNDS	42,300,000	45,400,000	47,500,000	47,500,000	
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,600,000	1,600,000	1,600,000	1,600,000	
SB2	STATE BONDS 2010	50,000	250,000	0	0	
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	700,000	700,000	700,000	600,000	
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	23,000,000	23,500,000	23,500,000	23,500,000	
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	8,000,000	8,200,000	8,200,000	8,200,000	
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	9,200,000	9,200,000	9,200,000	9,200,000	
SP	STATE CONSTRUCTION	558,035,000	761,292,000	1,088,901,000	495,210,000	2
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	597,726,400	351,704,400	272,395,400	99,576,400	1
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	295,939,000	240,420,000	210,290,000	174,860,000	
TE	FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM FUNDS	17,400,000	11,600,000	14,500,000	14,500,000	
Total Amount		2,183,565,400	1,954,230,400	2,233,302,400	1,401,122,600	7

CHAPTER 146

(HB 10)

AN ACT making appropriations for the Executive Branch of the government of the Commonwealth of Kentucky and declaring an emergency.

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

➔Section 1. There is hereby appropriated to the Tourism, Arts and Heritage Cabinet, Department of Parks, General Fund moneys in the amount of $12,000,000 in fiscal year ~~[2015-]~~2016 for Parks renovations and repairs.

➔Section 2. There is hereby appropriated to the Tourism, Arts and Heritage Cabinet, Department of Parks, General Fund moneys in the amount of $1,000,000 in fiscal year ~~[2015-]~~2016 for the Rough River Marina.

➔Section 3. There is hereby appropriated to the Transportation Cabinet, Department of Aviation, General Fund moneys in the amount of $10,000,000 in fiscal year 2016-2017 and $10,000,000 in fiscal year 2017-2018 for aviation economic development to support the development, rehabilitation, and maintenance of publicly owned or operated aviation facilities.

~~[➔Section 4. There is hereby appropriated to the Kentucky Higher Education Assistance Authority General Fund moneys in the amount of $3,250,000 in fiscal year 2016-2017 and $6,500,000 in fiscal year 2017-2018 for the College Access Program. These funds are to replace the lottery revenues used to fund dual credit scholarships.~~

~~➔Section 5. There is hereby appropriated to the Kentucky Higher Education Assistance Authority General Fund moneys in the amount of $1,750,000 in fiscal year 2016-2017 and $3,500,000 in fiscal year 2017-2018 for the Kentucky Tuition Grant Program. These funds are to replace the lottery revenues used to fund dual credit scholarships.~~

~~➔Section 6. There is hereby appropriated to the Kentucky Higher Education Assistance Authority General Fund moneys in the amount of $6,110,000 in fiscal year 2016-2017 and $10,335,000 in fiscal year 2017-2018 for the College Access Program. These funds are to replace the lottery revenues used to fund the Work Ready Kentucky Scholarship Program.~~

~~➔Section 7. There is hereby appropriated to the Kentucky Higher Education Assistance Authority General Fund moneys in the amount of $3,290,000 in fiscal year 2016-2017 and $5,565,000 in fiscal year 2017-2018 for the Kentucky Tuition Grant Program. These funds are to replace the lottery revenues used to fund the Work Ready Kentucky Scholarship Program.]~~

➔Section 8. Whereas it is imperative that these appropriations and authorizations are available for the operations, maintenance, support, and functioning of the government of the Commonwealth, 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.

Vetoed in part April 27, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 28, 2016.

CHAPTER 147

(HB 129)

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 2016-2018 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 20162018 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from 2016 Regular Session HJR 160.

➔Section 1. 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 2016-2018 Biennial Highway Construction Program~~[and Section 2 shall detail the 2016-2018 Highway Preconstruction Program Plan for fiscal year 2016-2017 through fiscal year 2020-2022 as identified by the 2016 General Assembly. This document shall mirror in data type and format the fiscal year 2016-2022 Recommended Six-Year Road Plan as submitted to the 2016 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 2016 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 2016 Regular Session HJR 160 shall constitute the Six-Year Road Plan.

➔Section 7. Whereas the funding for these projects is provided by 2016 Regular Session HB 304, 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 2016-2018 Biennial Highway Construction Plan is as follows:

Vetoed in part April 27, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 28, 2016.

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ALLEN	201	KY-98	SAFETY(P)	IMPROVE THE SAFETY OF KY 98 NEAR DURHAM SPRINGS CHURCH (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		3,680,000
					Project Cost:		0	3,680,000
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			
					RW	SPP		
					UT	SPP		
					CN			
					Project Cost:		0	0
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	SPP	370,000	
					UT	SPP	960,000	
					CN	SPP		1,250,000
					Project Cost:		1,330,000	1,250,000
ALLEN	8400	KY-98	SCOPING STUDY(O)	CONDUCT A SCOPING STUDY ON THE EASTERN SCOTTSVILLE BYPASS. (08CCN) (10CCR)	PL	SP	500,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		500,000	0
ALLEN	8802	KY-100	MAJOR WIDENING(O)	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 (14CCN)	PL			
					DN	SPP		480,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	480,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ALLEN	8901		ECONOMIC DEVEL(O)	IMPROVE ACCESS ROAD ON EACH END OF INDUSTRIAL ACCESS ROAD IN SCOTTSVILLE	PL			
					DN			
					RW			
					UT			
					CN	SPP		300,000
					Project Cost:		0	300,000
ALLEN	8902	KY-98	GRADE & DRAIN(O)	RECONSTRUCT 1.0 MILE EAST OF BRIDGE OVER BARREN RIVER LAKE TO CORRECT VERTICAL AND HORIZONTAL DEFICIENCIES.	PL			
					DN	SPP		400,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	400,000
Total for ALLEN county					PL		500,000	
					DN			880,000
					RW		370,000	
					UT		960,000	
					CN			5,230,000
					Total Amounts:		1,830,000	6,110,000
ANDERSON	806	KY-151	RECONSTRUCTION(O)	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY.	PL	SPP		250,000
					DN	SPP		1,750,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	2,000,000
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	SP	3,800,000	
					UT			
					CN	SP		
					Project Cost:		3,800,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for ANDERSON county					PL			250,000
					DN			1,750,000
					RW		3,800,000	
					UT			
					CN			
					Total Amounts:		3,800,000	2,000,000
BALLARD	115	US-60	MAJOR WIDENING(O)	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)(14CCR).	PL			
					DN			
					RW	SPP		10,480,000
					UT	SPP		
					CN			
					Project Cost:		0	10,480,000
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			
					UT			
					CN	BRX	500,000	
					Project Cost:		500,000	0
Total for BALLARD county					PL			
					DN			
					RW			10,480,000
					UT			
					CN		500,000	
					Total Amounts:		500,000	10,480,000
BARREN	108.5	KY-90	RECONSTRUCTION(O)	PRIORITY SECTION 3: RECONSTRUCT KY-90 EAST OF GLASGOW FROM BRIDGE OVER FALLEN TIMBER CREEK TO THE METCALFE COUNTY LINE. (2002BOPC)(08CCR)(10CCR)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	12,070,000	
					Project Cost:		12,070,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					UT			
					CN	SPP	550,000	
					Project Cost:		550,000	0
BARREN	8819	KY-90	MAJOR WIDENING(O)	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW. (14CCN)	PL			
					DN	STP	2,200,000	
					RW	STP		6,000,000
					UT	STP		3,500,000
					CN			
					Project Cost:		2,200,000	9,500,000
BARREN	8820	US-31	MAJOR WIDENING(O)	MAJOR WIDENING OR 2+1 FROM STATE PARK ROAD TO NUNN PARKWAY. (14CCN)	PL			
					DN	SPP		3,500,000
					RW			
					UT			
					CN			
					Project Cost:		0	3,500,000
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			
					RW	STP		3,860,000
					UT			
					CN			
					Project Cost:		0	3,860,000
BARREN	8906	KY-70	MINOR WIDENING(O)	WIDEN KY-70 AT THE CAVE CITY INDUSTRIAL PARK	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BARREN	8907		ECONOMIC DEVEL(O)	CONSTRUCT AN ACCESS DRIVE AT THE CAVE CITY INDUSTRIAL PARK	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0
BARREN	8953		NEW ROUTE(O)	CONSTRUCT AN INDUSTRIAL ACCESS ROAD TO CONNECT TO KY 70 NEAR MP 5.9, INCLUDING A LEFT TURNING LANE ON KY 70	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
Total for BARREN county					PL			
					DN		2,200,000	3,500,000
					RW			9,860,000
					UT			3,500,000
					CN		12,620,000	
					Total Amounts:		14,820,000	16,860,000
BATH	193	KY-111	RECONSTRUCTION(O)	RECONSTRUCT KY-111 IN THE VICINITY OF THE "S-CURVE" EAST OF OWINGSVILLE.(14CCR)	PL			
					DN			
					RW	SPP	1,580,000	
					UT	SPP	1,040,000	
					CN	SPP		
					Project Cost:		2,620,000	0
BATH	394	KY-36	SAFETY(P)	IMPROVE INTERSECTION OF KY 36 AND KENDALL SPRINGS ROAD TO ACCOMODATE INDUSTRIAL TRUCK TRAFFIC. (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	750,000	
					Project Cost:		750,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BATH	8402	KY-111	SCOPING STUDY(O)	RECONSTRUCT 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		
					Project Cost:		1,600,000	1,000,000
BATH	8403	-0	NEW ROUTE(O)	NEW CONSTRUCTION FROM KENDALL SPRINGS ROAD TO BATH COUNTY HIGH SCHOOL IN OWINGSVILLE. (08CCN)	PL	SP	240,000	
					DN	SP		1,200,000
					RW			
					UT			
					CN			
					Project Cost:		240,000	1,200,000
BATH	8404	KY-965	RECONSTRUCTION(O)	RECONSTRUCT CURVE AT .8 MILE SOUTH OF KY-36. (08CCN)(12CCR)	PL			
					DN			
					RW			
					UT	SPP	50,000	
					CN	SPP	750,000	
					Project Cost:		800,000	0
BATH	8813	US-60	SAFETY(P)	INTERSECTION IMPROVEMENT AT KY 211 AND US 60 IN SALT LICK. (14CCN)	PL			
					DN			
					RW	STP		560,000
					UT	STP		300,000
					CN	STP		
					Project Cost:		0	860,000
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. (14CCN)	PL	SPP	400,000	
					DN	SPP		2,100,000
					RW	SPP		2,700,000
					UT	SPP		
					CN			
					Project Cost:		400,000	4,800,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for BATH county					PL		640,000	
					DN			3,300,000
					RW		3,180,000	3,260,000
					UT		1,090,000	1,300,000
					CN		1,500,000	
					Total Amounts:		6,410,000	7,860,000
BELL	110	KY-441	NEW ROUTE(O)	CONSTRUCT NEW ROUTE FROM KY 441 TO US 25E IN MIDDLESBORO. (08CCR)	PL			
					DN	SP	400,000	
					RW	SP		620,000
					UT	SP		490,000
					CN			
					Project Cost:		400,000	1,110,000
BELL	189	US-119	SAFETY(P)	IMPROVE CONGESTION AND FREIGHT MOVEMENT BY CONSTRUCTING A TWO WAY LEFT TURN LANE. (LET W/ 11-8701)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,424,500	
					Project Cost:		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		
					Project Cost:		3,050,000	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			
					UT			
					CN	BRX	550,000	
					Project Cost:		550,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BELL	8701	US-119	SAFETY(P)	PAGE SCHOOL TURN LANE. (LET W/ 11-189) (12CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	980,000	
					Project Cost:		980,000	0
BELL	8702	US-119	MINOR WIDENING(O)	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR)	PL			
					DN			
					RW	SPP		1,450,000
					UT	SPP		
					CN			
					Project Cost:		0	1,450,000
BELL	8805	US-119	SAFETY(P)	CONSTRUCT LEFT AND RIGHT TURN LANES ONTO THE BELL COUNTY GARAGE/VETERANS PARK ENTRANCE FROM US 119. (14CCN)	PL			
					DN	SPP		100,000
					RW	SPP		
					UT	SPP		
					CN			
					Project Cost:		0	100,000
BELL	8901	KY-188	RECONSTRUCTION(O)	RECONSTRUCT TO CORRECT SAFETY ISSUES AND IMPROVE STABILIZATION OF ROADWAY ON KY 188 AND YELLOW CREEK ON THE SOUTHSIDE OF ROADWAY.	PL			
					DN	SPP		250,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	250,000
BELL	8902	KY-1534	RECONSTRUCTION(O)	RECONSTRUCT KY 1534 AND YELLOW CREEK ALONG THE EASTSIDE OF ROADWAY FROM MP 1.3 TO MP 3.5 TO IMPROVE SAFETY.	PL			
					DN	SPP		250,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	250,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BELL	8903	KY-221	SAFETY(P)	IMPROVE SAFETY ALONG KY 221 WHILE PROVIDING SAFER TURNING LANES FOR SCHOOL TRAFFIC.	PL			
					DN	SP		200,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	200,000
BELL	8904	KY-74	DRAINAGE IMPROVE(P)	IMPROVE CURB AND GUTTER ON KY 74 FROM 10TH STREET TO 30TH STREET.	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for BELL county					PL			
					DN		400,000	800,000
					RW		2,220,000	2,070,000
					UT		830,000	490,000
					CN		3,954,500	
					Total Amounts:		7,404,500	3,360,000
BOONE	14	I-75	I-CHANGE RECONST(O)	RECONSTRUCT THE KY-536 (MT. ZION ROAD) INTERCHANGE. (14CCR)	PL			
					DN			
					RW	IM		14,700,000
					UT			
					CN			
					Project Cost:		0	14,700,000
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	IM		
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP		12,930,000
					Project Cost:		0	12,930,000
BOONE	158.01	KY-536	PREFINANCD CONVRSN(O)	RECONSTRUCT KY-536 TO A 5-LANE URBAN SECTION FROM 1500' WEST OF US-42 TO I-75 (MP 10.4 TO MP 13.4). (ADDITIONAL FUNDING FOR C PHASE)	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
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)(12CCR)(NO BUILD)	PL			
					DN	SP	2,010,000	
					RW	SP		3,640,000
					UT	SP		2,510,000
					CN			
					Project Cost:		2,010,000	6,150,000
BOONE	351.2	US-25	MAJOR WIDENING(O)	DRY RIDGE-FLORENCE ROAD; 5-LANE US-25 FROM WINNING COLORS DRIVE TO BEESOM DRIVE. (2006BOPC) (10CCR)(NO BUILD)(14CCN)	PL			
					DN	SP	1,710,000	
					RW			
					UT			
					CN			
					Project Cost:		1,710,000	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. (2006BOPC) (10CCR)(NO BUILD)(14CCN)	PL			
					DN	SP	1,770,000	
					RW			
					UT			
					CN			
					Project Cost:		1,770,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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) (NO BUILD)(14CCN)	PL			
					DN	SP	950,000	
					RW			
					UT			
					CN			
					Project Cost:		950,000	0
BOONE	351.45	US-25	MINOR WIDENING(O)	MINOR WIDENING AND CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON DRY RIDGE-FLORENCE ROAD AT MUBEA.	PL			
					DN	SPP	100,000	
					RW	SPP		1,000,000
					UT	SPP		500,000
					CN	SPP		1,000,000
					Project Cost:		100,000	2,500,000
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)(NO BUILD)(14CCN)	PL			
					DN	SP	10,000	
					RW			
					UT			
					CN			
					Project Cost:		10,000	0
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
					Project Cost:		0	4,400,000
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:		44,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BOONE	400.12	-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	44,000
BOONE	400.13	-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SNK		
					Project Cost:		0	0
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	56,000	
					Project Cost:		56,000	0
BOONE	401.12	-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
					Project Cost:		0	56,000
BOONE	401.13	-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SNK		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,500,000	
					Project Cost:		1,500,000	0
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	SNK	750,000	
					UT	SNK	600,000	
					CN	SNK		2,750,000
					Project Cost:		1,350,000	2,750,000
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	SNK	1,000,000	
					UT	SNK	500,000	
					CN	SNK		3,000,000
					Project Cost:		1,500,000	3,000,000
BOONE	417	PV-1011	NEW ROUTE(O)	EXTENSION OF WENDELL FORD BLVD TO AERO PKWY, 0.48 MILES. (2012BOP)	PL			
					DN			
					RW			
					UT			
					CN	SNK	2,366,717	
					Project Cost:		2,366,717	0
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	SNK	50,000	
					UT	SNK	112,000	
					CN	SNK		524,640
					Project Cost:		162,000	524,640

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SNK	120,000	
					RW	SNK		200,000
					UT	SNK		120,000
					CN	SNK		
					Project Cost:		120,000	320,000
BOONE	431	-0	STRATGIC CORR STDY(O)	STUDY ALL MAJOR HIGHWAY CORRIDOR OPTIONS TO RELIEVE TRAFFIC IN THE BRENT SPENCE BRIDGE CORRIDOR, (INCLUDES IN-DEPTH LOOK AT EASTERN BYPASS OF GREATER CINCINNATI), AS WELL AS POSSIBLE	PL	NH	2,000,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		2,000,000	0
BOONE	700	CR-1057	MATCHED FED FUNDS(O)	TWO-LANE EXTENSION OF EXISTING VETERANS WAY BETWEEN KY 18 AND KY 237. LPA PROJECT (LET BY COUNTY)(2012BOP)	PL			
					DN			
					RW			
					UT			
					CN	SNK	1,640,000	
					Project Cost:		1,640,000	0
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	14,500,000	
					Project Cost:		14,500,000	0
BOONE	966.05	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2017 (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SNK		8,800,000
					Project Cost:		0	8,800,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BOONE	966.06	-0	MATCHED FED FUNDS(O)	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		
					Project Cost:		0	0
BOONE	1079	KY-20	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 20 OVER WOOLPER CREEK SE OF STONE CREEK LANE (PR 1300)(SR 22.5) 008B00018N	PL			
					DN			
					RW			
					UT			
					CN	BRO	3,250,000	
					Project Cost:		3,250,000	0
BOONE	8001.21	KY-237	RECONSTRUCTION(O)	RECONSTRUCT AND WIDEN KY 237 FROM VALLEY VIEW DRIVE TO ROGERS LANE. (14CCR)	PL			
					DN			
					RW			
					UT	STP	1,160,000	
					CN	STP		
					Project Cost:		1,160,000	0
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
BOONE	8851	KY-842	SAFETY(P)	INCREASE SAFETY & OPERATIONS AT THE INTERSECTION OF KY 842 (RICHARDSON RD.) AND US 25 (DIXIE HIGHWAY) FROM JUST W OF US 25 TO BOONE CO. LINE AND INCLUDES MULTI-MODES; (14CCN)	PL			
					DN	SP	200,000	
					RW	SP		300,000
					UT			
					CN	SP		
					Project Cost:		200,000	300,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BOONE	8952	KY-338	BIKE/PED FACIL(O)	PHASE II- PEDESTRIAN SAFETY PROJECT TO RECONSTRUCT THE INTERSECTION OF IDLEWILD ROAD AND INSTALL SIDEWALKS ALONG IDLEWILD ROAD AND JEFFERSON STREET	PL			
					DN			
					RW	STP		90,000
					UT	STP		125,000
					CN	STP		500,000
					Project Cost:		0	715,000
BOONE	8953	I-275	NEW INTERCHANGE(O)	INTERCHANGE JUSTIFICATION STUDY AT I-275 AND GRAVES ROAD. BOONE COUNTY FISCAL COURT WILL PROVIDE A 50% MATCH ($375,000).	PL			
					DN	SPP		375,000
					RW			
					UT			
					CN			
					Project Cost:		0	375,000
Total for BOONE county					PL		2,000,000	
					DN		6,870,000	375,000
					RW		1,800,000	21,680,000
					UT		2,372,000	3,405,000
					CN		23,856,717	32,104,640
					Total Amounts:		36,898,717	57,564,640
BOURBON	365.1	KY-3364	BRIDGE REHAB(P)	STRUCTURE OVER SCOTTS CREEK ON KY 3364, 0.7 MILE NORTH OF US 460 AT NORTH MIDDLETOWN (BRIDGE IMPROVEMENTS). (03KYDN)(2012BOP)	PL			
					DN	KYD	18,723	
					RW			
					UT			
					CN			
					Project Cost:		18,723	0
BOURBON	1124	CR-1308	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1308 (MP 3.588) OVER TOWNSEND CREEK; .9 MI E OF JCT KY 353; (STRUCTURALLY DEFICIENT, SR=33.2) 009C00043N	PL			
					DN			
					RW	BRZ	90,000	
					UT	BRZ	75,000	
					CN	BRZ		765,000
					Project Cost:		165,000	765,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW	STP	3,000,000	
					UT	STP		2,500,000
					CN	STP		20,000,000
					Project Cost:		3,000,000	22,500,000
BOURBON	8705.01	US-460	PREFINANCD CONVRSN(O)	RECONSTRUCT US 460 FROM RUSSELL CAVE ROAD TO US 27 BYPASS IN PARIS; MP 1.394 TO MP 7.696. (ADDITIONAL FUNDING FOR C PHASE)	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
BOURBON	8707	CS-2016	NEW ROUTE(O)	EXTEND FIFTH STREET IN MILLERSBURG TO THE MILLERSBURG BYPASS.(12CCN)	PL			
					DN	SPP	150,000	
					RW	SPP		300,000
					UT	SPP		100,000
					CN	SPP		900,000
					Project Cost:		150,000	1,300,000
Total for BOURBON county					PL			
					DN		168,723	
					RW		3,090,000	300,000
					UT		75,000	2,600,000
					CN			21,665,000
					Total Amounts:		3,333,723	24,565,000
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)	PL			
					DN			
					RW			
					UT			
					CN	SAH	1,150,000	
					Project Cost:		1,150,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BOYD	208.03	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2017. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SAH		1,600,000
					Project Cost:		0	1,600,000
BOYD	208.04	-0	MATCHED FED FUNDS(O)	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		
					Project Cost:		0	0
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, INCLUDING SUPERELEVATION CORRECTION ALONG KY 180 AT THE US 60 INTERSECTION.	PL			
					DN			
					RW			
					UT			
					CN	SB2		30,290,000
					Project Cost:		0	30,290,000
BOYD	8801	US-23	SAFETY(P)	SAFETY UPGRADES AND CONSTRUCT TURN LANES ON US-23 AT 12TH STREET - CATLETTSBURG. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	500,000	
					Project Cost:		500,000	0
Total for BOYD county					PL			
					DN			
					RW			
					UT			
					CN		1,650,000	31,890,000
					Total Amounts:		1,650,000	31,890,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BOYLE	242.01	US-68	BRIDGE REPLACEMENT(P)	REPLACE U.S. 68 AND U.S. 150 BRIDGE OVER CHAPLIN RIVER, PERRYVILLE. 011B00042N (2005HPP-KY134)(EARMARK DOES NOT COVER TOTAL PROJECT COST OF $1,790,000).	PL			
					DN			
					RW			
					UT			
					CN	HPP		364,940
					Project Cost:		0	364,940
Total for BOYLE county					PL			
					DN			
					RW			
					UT			
					CN			364,940
					Total Amounts:		0	364,940
BRACKEN	355.19	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2017. (12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		180,000
					Project Cost:		0	180,000
BRACKEN	355.2	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2018. (12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	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	BRO	150,000	
					UT			
					CN	BRO		2,600,000
					Project Cost:		150,000	2,600,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BRACKEN	8309	KY-10	RECONSTRUCTION(O)	SPOT IMPROVEMENTS FROM THE CITY OF BROOKSVILLE SOUTH TO POWERSVILLE. (06CCN) (10CCR)	PL			
					DN	SB2	3,120,000	
					RW	SB2	5,790,000	
					UT			
					CN			
					Project Cost:		8,910,000	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		14,630,000
					Project Cost:		0	14,630,000
BRACKEN	8901	KY-2228	SAFETY(P)	IMPROVE SAFETY ALONG KY 2228 FROM KY 9 TO KY 8	PL			
					DN	SP		75,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	75,000
BRACKEN	8902	KY-9	CONGESTION MITIGTN(O)	ADD TURN LANES ON KY 9 AT KY 875 MT. ZION ROAD	PL			
					DN	SP		500,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	500,000
BRACKEN	8903	KY-19	SAFETY(P)	IMPROVEMENTS TO KY 19 FROM KY 165 TO KY 10 TO IMPROVE SIGHT DISTANCE AND CURVE ISSUES	PL			
					DN	SP		1,000,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	1,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for BRACKEN county					PL			
					DN		3,120,000	1,575,000
					RW		5,940,000	
					UT			
					CN			17,410,000
					Total Amounts:		9,060,000	18,985,000
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) 013B00014N	PL			
					DN			
					RW			
					UT			
					CN	BRO	840,000	
					Project Cost:		840,000	0
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		
					Project Cost:		0	0
Total for BREATHITT county					PL			
					DN			
					RW			
					UT			
					CN		840,000	
					Total Amounts:		840,000	0
BRECKINRIDGE	1090	CR-1021	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER SINKING CREEK ON DENTS BRIDGE ROAD (CR 1021) 1.4 MI W OF KY 333 (014C00003N)(SR=26)	PL			
					DN	BRZ		130,000
					RW			
					UT			
					CN			
					Project Cost:		0	130,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BRECKINRIDGE	8703	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 477 TO KY 428. (12CCN)(14CCR)	PL			
					DN	SPP	1,250,000	
					RW	SPP		3,710,000
					UT	SPP		2,250,000
					CN			
					Project Cost:		1,250,000	5,960,000
BRECKINRIDGE	8901	KY-86	FEASIBILITY STUDY(O)	RECONSTRUCTION STUDY ON KY 86 FROM MP 15.957 TO MP 26.137	PL	STP		
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	0
BRECKINRIDGE	8902	KY-261	DRAINAGE IMPROVE(P)	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74	PL			
					DN	SP		100,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	100,000
BRECKINRIDGE	8903	KY-261	MINOR WIDENING(O)	REALIGN S-CURVE AND CULVERT WIDENING.	PL			
					DN	SP		100,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	100,000
BRECKINRIDGE	8904	KY-992	MINOR WIDENING(O)	MINOR WIDENING OF KY 992 BETWEEN ROCK QUARRY AND US 60.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for BRECKINRIDGE county					PL			
					DN		1,250,000	330,000
					RW			3,710,000
					UT			2,250,000
					CN			
					Total Amounts:		1,250,000	6,290,000
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	28,500,000	
					Project Cost:		28,500,000	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	19,700,000	
					Project Cost:		19,700,000	0
BULLITT	150.2	KY-44	SAFETY(P)	RECONSTRUCT KY-44 AT BOGARD/LLOYD LANE. (06CCN) (10CCR)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP	1,280,000	
					Project Cost:		1,280,000	0
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	SP	890,000	
					UT	SP	1,090,000	
					CN			
					Project Cost:		1,980,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BULLITT	391.2	KY-480	RECONSTRUCTION(O)	WIDEN CEDAR GROVE ROAD (KY 480) FROM CEDAR GROVE ELEMENTARY SCHOOL TO VALLEY VIEW DRIVE. (12CCR)(14CCR) (SEE 5-391.3 FOR INTERCHANGE IMPROVEMENTS)	PL			
					DN			
					RW			
					UT			
					CN	STP	4,790,000	
					Project Cost:		4,790,000	0
BULLITT	391.3	KY-480	RECONSTRUCTION(O)	IMPROVEMENTS TO THE I-65/KY 480 INTERCHANGE INCLUDING RAMP IMPROVEMENTS AND TURNING LANES. (12CCR) (14CCR)(2014BOP)	PL			
					DN	NH	400,000	
					RW	NH		1,800,000
					UT	NH		500,000
					CN	NH		
					Project Cost:		400,000	2,300,000
BULLITT	534	KY-480	SAFETY(P)	ACCESS MANAGEMENT PROJECT TO RELOCATE LOVE'S ACCESS ROAD ON KY 480 IN BULLITT COUNTY TO ADDRESS CONGESTION SAFETY PROBLEMS (2014BOP FROM 5-391.20).	PL			
					DN			
					RW			
					UT			
					CN	STP	1,500,000	
					Project Cost:		1,500,000	0
BULLITT	538	I-65	NEW INTERCHANGE(O)	CONSTRUCT NEW I-65 INTERCHANGE BETWEEN KY 480 AND KY 245.	PL			
					DN	NH	2,500,000	
					RW	NH		500,000
					UT	NH		500,000
					CN	NH		
					Project Cost:		2,500,000	1,000,000
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=36.5) 015B00013N	PL			
					DN			
					RW	BRO	20,000	
					UT			
					CN	BRO		450,000
					Project Cost:		20,000	450,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BULLITT	8509	KY-245	MINOR WIDENING(O)	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN)(10CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP	10,510,000	
					Project Cost:		10,510,000	0
BULLITT	8856	I-65	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ON EAST SIDE OF I-65 BETWEEN MP 117.4 AND MP 117.8. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP	2,000,000	
					Project Cost:		2,000,000	0
BULLITT	8857	KY-44	MAJOR WIDENING(O)	WIDEN TO 5 LANES BETWEEN MOUNT WASHINGTON AND SHEPHERDSVILLE. (14CCN)	PL			
					DN	SP	3,000,000	
					RW			
					UT			
					CN			
					Project Cost:		3,000,000	0
BULLITT	8901	KY-61	CONGESTION MITIGTN(O)	CONSTRUCT A LEFT TURN LANE ON SOUTHBOUND KY 61 AT PLAZA PARK BLVD. AT MP 2.0 AND EXTEND EXISTING LEFT TURN LANE FOR NORTHBOUND APPROACH.	PL			
					DN			
					RW			
					UT			
					CN	SPP		200,000
					Project Cost:		0	200,000
Total for BULLITT county					PL			
					DN		5,900,000	
					RW		910,000	2,300,000
					UT		1,090,000	1,000,000
					CN		68,280,000	650,000
					Total Amounts:		76,180,000	3,950,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BUTLER	125.12	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2017.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		157,200
					Project Cost:		0	157,200
BUTLER	125.13	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
BUTLER	1072	KY-340	BRIDGE REPLACEMENT(P)	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
					Project Cost:		0	260,000
BUTLER	2042	WN-9007	RECONSTRUCTION(O)	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL			
					DN			
					RW			
					UT			
					CN	NH		10,000,000
					Project Cost:		0	10,000,000
BUTLER	8504.07	KY-369	FERRY OPERATION(P)	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
					Project Cost:		0	157,200

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
BUTLER	8504.08	KY-369	FERRY OPERATION(P)	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
Total for BUTLER county					PL			
					DN			
					RW			
					UT			
					CN			10,574,400
					Total Amounts:		0	10,574,400
CALDWELL	141	KY-139	SAFETY(P)	RECONSTRUCT SUBSTANDARD CURVES AT ROCK SPRINGS HILL(10CCR)	PL			
					DN	SP	500,000	
					RW	SP		610,000
					UT	SP		470,000
					CN			
					Project Cost:		500,000	1,080,000
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)(14CCR)	PL			
					DN			
					RW	SPP	2,960,000	
					UT	SPP		2,060,000
					CN			
					Project Cost:		2,960,000	2,060,000
CALDWELL	1095	KY-276	BRIDGE REPLACEMENT(P)	REPLACE KY 276 DRAINAGE STRUCTURE. (FLOOD REPAIR PROJECT)	PL			
					DN			
					RW	BRX		50,000
					UT	BRX		25,000
					CN	BRX		
					Project Cost:		0	75,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for CALDWELL county					PL			
					DN		500,000	
					RW		2,960,000	660,000
					UT			2,555,000
					CN			
					Total Amounts:		3,460,000	3,215,000
CALLOWAY	121	KY-1327	RECONSTRUCTION(O)	MURRAY FIVE-POINTS INTERSECTION ROUNDABOUT. (12CCR)	PL			
					DN			
					RW	SP		2,000,000
					UT	SP		1,670,000
					CN			
					Project Cost:		0	3,670,000
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.(SEE 1-8852.00)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		8,120,000
					Project Cost:		0	8,120,000
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 28.1)018C00110N (AR/W)	PL			
					DN			
					RW			
					UT	BRZ	100,000	
					CN	BRZ		370,000
					Project Cost:		100,000	370,000
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)(LET BY CITY)	PL			
					DN			
					RW			
					UT			
					CN	SPP	3,800,000	
					Project Cost:		3,800,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					RW			
					UT	SP		1,500,000
					CN	SP		
					Project Cost:		0	1,500,000
CALLOWAY	8852	US-641	MAJOR WIDENING(O)	NEW CONSTRUCTION OF 4-LANE ON US-641 SOUTH OF MURRAY FROM END OF SECTION 1 TO TENNESSEE STATE LINE. (SEE 6-314.10 FOR PRIORITY SECTION)(14CCN)	PL			
					DN	SPP	3,000,000	
					RW	SPP		
					UT			
					CN			
					Project Cost:		3,000,000	0
CALLOWAY	8952	CS-1047	SPOT IMPROVEMENTS(O)	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121	PL			
					DN	STP		400,000
					RW	STP		
					UT			
					CN			
					Project Cost:		0	400,000
Total for CALLOWAY county					PL			
					DN		3,000,000	400,000
					RW			2,000,000
					UT		100,000	3,170,000
					CN		3,800,000	8,490,000
					Total Amounts:		6,900,000	14,060,000
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			
					UT			
					CN	HPP		1,439,840
					Project Cost:		0	1,439,840

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CAMPBELL	407	KY-9	SAFETY(P)	KY 9 EXTENSION, CAMPBELL COUNTY. (2006KYD). (KYD FUNDING MOVED FROM 6-8101.02)	PL			
					DN			
					RW	STP	100,000	
					UT			
					CN	STP	2,170,000	
					Project Cost:		2,270,000	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	SNK	25,000	
					CN	SNK		527,000
					Project Cost:		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	SNK	104,874	
					RW			
					UT			
					CN	SNK		1,005,052
					Project Cost:		104,874	1,005,052
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	BRX	300,000	
					Project Cost:		300,000	0
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			
					UT			
					CN	BRZ		1,130,000
					Project Cost:		0	1,130,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CAMPBELL	1077	KY-10	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 10 OVER TWELVE MILE CREEK SE OF KY 1997 (SR 6.4) 019B00006N	PL			
					DN			
					RW	BRX	150,000	
					UT	BRX	130,000	
					CN	BRX		
					Project Cost:		280,000	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			
					UT			
					CN	BRX	500,000	
					Project Cost:		500,000	0
CAMPBELL	1085	KY-8	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER TWELVEMILE CREEK ON KY 8 0.1 MI N OF NEISES ROAD (CR 1009). (019B00003N)(SR=46.1)	PL			
					DN	BRX		280,000
					RW			
					UT			
					CN			
					Project Cost:		0	280,000
CAMPBELL	8101.25	KY-9	NEW ROUTE(O)	RECONSTRUCT KY 9 ALONG A NEW ROUTE FROM NORTH OF 10TH STREET TO 5TH STREET. (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	SPP	4,000,000	
					Project Cost:		4,000,000	0
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	SP	2,700,000	
					UT			
					CN			
					Project Cost:		2,700,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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		940,402
					Project Cost:		0	940,402
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
					Project Cost:		0	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	
					Project Cost:		1,439,839	0
CAMPBELL	8802	CS-2079	RESURFACING(P)	REPAVING AND DRAINAGE IMPROVEMENTS ON LINCOLN ROAD BETWEEN WARD AVENUE AND WOODLYN RIDGE (1/2 MILE) IN THE CITY OF BELLEVUE.(14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,000,000	
					Project Cost:		1,000,000	0
CAMPBELL	8804	-0	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF DAYTON. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		500,000
					Project Cost:		0	500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CAMPBELL	8805	-0	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF HIGHLAND HEIGHTS. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		500,000
					Project Cost:		0	500,000
CAMPBELL	8904		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF NEWPORT.	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,000,000
					Project Cost:		0	1,000,000
CAMPBELL	8907		SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AND MINOR REPAIR WORK WITHIN THE CITY OF SOUTHGATE.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
CAMPBELL	8908	KY-8	CONGESTION MITIGTN(O)	DESIGN A ROUNDABOUT AT KY 8 AND O'FALLON AVENUE IN DAYTON.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
Total for CAMPBELL county					PL			
					DN		104,874	280,000
					RW		2,950,000	
					UT		155,000	
					CN		9,409,839	14,291,406
					Total Amounts:		12,619,713	14,571,406

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					CN	SPP	250,000	
					Project Cost:		250,000	0
Total for CARLISLE county					PL			
					DN			
					RW			
					UT			
					CN		250,000	
					Total Amounts:		250,000	0
CARTER	1072	US-60	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON US-60 (MP 26.172) OVER UPPER STINSON CREEK; 1.5 MI E OF E-JCT KY 1; (STRUCTURALLY DEFICIENT, SR=29.6) 022B00064N (AR/W)	PL			
					DN			
					RW			
					UT			
					CN	BRO	1,100,000	
					Project Cost:		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			
					UT			
					CN	BRO	990,000	
					Project Cost:		990,000	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			
					UT			
					CN	BRX		930,000
					Project Cost:		0	930,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CARTER	8311	KY-1	SAFETY(P)	SAFETY IMPROVEMENTS AT THE EAST CARTER HIGH SCHOOL. (06CCN)(08CCR)(12CCR)	PL			
					DN			
					RW	SP	870,000	
					UT	SP	570,000	
					CN	SP		
					Project Cost:		1,440,000	0
CARTER	8312	KY-773	SAFETY(P)	SAFETY IMPROVEMENTS TO KY-773 FROM KY-7 TO KY-1. (06CCN)(08CCR)	PL			
					DN			
					RW	SP	120,000	
					UT	SP	110,000	
					CN			
					Project Cost:		230,000	0
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	SP	50,000	
					UT	SP	50,000	
					CN	SP		500,000
					Project Cost:		100,000	500,000
CARTER	8506	KY-773	DESIGN ENGINEERING(O)	DESIGN BRIDGES IN CONJUNCTION WITH PROJECT 9-8312. (08CCN)	PL			
					DN			
					RW	SPP		560,000
					UT	SPP		370,000
					CN	SPP		
					Project Cost:		0	930,000
Total for CARTER county					PL			
					DN			
					RW		1,040,000	560,000
					UT		730,000	370,000
					CN		2,090,000	1,430,000
					Total Amounts:		3,860,000	2,360,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CASEY	8701	KY-70	RECONSTRUCTION(O)	NEW ALIGNMENT FROM MP 16.8 TO MP 17.4 (12CCN)	PL			
					DN	SP	780,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		780,000	0
CASEY	8702	US-127	RECONSTRUCTION(O)	CORRECT VERTICAL ALIGNMENT ON US 127 AND KY 1552 NEAR INTERSECTION.(12CCN)	PL			
					DN	SP	780,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		780,000	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			
					DN	SP	520,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		520,000	0
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	SP	780,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		780,000	0
Total for CASEY county					PL			
					DN		2,860,000	
					RW			
					UT			
					CN			
					Total Amounts:		2,860,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CHRISTIAN	136	KY-1682	NEW ROUTE(O)	EXTEND KY-1682 FROM THE E.T. BREATHITT PARKWAY TO US-68/KY-80 EAST OF HOPKINSVILLE (HOPKINSVILLE NORTHEAST BYPASS).	PL			
					DN	STP		2,940,000
					RW			
					UT			
					CN			
					Project Cost:		0	2,940,000
CHRISTIAN	180	KY-911	MAJOR WIDENING(O)	WIDEN KY-911 FROM US-41A TO OAK GROVE. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP	8,800,000	
					Project Cost:		8,800,000	0
CHRISTIAN	227	KY-1007	RECONSTRUCTION(O)	RECONSTRUCT KY 1007 FROM US 68 TO SANDERSON ROAD IN HOPKINSVILLE.(12CCR) (14CCR)	PL			
					DN			
					RW			
					UT	SB2		3,250,000
					CN	SB2		
					Project Cost:		0	3,250,000
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	BRZ		500,000
					Project Cost:		270,000	500,000
CHRISTIAN	1094	CS-1262	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER N FORK LITTLE RIVER ON MILBROOKE DRIVE (CS 1262) 500 FT SW OF KAREN DRIVE (CS 1268) (SR 6) 024C00081N	PL			
					DN	BRZ		350,000
					RW	BRZ		
					UT	BRZ		
					CN			
					Project Cost:		0	350,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CHRISTIAN	8703	KY-107	MINOR WIDENING(O)	WIDEN KY 107 TO THREE LANES FROM GREENWAY LANE TO KY 380.(12CCN)(14CCR)	PL			
					DN			
					RW	SPP	1,110,000	
					UT	SPP	1,360,000	
					CN	SPP		2,250,000
					Project Cost:		2,470,000	2,250,000
Total for CHRISTIAN county					PL			
					DN			3,290,000
					RW		1,260,000	
					UT		1,480,000	3,250,000
					CN		8,800,000	2,750,000
					Total Amounts:		11,540,000	9,290,000
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) 025B00090N	PL			
					DN			
					RW	BRX	100,000	
					UT	BRX	90,000	
					CN	BRX		380,000
					Project Cost:		190,000	380,000
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	SPP	1,260,000	
					UT	SPP	1,560,000	
					CN	SPP		
					Project Cost:		2,820,000	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			
					Project Cost:		440,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					Project Cost:		220,000	0
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			
					Project Cost:		220,000	0
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			
					Project Cost:		550,000	0
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	SP	400,000	
					RW			
					UT			
					CN			
					Project Cost:		400,000	0
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	SP	570,000	
					RW			
					UT			
					CN			
					Project Cost:		570,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SPP		37,510,000
					Project Cost:		0	37,510,000
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	SP	50,000	
					Project Cost:		50,000	0
CLARK	8506.01	I-64	MAJOR WIDENING(O)	RECONSTRUCT I-64/MOUNTAIN PARKWAY INTERCHANGE TO ADD NEW RAMPS TO AND FROM THE EAST.(12CCR)(14CCR)	PL			
					DN			
					RW	NH		1,700,000
					UT	NH		
					CN			
					Project Cost:		0	1,700,000
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
CLARK	8952	US-60	AIR QUALITY(P)	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM I-64 IN CLARK COUNTY (MP 14.210) TO 500 FEET WEST OF SEWELL SHOP ROAD. (MP 17.032)	PL			
					DN	SP		2,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	2,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for CLARK county					PL		220,000	
					DN		2,180,000	2,000,000
					RW		1,360,000	1,700,000
					UT		1,650,000	
					CN		1,460,000	37,890,000
					Total Amounts:		6,870,000	41,590,000
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	2,100,000	
					Project Cost:		2,100,000	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		
					Project Cost:		0	0
CLAY	1092	CR-1154	BRIDGE REPLACEMENT(P)	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		
					Project Cost:		0	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 2.10) (00CCN)(06CCR)(08CCR)(10CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2	16,540,000	
					Project Cost:		16,540,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		25,700,000	0
CLAY	8711	CR-1263	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CURRY BRANCH ROAD IN CLAY COUNTY.(12CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	960,000	
					Project Cost:		960,000	0
CLAY	8856	KY-66	RECONSTRUCTION(O)	RECONSTRUCT EXISTING S-CURVE FROM MP 32.9 TO MP 33.5 TO IMPROVE GEOMETRICS. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	300,000	
					Project Cost:		300,000	0
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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,840,000
					Project Cost:		0	1,840,000
CLAY	8864	CR-1286	SAFETY(P)	IMPROVE GEOMETRICS ALONG URBAN CREEK ROAD (CR 1286) AND, INCLUDING INTERSECTIONS AT HAL ROGERS PARKWAY AND KY 687. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		6,100,000
					Project Cost:		0	6,100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CLAY	8910	HR-9006	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LAUREL LINE TO MANCHESTER (JUST PAST EXIT 20 AT BRIDGE OVER KY 80/US 421), MP 10.593 TO MP 21.498 (SEGMENT 7)	PL			
					DN	SPP	1,000,000	
					RW	SP		
					UT			
					CN			
				Project Cost:			1,000,000	0
CLAY	8911	HR-9006	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM MANCHESTER TO CLAY/LESLIE LINE; MP 21.498 TO MP 35.929 (SEGMENT 8)	PL			
					DN	SPP	1,000,000	
					RW			
					UT			
					CN			
				Project Cost:			1,000,000	0
Total for CLAY county					PL			
					DN		2,000,000	
					RW			
					UT			
					CN		45,600,000	7,940,000
				Total Amounts:			47,600,000	7,940,000
CLINTON	8601.26	US-127	RELOCATION(O)	RELOCATION 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 INTER. OF KY 1730 & MANNTOWN RD.(SEE 8-108 & 8-115 FOR	PL			
					DN	NH	2,300,000	
					RW			
					UT			
					CN			
				Project Cost:			2,300,000	0
CLINTON	8601.3	US-127	RELOCATION(O)	RELOCATION 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 FOR	PL			
					DN	SP	1,600,000	
					RW	SP		
					UT	SP		
					CN			
				Project Cost:			1,600,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for CLINTON county					PL			
					DN		3,900,000	
					RW			
					UT			
					CN			
					Total Amounts:		3,900,000	0
CRITTENDEN	187.23	US-641	RELOCATION(O)	MARION TO FREDONIA; SURFACING AND INCIDENTAL GRADE AND DRAIN.(12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	13,000,000	
					Project Cost:		13,000,000	0
CRITTENDEN	326.14	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2017.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		402,000
					Project Cost:		0	402,000
CRITTENDEN	326.15	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
Total for CRITTENDEN county					PL			
					DN			
					RW			
					UT			
					CN		13,000,000	402,000
					Total Amounts:		13,000,000	402,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
CUMBERLAND	150	KY-61	PAVEMENT REHAB-PRI(P)	SHOULDER TREATMENT ON KY 61 FROM JOE SCOTT RIDGE ROAD, SOUTH TO THE TENNESSEE LINE.(2006BOPC)(10CCR)(12CCR) (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		930,000
					Project Cost:		0	930,000
CUMBERLAND	1060	KY-61	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CUMBERLAND RIVER ON KY 61 0.1 MI N OF COLD SPRINGS ROAD (CR 1204).(029B00012N)(SR=32)	PL			
					DN	BRO	500,000	
					RW	BRO		50,000
					UT	BRO		50,000
					CN			
					Project Cost:		500,000	100,000
CUMBERLAND	1061	KY-90	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CUMBERLAND RIVER ON KY 90 0.27 MI SE OF KY 61 AT THE SCL OF BURKESVILLE. (029B00027N)(SR=35.4)	PL			
					DN	BRO	500,000	
					RW	BRO		50,000
					UT	BRO		50,000
					CN	BRO		
					Project Cost:		500,000	100,000
CUMBERLAND	8852	KY-90	RECONSTRUCTION(O)	RECONSTRUCT KY-90 FROM NORRIS BRANCH WESTERLY TO KY-496 NEAR MARROWBONE. (14CCN)	PL			
					DN	SP		3,500,000
					RW			
					UT			
					CN			
					Project Cost:		0	3,500,000
Total for CUMBERLAND county					PL			
					DN		1,000,000	3,500,000
					RW			100,000
					UT			100,000
					CN			930,000
					Total Amounts:		1,000,000	4,630,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
DAVIESS	229	KY-298	SAFETY(P)	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR)	PL			
					DN			
					RW	SB2	600,000	
					UT	SB2	1,000,000	
					CN	SB2		
					Project Cost:		1,600,000	0
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 (14CCR)	PL			
					DN			
					RW	STP	500,000	
					UT	STP	500,000	
					CN	STP		2,000,000
					Project Cost:		1,000,000	2,000,000
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	HPP	2,000,000	
					Project Cost:		2,000,000	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 030C00001N SR 39 (14CCR)	PL			
					DN			
					RW	BRZ	75,000	
					UT	BRZ	75,000	
					CN	BRZ		350,000
					Project Cost:		150,000	350,000
DAVIESS	2092	WN-9007	RECONSTRUCTION(O)	UPGRADE THE NATCHER PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH "I-565"SPUR ROUTE BETWEEN BOWLING GREEN AND OWENSBORO.	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
DAVIESS	8300	KY-54	MAJOR WIDENING(O)	WIDENING KY-54 FROM THE US-60 BYPASS TOWARD WHITESVILLE FROM MILEPOST 4.51 TO MILEPOST 8.0. (06CCN)(10CCR)(12CCR)(14CCR)	PL			
					DN			
					RW	SPP		13,000,000
					UT	SPP		
					CN			
					Project Cost:		0	13,000,000
DAVIESS	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 (SEE 2-8709.00)(14CCN)	PL			
					DN			
					RW	SPP	1,500,000	
					UT	SPP	1,500,000	
					CN	SB2		
					Project Cost:		3,000,000	0
DAVIESS	8813	CR-1053	BRIDGE REPLACEMENT(P)	GRAVES LANE BRIDGE REPLACEMENT-0.2 MI E JCT KY 405 (MM 1.005-1.009) OVER ALLGOOD DITCH. (14CCN)(SR 47.5) 030C00016N	PL			
					DN			
					RW	SPP	75,000	
					UT	SPP		80,000
					CN	SPP		
					Project Cost:		75,000	80,000
DAVIESS	8851	KY-81	MINOR WIDENING(O)	EXTEND THE CURRENT 4 LANES TO THE ROUNDABOUT AT KY-56/KY-81. (14CCN)	PL			
					DN			
					RW			
					UT	SPP		800,000
					CN	SPP		3,000,000
					Project Cost:		0	3,800,000
DAVIESS	8854	KY-3143	MINOR WIDENING(O)	WIDEN KY 3143 TO 3 LANES WITH CURB AND GUTTER FROM KY 3335 TO KY 54. (14CCN)	PL			
					DN	SPP	630,000	
					RW	SPP		2,475,000
					UT	SPP		3,000,000
					CN	SPP		
					Project Cost:		630,000	5,475,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for DAVIESS county					PL			
					DN		630,000	
					RW		2,750,000	15,475,000
					UT		3,075,000	3,880,000
					CN		2,000,000	5,350,000
					Total Amounts:		8,455,000	24,705,000
EDMONSON	7030.1	KY-259	SPOT IMPROVEMENTS(O)	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) (14CCR)	PL			
					DN			
					RW	SPP		1,540,000
					UT	SPP		1,470,000
					CN	SPP		
					Project Cost:		0	3,010,000
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	SP		
					Project Cost:		5,170,000	0
Total for EDMONSON county					PL			
					DN			
					RW		3,480,000	1,540,000
					UT		1,690,000	1,470,000
					CN			
					Total Amounts:		5,170,000	3,010,000
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)(14CCR)	PL			
					DN			
					RW	STP		7,720,000
					UT	STP		
					CN			
					Project Cost:		0	7,720,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ELLIOTT	192.03	KY-32	RECONSTRUCTION(O)	RECONSTRUCT KY-32 FROM KY-504 NEAR ELLIOTTVILLE TO 0.408 MI WEST OF STEGALL COLD SPRING ROAD IN ELLIOTT COUNTY.	PL			
					DN	STP		5,000,000
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		0	5,000,000
ELLIOTT	228	KY-7	RECONSTRUCTION(O)	RECONSTRUCT KY 7 FROM SOUTH CITY LIMITS OF SANDY HOOK TOWARD WRIGLEY. (12CCR)	PL			
					DN	STP		
					RW	SP		
					UT			
					CN			
					Project Cost:		0	0
ELLIOTT	8802	KY-32	MAJOR WIDENING(O)	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)	PL			
					DN	STP		750,000
					RW	STP		850,000
					UT	STP		600,000
					CN			
					Project Cost:		0	2,200,000
Total for ELLIOTT county					PL			
					DN			5,750,000
					RW			8,570,000
					UT			600,000
					CN			
					Total Amounts:		0	14,920,000
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	SPP	6,200,000	
					Project Cost:		6,200,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for ESTILL county					PL			
					DN			
					RW			
					UT			
					CN		6,200,000	
					Total Amounts:		6,200,000	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	SPP	12,170,000	
					UT	SPP	3,520,000	
					CN	SPP		
					Project Cost:		15,690,000	0
FAYETTE	220	US-25	BIKE/PED FACIL(O)	RICHMOND ROAD MULTIUSE PATH IN LEXINGTON BETWEEN EAGLE CREEK DRIVE AND JACOBSON PARK. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL			
					DN			
					RW			
					UT			
					CN	SLX		690,000
					Project Cost:		0	690,000
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	PL			
					DN			
					RW	SLX	1,400,000	
					UT	SLX	280,000	
					CN	SLX		11,735,000
					Project Cost:		1,680,000	11,735,000
FAYETTE	227.1	-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2017. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SLX		3,900,000
					Project Cost:		0	3,900,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	227.11	-0	MATCHED FED FUNDS(O)	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		
					Project Cost:		0	0
FAYETTE	229.2	-0	BIKE/PED FACIL(O)	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
					Project Cost:		0	400,000
FAYETTE	229.3	-0	BIKE/PED FACIL(O)	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
					Project Cost:		0	625,000
FAYETTE	252	KY-922	MAJOR WIDENING(O)	SIX-LANE NEWTOWN PIKE FROM KY-4 TO I-75.	PL			
					DN			
					RW	STP	3,150,000	
					UT			
					CN			
					Project Cost:		3,150,000	0
FAYETTE	357.14	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2017.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		330,000
					Project Cost:		0	330,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	357.15	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
FAYETTE	366	KY-4	MAJOR WIDENING(O)	WIDEN NEW CIRCLE ROAD IN LEXINGTON FROM GEORGETOWN ROAD TO BOARDWALK AVENUE INCLUDING INTERCHANGE RECONSTRUCTION AT NEWTOWN PIKE.(2002BOPC)(2004BOPP) (10CCR)(12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	NH		12,000,000
					Project Cost:		0	12,000,000
FAYETTE	366.02	KY-4	PREFINANCD CONVRSN(O)	WIDEN NEW CIRCLE ROAD IN LEXINGTON FROM GEORGETOWN ROAD TO BOARDWALK AVENUE INCLUDING INTERCHANGE RECONSTRUCTION AT NEWTOWN PIKE. (ADDITIONAL C-FUNDS FOR 7-366.00)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	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	
					Project Cost:		2,000,000	0
FAYETTE	412	US-27	RECONSTRUCTION(O)	REPLACE L&N RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY) (12CCR)(14CCR)	PL			
					DN			
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	413	KY-922	RECONSTRUCTION(O)	CONSTRUCT AN ADDITIONAL LANE ON KY 922 (NEWTOWN PIKE) FROM PINTAIL DR (MAIN ENTRANCE TO THE MARRIOTT GRIFFIN GATE) TO THE BEGINNING OF THE SOUTHBOUND I-75 ENTRANCE RAMP.(12CCR)(14CCR)	PL			
					DN			
					RW	NH	1,500,000	
					UT	NH	500,000	
					CN	NH		800,000
					Project Cost:		2,000,000	800,000
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	SPP	600,000	
					RW	SPP		4,000,000
					UT	SPP		1,000,000
					CN	SPP		
					Project Cost:		600,000	5,000,000
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	456,000	
					Project Cost:		456,000	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	SLX	18,000	
					UT			
					CN	SLX	725,000	
					Project Cost:		743,000	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	SLX	40,000	
					UT			
					CN	SLX	550,000	
					Project Cost:		590,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	429.10	ALUMNI DR.	LIGHTING(P)	INSTALL LIGHTING TO COMPLETE UPGRADE OF ALUMNI DR. BETWEEN NICHOLASVILLE RD AND TATES CREEK ROAD	PL			
					DN			
					RW			
					UT			
					CN	SPP		550,000
					Project Cost:		0	550,000
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)(14CCR)	PL			
					DN			
					RW	SPP	8,657,000	
					UT	SPP	3,467,500	
					CN	SPP		
					Project Cost:		12,124,500	0
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	BRO	125,000	
					UT	BRO	125,000	
					CN	BRO		800,000
					Project Cost:		250,000	800,000
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	BRZ	100,000	
					UT	BRZ	100,000	
					CN	BRZ		
					Project Cost:		200,000	0
FAYETTE	8340	US-60	SCOPING STUDY(O)	SCOPING STUDY TO RECONSTRUCT/WIDEN US-60/WINCHESTER ROAD TO FOUR LANES. (06CCN)(12CCR)	PL	SPP	280,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		280,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	280,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		280,000	0
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	340,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		340,000	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			
					UT			
					CN	SLX	1,550,000	
					Project Cost:		1,550,000	0
FAYETTE	8801	KY-4	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ALONG OUTER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	4,600,000	
					Project Cost:		4,600,000	0
FAYETTE	8804	KY-4	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ALONG INNER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND ALUMNI DRIVE. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,000,000
					Project Cost:		0	5,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	8805	KY-4	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ALONG INNER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0
FAYETTE	8812	KY-57	TRANSP ENHANCEMENT(P)	SIDEWALK INSTALLATION ON BRYAN STATION ROAD FROM PREAKNESS DRIVE TO HERMITAGE DRIVE. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	250,000	
					Project Cost:		250,000	0
FAYETTE	8901		TRANSP ENHANCEMENT(P)	EXTEND CITATION BLVD.	PL			
					DN	SPP		1,000,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	1,000,000
FAYETTE	8902	KY-1927	CONGESTION MITIGTN(O)	EXTEND THE EXISTING 4-LANE ON LIBERTY ROAD FROM GRAFTONS MILL LANE (MP 1.145) TO NEW CIRCLE ROAD (MP 0.0) AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD.	PL			
					DN	SPP		1,600,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	1,600,000
FAYETTE	8909	I-75	MAJOR WIDENING(O)	WIDEN I-64/I-75 TO 8 LANES FROM BRYAN STATION OVERPASS (MP 112.012) TO NORTHERN SPLIT (MP 117.665) TO ALLEVIATE CONGESTION (SECTION 1)	PL			
					DN	IM		500,000
					RW	IM		1,500,000
					UT	IM		
					CN			
					Project Cost:		0	2,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FAYETTE	8910	I-75	MAJOR WIDENING(O)	WIDEN I-75 TO 8 LANES FROM C&O RAILROAD BRIDGE (MP 107.417) TO BRYAN STATION OVERPASS (MP 112.012) TO ALLEVIATE CONGESTION (SECTION 2)	PL			
					DN	IM		1,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	1,000,000
Total for FAYETTE county					PL		900,000	
					DN		600,000	4,100,000
					RW		27,160,000	5,500,000
					UT		7,992,500	1,000,000
					CN		10,131,000	36,830,000
					Total Amounts:		46,783,500	47,430,000
FLEMING	1084	KY-32	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 32 OVER MUD LICK CREEK 0.2 MILES W OF CRAINTOWN RD (CR 1302)(SR 48.9) 035B00038N	PL			
					DN			
					RW	BRO	150,000	
					UT	BRO	250,000	
					CN	BRO		400,000
					Project Cost:		400,000	400,000
FLEMING	1092	CR-1240	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER FLEMING CREEK ON MCINTIRE ROAD (CR 1240) AT THE JCT WITH PIKE BLUFF (CR 1305)(035C00065N)(SR=24)	PL			
					DN	BRZ		350,000
					RW			
					UT			
					CN			
					Project Cost:		0	350,000
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 AND FY2011 NHCB PROJECT) (2010 BOPC).	PL			
					DN	KYD	5,000	
					RW			
					UT			
					CN	KYD	503,000	
					Project Cost:		508,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FLEMING	8300	KY-11	ECONOMIC DEVEL(O)	SURFACE INDUSTRIAL PARK ROAD ON KY-11. (06CCN)(10CCR)	PL			
					DN			
					RW			
					UT			
					CN	SP	520,000	
					Project Cost:		520,000	0
FLEMING	8305	KY-57	RECONSTRUCTION(O)	RECONSTRUCT/IMPROVE KY-57 FROM THE FLEMING COUNTY COURTHOUSE TO SLEEPY RUN CREEK. (06CCN)(10CCR)	PL			
					DN	SP	300,000	
					RW			
					UT			
					CN			
					Project Cost:		300,000	0
FLEMING	8804	KY-111	BRIDGE REHAB(P)	RESTORATION OF GRANGE CITY COVERED BRIDGE LOCATED ON KY-111 BETWEEN FLEMINGSBURG AND GRANGE CITY. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	TE		1,200,000
					Project Cost:		0	1,200,000
FLEMING	8815	KY-165	MINOR WIDENING(O)	UPGRADE, WIDEN, AND PROVIDE SPOT IMPROVEMENTS ON KY-165 TO IMPROVE SAFETY FROM KY-32 TO US-68. (14CCN)	PL			
					DN	SPP		900,000
					RW	SPP		250,000
					UT	SPP		
					CN			
					Project Cost:		0	1,150,000
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	SP	2,000,000	
					RW			
					UT			
					CN			
					Project Cost:		2,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FLEMING	8901	KY-11	ECONOMIC DEVEL(O)	CONSTRUCT LEFT TURN LANES ON KY 11 AT ROSS DRIVE, TAYLOR MILL AND THE INDUSTRIAL PARK ROAD.	PL			
					DN	SPP		250,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	250,000
FLEMING	8902	KY-11	SAFETY(P)	IMPROVE ACCESS AND RESPONSE TIMES FOR THE FLEMINGSBURG FIRE DEPARTMENT TO THE BYPASS AT MP 11.574.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
FLEMING	8903	KY-32	SAFETY(P)	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156.	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for FLEMING county					PL			
					DN		2,305,000	1,500,000
					RW		150,000	250,000
					UT		250,000	
					CN		1,023,000	1,600,000
					Total Amounts:		3,728,000	3,350,000
FLOYD	1.4	KY-114	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM NEELEY BRANCH ROAD TO COUNTY ROAD 1386 AT PRESTONSBURG ELEMENTARY SCHOOL. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL			
					DN	NH		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	NH	400,000	
					UT	NH	500,000	
					CN	NH		
					Project Cost:		900,000	0
FLOYD	195	KY-979	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2		
					Project Cost:		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). KYTC SHALL CONSIDER DESIGN-BUILD OPPORTUNITY.(08CCN)(10CCR) (12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	25,220,000	
					Project Cost:		25,220,000	0
FLOYD	345	US-23	WEIGH STA REHAB(P)	UPGRADE EXISTING FLOYD COUNTY WEIGH STATION.	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		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		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	BRX	75,000	
					UT	BRX	135,000	
					CN	BRX		
					Project Cost:		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. (02CCN)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	3,950,000	
					Project Cost:		3,950,000	0
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	SPP	500,000	
					UT			
					CN	SPP		3,000,000
					Project Cost:		500,000	3,000,000
FLOYD	8806	KY-1428	ECONOMIC DEVEL(O)	BRIDGE OFF OF KY-1428 ACROSS LEVISA FORK TO SERVE BIG SANDY WASTEWATER TREATMENT PLANT. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,840,000	
					Project Cost:		2,840,000	0
FLOYD	8901		DESIGN ENGINEERING(O)	MOUNTAIN PARKWAY EXPANSION FROM PRESTONBURG TO WEST VIRGINIA LINE	PL	NH		3,000,000
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	3,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for FLOYD county					PL			3,000,000
					DN			
					RW		975,000	
					UT		635,000	
					CN		32,010,000	3,000,000
					Total Amounts:		33,620,000	6,000,000
FRANKLIN	97.5	US-60	MAJOR WIDENING(O)	WIDEN US 60 FROM JUST EAST OF THE EXISTING BRIDGE OVER SOUTH BENSON CREEK (B97) TO JUST WEST OF VICKY WAY, WEST OF FRANKFORT, KY.(04CCN)(10CCR)	PL			
					DN			
					RW	SPP		4,640,000
					UT	SPP		2,340,000
					CN	SP		
					Project Cost:		0	6,980,000
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		
					UT	SP		
					CN			
					Project Cost:		680,000	0
FRANKLIN	600	US-60	RECONSTRUCTION(O)	ENHANCEMENT OF US 60 (EAST MAIN STREET) FROM MARTIN LUTHER KING BLVD TO SCHENKEL LANE IN FRANKFORT. (PEDESTRIAN BRIDGE UNDER ITEM NO. 5-8714) (08CCR) (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,720,000	
					Project Cost:		1,720,000	0
FRANKLIN	805	-0	BRIDGE REPLACEMENT(P)	DEMOLITION OF THE CLOSED ROADWAY SECTION OF THE BROADWAY BRIDGE IN FRANKFORT, KENTUCKY.	PL			
					DN			
					RW			
					UT			
					CN	SPP		300,000
					Project Cost:		0	300,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					UT			
					CN	BRO	640,000	
					Project Cost:		640,000	0
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			
					DN			
					RW			
					UT			
					CN	BRO	310,000	
					Project Cost:		310,000	0
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			
					DN			
					RW			
					UT			
					CN	BRO	560,000	
					Project Cost:		560,000	0
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			
					DN			
					RW	BRO		100,000
					UT	BRO		200,000
					CN	BRO		
					Project Cost:		0	300,000
FRANKLIN	1078	CR-1230	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BENSON CREEK ON CRAB ORCHARD ROAD (CR 1230) 200 FT NW OF KY 151 NEAR I-64 EXIT 48 (037C00010N) (SR=23.9) (EBRP)	PL			
					DN	BRZ	350,000	
					RW	BRZ		10,000
					UT	BRZ		20,000
					CN	BRZ		
					Project Cost:		350,000	30,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					DN			
					RW	IM		
					UT			
					CN			
					Project Cost:		0	0
FRANKLIN	8711		CONGESTION MITIGTN(O)	IMPROVE TRAFFIC FLOW THROUGH DOWNTOWN FRANKFORT.	PL			
					DN			
					RW			
					UT			
					CN	SPP		43,000
					Project Cost:		0	43,000
FRANKLIN	8813		TRANSP ENHANCEMENT(P)	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:		0	610,000
FRANKLIN	8902	US-421S	DRAINAGE IMPROVE(P)	IMPROVE DRAINAGE ALONG SLICKWAY BRANCH BY EXPANDING WATER SHED BASIN AT JIM BEAM DISTRIBUTION CENTER ON US 421S TO IMPROVE DRAINAGE ISSUES ON COUNTRY LANE.	PL			
					DN			
					RW			
					UT			
					CN	SB2		
					Project Cost:		0	0
Total for FRANKLIN county					PL			
					DN		1,030,000	
					RW			4,750,000
					UT			2,560,000
					CN		3,230,000	953,000
					Total Amounts:		4,260,000	8,263,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
FULTON	320.14	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2017.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		126,000
					Project Cost:		0	126,000
FULTON	320.15	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
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)(AR/W)	PL			
					DN			
					RW			
					UT	BRZ	100,000	
					CN	BRZ		370,000
					Project Cost:		100,000	370,000
FULTON	8853	KY-1099	SAFETY(P)	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125. (14CCN)	PL			
					DN			
					RW	SPP	500,000	
					UT	SPP		780,000
					CN	SPP		
					Project Cost:		500,000	780,000
Total for FULTON county					PL			
					DN			
					RW		500,000	
					UT		100,000	780,000
					CN			496,000
					Total Amounts:		600,000	1,276,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	17,310,000	
					Project Cost:		17,310,000	0
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			
					RW			
					UT			
					CN	BRZ	200,000	
					Project Cost:		200,000	0
GALLATIN	8909	US-42	SAFETY(P)	IMPROVE SAFETY, CONGESTION, AND PEDESTRIAN AND FREIGHT MOBILITY ON US 42 IN WARSAW FROM DAVIS DRIVE TO .4 MILES EAST OF DORMAN DRIVE. MP 7.281-7.8	PL			
					DN	SPP		1,000,000
					RW	SPP		
					UT	SPP		
					CN			
					Project Cost:		0	1,000,000
Total for GALLATIN county					PL			
					DN			1,000,000
					RW			
					UT			
					CN		17,510,000	
					Total Amounts:		17,510,000	1,000,000
GARRARD	196.3	US-27	RECONSTRUCTION(O)	RECONSTRUCT US 27 FROM WEST LANCASTER BYPASS TO KY 34.	PL			
					DN	SPP		500,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
GARRARD	285	US-27	DESIGN ENGINEERING(O)	DEVELOP DESIGN FOR A TRAFFIC CIRCLE ON US-27 IN LANCASTER.(12CCR)(14CCR)	PL			
					DN			
					RW	SPP	10,000	
					UT	SPP	150,000	
					CN	SPP		550,000
					Project Cost:		160,000	550,000
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=11.5) 040B00023N	PL			
					DN			
					RW	BRX	75,000	
					UT	BRX	60,000	
					CN	BRX		350,000
					Project Cost:		135,000	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	80,000	
					UT	BRX	70,000	
					CN	BRX		430,000
					Project Cost:		150,000	430,000
Total for GARRARD county					PL			
					DN			500,000
					RW		165,000	
					UT		280,000	
					CN			1,330,000
					Total Amounts:		445,000	1,830,000
GRANT	112.1	I-75	NEW INTERCHANGE(O)	CONSTRUCT AN INTERCHANGE ON I-75 AT SHERMAN. (06CCN)(08CCN)(10CCN)	PL			
					DN	SP	1,690,000	
					RW	SP		1,350,000
					UT	SP		1,900,000
					CN			
					Project Cost:		1,690,000	3,250,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
GRANT	411	KY-36	SAFETY(P)	ROADWAY IMPROVEMENTS TO KY-36 FROM US-25 AT WILLIAMSTOWN TO APPROXIMATELY 1 MILE EAST OF HEEKIN CLARKS ROAD.(12CCR) (14CCR)	PL			
					DN			
					RW	STP	400,000	
					UT	STP	1,010,000	
					CN	STP		9,100,000
					Project Cost:		1,410,000	9,100,000
GRANT	8714	CR-1138	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON SOUTH END OF BLANCHET ROAD 0.3 MILES NORTHEAST OF US 25. (SR=35.9) 041C00012N (12CCN)	PL			
					DN			
					RW	BRZ		270,000
					UT	BRZ		480,000
					CN			
					Project Cost:		0	750,000
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. (SR=28.1) 041C00014N (12CCN)	PL			
					DN			
					RW	BRZ		340,000
					UT	BRZ		100,000
					CN			
					Project Cost:		0	440,000
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. (SR=21.5) 041C00016N (12CCN)	PL			
					DN			
					RW	BRO	180,000	
					UT	BRO	290,000	
					CN	BRO		2,250,000
					Project Cost:		470,000	2,250,000
Total for GRANT county					PL			
					DN		1,690,000	
					RW		580,000	1,960,000
					UT		1,300,000	2,480,000
					CN			11,350,000
					Total Amounts:		3,570,000	15,790,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
GRAVES	181.5	KY-80	NEW ROUTE(O)	MURRAY-MAYFIELD RD; EXTEND MAYFIELD SOUTHERN BYPASS 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	SPP		
					Project Cost:		0	0
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			
					UT	BRZ	350,000	
					CN	BRZ		
					Project Cost:		350,000	0
Total for GRAVES county					PL			
					DN			
					RW			
					UT		350,000	
					CN			
					Total Amounts:		350,000	0
GRAYSON	308.01	-0	NEW ROUTE(O)	DESIGN FOR LEITCHFIELD BYPASS PRIORITY SECTION. (06CCN)(10CCR)	PL			
					DN	SP	2,710,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		2,710,000	0
GRAYSON	8502	US-62	MINOR WIDENING(O)	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)(10CCR)(14CCN)	PL			
					DN			
					RW	STP	2,400,000	
					UT	STP	1,000,000	
					CN			
					Project Cost:		3,400,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
GRAYSON	8954	KY-3155	NEW ROUTE(O)	EXTEND THE WILLIAM THOMASON BYWAY (KY 3155) FROM THE SOUTHERN INTERSECTION AT KY 259 WESTERLY TO KY 54	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for GRAYSON county					PL			
					DN		2,710,000	
					RW		2,400,000	
					UT		1,000,000	
					CN			
					Total Amounts:		6,110,000	0
GREEN	158.1	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. TO CONSTRUCT INTERSECTION IMPROVEMENT AT KY61-KY487; (SEE ITEM #8-128.12)	PL			
					DN			
					RW	HPP	200,000	
					UT	HPP	100,000	
					CN	HPP		1,490,000
					Project Cost:		300,000	1,490,000
GREEN	397.1	US-68	RECONSTRUCTION(O)	US68 IMPROVEMENTS FROM T DAVIS RD TO CLOVER LICK CREEK (MP 6.425 TO 11.744) AS PER 3-203 SCOPING STUDY (SPOT IMPROVEMENTS #11, 12 & 13). (DESIGN UNDER 4-397)(2014BOP)	PL			
					DN			
					RW	SP		2,500,000
					UT	SP		
					CN			
					Project Cost:		0	2,500,000
GREEN	398	-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.(SEE ITEM #8-8711)(12CCN)	PL			
					DN			
					RW	SPP		3,500,000
					UT	SPP		
					CN	SPP		
					Project Cost:		0	3,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		2,970,000	0
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)(14CCR)	PL			
					DN			
					RW	SPP	2,310,000	
					UT	SPP		3,790,000
					CN			
					Project Cost:		2,310,000	3,790,000
GREEN	8905	KY-61	SAFETY(P)	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY61 TO KY1906	PL			
					DN	SPP		450,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	450,000
GREEN	8910	KY-323	SPOT IMPROVEMENTS(O)	MINOR SPOT IMPROVEMENTS ON GABE ROAD.	PL			
					DN			
					RW	SP		
					UT			
					CN			
					Project Cost:		0	0
GREEN	8955	KY-323	CONGESTION MITIGTN(O)	ADDRESS GEOMETRIC DEFICIENCIES ON KY 323 NEAR DIXIE CREEK ROAD FROM MP 7.3 TO MP 7.5 TO IMPROVE FLOW OF TRUCK TRAFFIC THROUGH A SHARP HORIZONTAL CURVE	PL			
					DN	SPP		
					RW	SPP		
					UT	SPP		
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for GREEN county					PL			
					DN			450,000
					RW		2,510,000	6,000,000
					UT		100,000	3,790,000
					CN		2,970,000	1,490,000
					Total Amounts:		5,580,000	11,730,000
GREENUP	132	KY-2	PE & ENVIRONMENTAL(O)	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)(14CCR)	PL			
					DN			
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	0
GREENUP	395	US-23	MATCHED FED FUNDS(O)	INSTALL TRAFFIC SIGNAL AT THE INTERSECTION OF US 23 AND KY 503 (WURTLAND RIVERPORT). (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	SAH	143,704	
					Project Cost:		143,704	0
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	BRO		1,090,000
					CN	BRO		
					Project Cost:		0	1,090,000
GREENUP	1073.01	KY-244	PREFINANCD CONVRSN(O)	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	BRO		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
GREENUP	1073.02	KY-244	PREFINANCD CONVRSN(O)	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	BRO		
					Project Cost:		0	0
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	BRZ	60,000	
					UT	BRZ	25,000	
					CN	BRZ		1,000,000
					Project Cost:		85,000	1,000,000
GREENUP	8509	KY-207	NEW ROUTE(O)	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	STP		8,400,000
					UT			
					CN			
					Project Cost:		0	8,400,000
Total for GREENUP county					PL			
					DN			
					RW		60,000	8,400,000
					UT		25,000	1,090,000
					CN		143,704	1,000,000
					Total Amounts:		228,704	10,490,000
HANCOCK	197	KY-69	RELOCATION(O)	IMPROVE CONNECTION BETWEEN US-60 AND CANNELTON BRIDGE APPROACH AT HAWESVILLE. (06CCR) (08CCR) (10CCR) (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2		5,850,000
					Project Cost:		0	5,850,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HANCOCK	226	US-60	MINOR WIDENING(O)	MINOR WIDENING OF OLD TWO WESTBOUND LANES OF US 60.(12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,410,000
					Project Cost:		0	5,410,000
HANCOCK	316.1	KY-69	BRIDGE PAINTING(P)	BRIDGE PAINTING OF THE BOB CUMMINGS LINCOLN TRAIL BRIDGE OVER THE OHIO RIVER BETWEEN CANNELTON, INDIANA AND HAWESVILLE, KENTUCKY. INDOT IS THE LEAD STATE ON THE PROJECT. (2014BOP)	PL			
					DN	BRO	25,000	
					RW			
					UT			
					CN	BRO		
					Project Cost:		25,000	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	BRX	75,000	
					CN	BRX	300,000	
					Project Cost:		375,000	0
Total for HANCOCK county					PL			
					DN		25,000	
					RW			
					UT		75,000	
					CN		300,000	11,260,000
					Total Amounts:		400,000	11,260,000
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			
					DN			
					RW	BR2	6,800,000	
					UT	BR2	4,500,000	
					CN	BR2		
					Project Cost:		11,300,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HARDIN	153.05	KY-251	PHASE I DESIGN(O)	KY 251: FROM KY-434 TO KY-313. (BRAC) (10CCR)(12CCR)	PL			
					DN	SP	1,630,000	
					RW	SP		1,740,000
					UT	SP		
					CN			
					Project Cost:		1,630,000	1,740,000
HARDIN	198	KY-3005	PE & ENVIRONMENTAL(O)	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65.(12CCR)(14CCR)	PL			
					DN			
					RW			
					UT	SPP	1,190,000	
					CN	SPP		
					Project Cost:		1,190,000	0
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:		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	1,000,000	
					RW			
					UT			
					CN			
					Project Cost:		1,000,000	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	BRO		490,000
					Project Cost:		190,000	490,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HARDIN	8906	31W	BIKE/PED FACIL(O)	SOUTH WILSON ROAD CONNECTOR. (50/50 SPILT WITH CITY OF RADCLIFF)	PL			
					DN	SPP		875,000
					RW			
					UT			
					CN			
					Project Cost:		0	875,000
HARDIN	8907	KY-313	CONGESTION MITIGTN(O)	ADD TURN LANE ON KY 313 AT COLE RIDGE AVENUE	PL			
					DN	SB2		75,000
					RW	SB2		
					UT			
					CN			
					Project Cost:		0	75,000
Total for HARDIN county					PL			
					DN		2,630,000	950,000
					RW		7,000,000	1,740,000
					UT		5,910,000	
					CN			490,000
					Total Amounts:		15,540,000	3,180,000
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	SPP		570,000
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	570,000
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			
					CN	BRX		1,300,000
					Project Cost:		0	1,300,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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) (14CCR)	PL			
					DN			
					RW	NH	500,000	
					UT	NH	500,000	
					CN			
					Project Cost:		1,000,000	0
HARLAN	8704	KY-38	SAFETY(P)	IMPROVE SAFETY ON DEAD MAN'S CURVE NEAR MP 10.1. (12CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,200,000	
					Project Cost:		1,200,000	0
HARLAN	8807	US-119	SAFETY(P)	CONSTRUCT TURN LANES ONTO KY 840 FROM US 119. (14CCN)	PL			
					DN	NH		100,000
					RW	NH		25,000
					UT	NH		
					CN	NH		
					Project Cost:		0	125,000
HARLAN	8808	US-119	SAFETY(P)	CONSTRUCT A LEFT TURN LANE FROM S US 119 ONTO KY 3152. (14CCN)	PL			
					DN	NH		100,000
					RW	NH		25,000
					UT	NH		
					CN	NH		
					Project Cost:		0	125,000
HARLAN	8905	US-119	CONGESTION MITIGTN(O)	CONSTRUCT A NEW TURN LANE ON US 119 BETWEEN KY 2007 AND KY 3467.	PL			
					DN	SPP	100,000	
					RW	SPP		50,000
					UT	SPP		75,000
					CN	SPP		
					Project Cost:		100,000	125,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for HARLAN county					PL			
					DN		100,000	770,000
					RW		500,000	100,000
					UT		500,000	75,000
					CN		1,200,000	1,300,000
					Total Amounts:		2,300,000	2,245,000
HARRISON	908	KY-32	SAFETY(P)	IMPROVE SAFETY ON KY-32 AT THE ENTRANCE TO HARRISON MEMORIAL HOSPITAL IN CYNTHIANA.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,290,000	
					Project Cost:		2,290,000	0
HARRISON	1093	CR-1124	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON OLD LAIR RD (CR-1124) (0.071) OVER S. FORK LICKING RIVER. (SR=14.2) 049C00035N	PL			
					DN	BRZ		500,000
					RW			
					UT			
					CN			
					Project Cost:		0	500,000
HARRISON	8707	US-62	RECONSTRUCTION(O)	RECONSTRUCT U2 62 FROM MP 11.9 TO MP 12.3. (12CCN)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,920,000	
					Project Cost:		2,920,000	0
HARRISON	8708	US-27	RECONSTRUCTION(O)	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR)	PL			
					DN			
					RW	SPP	500,000	
					UT			
					CN	SPP		5,500,000
					Project Cost:		500,000	5,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HARRISON	8710	CR-1062	BRIDGE REPLACEMENT(P)	REPLACE UNION ROBINSON ROAD BRIDGE. (12CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,150,000	
					Project Cost:		1,150,000	0
Total for HARRISON county					PL			
					DN			500,000
					RW		500,000	
					UT			
					CN		6,360,000	5,500,000
					Total Amounts:		6,860,000	6,000,000
HART	441	KY-335	ECONOMIC DEVEL(O)	IMPROVE CONNECTIVITY AND SAFETY BY PROVIDING A ROUTE FOR TRUCK TRAFFIC WEST OF HORSE CAVE FROM KY 218 TO US 31W TO AVOID THE RAILROAD CROSSING AND DOWNTOWN AREA.	PL			
					DN	SPP		1,000,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	1,000,000
Total for HART county					PL			
					DN			1,000,000
					RW			
					UT			
					CN			
					Total Amounts:		0	1,000,000
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	SP	1,500,000	
					RW	SP		5,760,000
					UT	SP		4,880,000
					CN			
					Project Cost:		1,500,000	10,640,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HENDERSON	79.1	US-60	NEW ROUTE(O)	PADUCAH-HENDERSON; CONSTRUCT US-60 BYPASS OF CORYDON.(04CCR)(12CCR)	PL			
					DN	SP	2,500,000	
					RW	SP		3,840,000
					UT	SP		1,960,000
					CN			
					Project Cost:		2,500,000	5,800,000
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			
					UT			
					CN	STP	5,500,000	
					Project Cost:		5,500,000	0
HENDERSON	700.13	-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2018. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL			
					DN			
					RW			
					UT			
					CN	SHN		
					Project Cost:		0	0
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	SHN	50,000	
					UT	SHN	100,000	
					CN	SHN		550,000
					Project Cost:		150,000	550,000
HENDERSON	713	CS-1453	BRIDGE REPLACEMENT(P)	WATHEN BRIDGE REPLACEMENT: REPLACE EXISTING BRIDGE WITH 6FT PRECAST CONCRETE BOX CULVERT, PAVEMENT AND GUARDRAIL. LPA PROJECT. CITY TO PROVIDE MATCH.(FUNDING SUBJECT TO FISCAL	PL			
					DN			
					RW	SHN	10,000	
					UT	SHN	15,000	
					CN	SHN		200,000
					Project Cost:		25,000	200,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SHN	400,000	
					UT	SHN	400,000	
					CN	SHN		600,000
					Project Cost:		800,000	600,000
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	SHN	50,000	
					UT	SHN	100,000	
					CN	SHN		500,000
					Project Cost:		150,000	500,000
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	BRO	250,000	
					CN	BRO		14,000,000
					Project Cost:		250,000	14,000,000
HENDERSON	1080.01	US-60	PREFINANCD CONVRSN(O)	REPLACE BRIDGE ON US 60 OVER GREEN RIVER AT INTERSECTION WITH KY 1078 (SR 39) 051B00015N (ADDITIONAL FUNDING FOR C PHASE)	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	0
HENDERSON	1088	I-69	NEW ROUTE(O)	PE/ENVIRONMENTAL AND INITIAL FINANCING PLAN FOR FUTURE I-69 BRIDGE OVER THE OHIO RIVER BETWEEN HENDERSON AND EVANSVILLE NEAR US 41 BRIDGES.	PL	NH	2,820,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		2,820,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HENDERSON	1088.1	I-69	NEW ROUTE(O)	DEVELOP ALIGNMENT FOR INTERSTATE 69 HENDERSON/EVANSVILLE OHIO RIVER CROSSING (TO BE DEVELOPED IN CONCERT WITH 2-1088.00).	PL			
					DN	NH		6,000,000
					RW	NH		
					UT			
					CN			
					Project Cost:		0	6,000,000
Total for HENDERSON county					PL		2,820,000	
					DN		4,000,000	6,000,000
					RW		510,000	9,600,000
					UT		865,000	6,840,000
					CN		5,500,000	15,850,000
					Total Amounts:		13,695,000	38,290,000
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 38.6) 052B00003N	PL			
					DN			
					RW	BRO	90,000	
					UT	BRO	60,000	
					CN	BRO		230,000
					Project Cost:		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			
					UT			
					CN	SPP	13,630,000	
					Project Cost:		13,630,000	0
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			
					UT			
					CN	SPP		11,060,000
					Project Cost:		0	11,060,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SPP	1,450,000	
					UT	SPP		1,160,000
					CN	SPP		
					Project Cost:		1,450,000	1,160,000
HENRY	8821	KY-241	BIKE/PED FACIL(O)	IMPROVE DRAINAGE AND INSTALL SIDEWALK ALONG KY 241 IN PLEASUREVILLE. (14CCN)	PL			
					DN			
					RW	SPP	550,000	
					UT	SPP	75,000	
					CN	SPP		475,000
					Project Cost:		625,000	475,000
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. (14CCN)	PL	SPP	500,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		500,000	0
Total for HENRY county					PL		500,000	
					DN			
					RW		2,090,000	
					UT		135,000	1,160,000
					CN		13,630,000	11,765,000
					Total Amounts:		16,355,000	12,925,000
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			
					UT	BRX	630,000	
					CN	BRX		
					Project Cost:		630,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HICKMAN	1158	KY-1301	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER HURRICANE BRANCH ON KY 1301, LOCATED 1.092 MI NW OF US 51 IN HICKMAN COUNTY, KY.(SR 21) (053B00083N) (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	BRX		300,000
					Project Cost:		0	300,000
Total for HICKMAN county					PL			
					DN			
					RW			
					UT		630,000	
					CN			300,000
					Total Amounts:		630,000	300,000
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		
					Project Cost:		0	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	SPP		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	SP	200,000	
					RW			
					UT			
					CN			
					Project Cost:		200,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
HOPKINS	176	KY-85	RECONSTRUCTION(O)	RECONSTRUCT KY-85 FROM KY-70 EAST TO AIRPORT ROAD AT ANTON. (08CCR)(10CCR)	PL			
					DN			
					RW	SP	850,000	
					UT	SP	840,000	
					CN	SP		8,000,000
					Project Cost:		1,690,000	8,000,000
HOPKINS	804.1	-0	NEW ROUTE(O)	CENTER STREET/ISLAND FORD CONNECTOR ROAD IN MADISONVILLE FROM CENTER STREET NORTH TO CSX RAILROAD. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,600,000	
					Project Cost:		2,600,000	0
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=31.9) 054B00022N (14CCR)	PL			
					DN			
					RW	BRX	160,000	
					UT	BRX		300,000
					CN	BRX		
					Project Cost:		160,000	300,000
HOPKINS	1079	KY-262	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 262 OVER GREASEY CREEK 0.67 MILE E OF BEAN CEMETERY RD (CR 1396)(SR 40.3)054B00107N	PL			
					DN			
					RW			
					UT			
					CN	BRO	500,000	
					Project Cost:		500,000	0
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	1,750,000	
					Project Cost:		1,750,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	BRO	150,000	
					UT	BRO	170,000	
					CN	BRO		450,000
					Project Cost:		320,000	450,000
HOPKINS	8305	US-41	MAJOR WIDENING(O)	WIDEN NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)	PL			
					DN	SP	840,000	
					RW	SP	1,020,000	
					UT	SP		1,280,000
					CN	SP		
					Project Cost:		1,860,000	1,280,000
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	SPP		500,000
					UT	SPP		500,000
					CN	SPP		
					Project Cost:		0	1,000,000
Total for HOPKINS county					PL			
					DN		1,040,000	
					RW		2,180,000	500,000
					UT		1,010,000	2,080,000
					CN		4,850,000	19,450,000
					Total Amounts:		9,080,000	22,030,000
JACKSON	278.3	KY-30	RECONSTRUCTION(O)	RECONSTRUCT KY 30 FROM US 421 TO THE OWSLEY COUNTY LINE. (14CCR)(SEE 10-279.60 FOR PE & ENVIR)	PL			
					DN	SPP		4,700,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	4,700,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(AR/W) 055B00157N	PL			
					DN			
					RW			
					UT			
					CN	BRO		750,000
					Project Cost:		0	750,000
Total for JACKSON county					PL			
					DN			4,700,000
					RW			
					UT			
					CN			750,000
					Total Amounts:		0	5,450,000
JEFFERSON	21	I-265	I-CHANGE RECONST(O)	SNYDER FREEWAY; RECONSTRUCT 2 RAMPS AT I-265/I-64 INTERCHANGE EAST OF LOUISVILLE. (DESIGNED WITH 5-41.00)(2006BOPP)(12CCR)	PL			
					DN			
					RW	IM		4,210,000
					UT	IM		3,380,000
					CN			
					Project Cost:		0	7,590,000
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
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

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SPP		
					Project Cost:		0	0
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	5,570,000	
					Project Cost:		5,570,000	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	
					Project Cost:		3,790,000	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	NH	9,430,000	
					UT	NH	2,350,000	
					CN	NH		
					Project Cost:		11,780,000	0
JEFFERSON	183.01	-0	SIGNAL SYS IMPROVE(P)	SIGNAL SYSTEM IMPROVEMENTS IN JEFFERSON COUNTY.	PL			
					DN			
					RW			
					UT			
					CN	SP	910,000	
					Project Cost:		910,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		1,820,000	0
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	STP	10,960,000	
					Project Cost:		10,960,000	0
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			
					UT			
					CN	SPP	8,630,000	
					Project Cost:		8,630,000	0
JEFFERSON	344.01	KY-1747	RECONSTRUCTION(O)	WIDEN SOUTHBOUND HURSTBOURNE LANE TO 3 LANES FROM LINN STATION RD (CS-1004H) TO EDEN AVE (CS-1660H). (06CCR)(03KYD) (2006BOPP)(SEE 5-344.02 FOR KYD C PHASE) (14CCR)	PL			
					DN			
					RW	SPP		2,960,000
					UT	SPP		3,140,000
					CN	SPP		
					Project Cost:		0	6,100,000
JEFFERSON	353	CR-1006	MINOR WIDENING(O)	ENGLISH STATION ROAD IN LOUISVILLE; WIDEN TO 3 LANES FROM AVOCA ROAD TO WEST AIKEN ROAD.(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL			
					DN			
					RW			
					UT			
					CN	SLO	4,060,000	
					Project Cost:		4,060,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	371.1	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT SPRINGCREST DRIVE. (06CCN) (2004BOPC)(14CCR)(EMERGENCY CULVERT REPLACEMENT AWARDED UNDER 5-371.12)	PL			
					DN			
					RW			
					UT			
					CN	STP	1,000,000	
					Project Cost:		1,000,000	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	SP	640,000	
					UT	SP	650,000	
					CN	SP		1,350,000
					Project Cost:		1,290,000	1,350,000
JEFFERSON	371.13	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT GOOSE CREEK ROAD. (06CCN) (2004BOPC)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP	1,320,000	
					Project Cost:		1,320,000	0
JEFFERSON	371.14	KY-22	SAFETY(P)	RECONSTRUCT KY-22 AT BARBOUR LANE. (06CCN) (2004BOPC)	PL			
					DN			
					RW	SP	310,000	
					UT			
					CN	SP		570,000
					Project Cost:		310,000	570,000
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		
					Project Cost:		3,080,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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
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	2,110,000	
					Project Cost:		2,110,000	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			
					RW	SLO	3,750,000	
					UT			
					CN			
					Project Cost:		3,750,000	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		760,000
					Project Cost:		90,000	760,000
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	SLO	1,000,000	
					RW	SLO		1,000,000
					UT	SLO		1,000,000
					CN	SLO		
					Project Cost:		1,000,000	2,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		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
					Project Cost:		0	100,000
JEFFERSON	439.05	-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		
					Project Cost:		0	0
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	
					Project Cost:		40,000	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	
					Project Cost:		40,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		320,000	0
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	650,000	
					Project Cost:		650,000	0
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	SLO	320,000	
					RW	SLO		490,000
					UT	SLO		120,000
					CN			
					Project Cost:		320,000	610,000
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	SLO	290,000	
					RW			
					UT			
					CN			
					Project Cost:		290,000	0
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	
					Project Cost:		748,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	474	I-265	SAFETY(P)	REDUCE CONGESTION AND IMPROVE SAFETY AT THE KY 3084 (OLD HENRY ROAD) INTERCHANGE. (12CCR)	PL			
					DN			
					RW			
					UT	NH	700,000	
					CN	IM		5,090,000
					Project Cost:		700,000	5,090,000
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	
					Project Cost:		4,330,000	0
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		7,200,000
					Project Cost:		0	7,200,000
JEFFERSON	478.3	US-31	SAFETY(P)	IMPROVE DIXIE HIGHWAY BETWEEN GREENWOOD ROAD (KY 1931) AND STONESTREET ROAD (CR 1003). (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		4,800,000
					Project Cost:		0	4,800,000
JEFFERSON	478.4	US-31	SAFETY(P)	IMPROVE SAFETY ON DIXIE HIGHWAY BY PLACING BARRIER WALLS FOR 2 MILES TO ELIMINATE CROSSOVER ACCIDENTS BETWEEN GREENWOOD ROAD (KY 1931) AND STONESTREET ROAD (CR 1003)	PL			
					DN			
					RW			
					UT			
					CN	SAF	500,000	
					Project Cost:		500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	483	I-71	MAJOR WIDENING(O)	SIX LANE PRIORITY SECTION OF I-71 BETWEEN I-265 AND KY 329.	PL			
					DN	NH	2,500,000	
					RW	NH		
					UT			
					CN			
					Project Cost:		2,500,000	0
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	SLO	170,000	
					RW			
					UT			
					CN	SLO	700,000	
					Project Cost:		870,000	0
JEFFERSON	485	US-60	PAVEMENT REHAB-PRI(P)	RE-CURB US 60A (EASTERN PARKWAY) FROM KY 1631 (CRITTENDEN DRIVE) TO US 31E (BARDSTOWN ROAD).	PL	SLO	200,000	
					DN	SLO	400,000	
					RW			
					UT			
					CN	SLO		3,800,000
					Project Cost:		600,000	3,800,000
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 JEFFERSONTOWN CONNECTING	PL			
					DN			
					RW			
					UT			
					CN	SLO	162,000	
					Project Cost:		162,000	0
JEFFERSON	487	-0	SCOPING STUDY(O)	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	SLO		189,000
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	189,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SLO	333,600	
					RW			
					UT			
					CN			
				Project Cost:			333,600	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	SLO	210,500	
					RW			
					UT			
					CN			
				Project Cost:			210,500	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	SLO	144,240	
					RW			
					UT			
					CN			
				Project Cost:			144,240	0
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	
				Project Cost:			254,000	0
JEFFERSON	493	-0	BIKE/PED FACIL(O)	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
				Project Cost:			0	37,800

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,000,000	
					Project Cost:		1,000,000	0
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	
					Project Cost:		1,000,000	0
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	
					Project Cost:		1,000,000	0
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	
					Project Cost:		1,000,000	0
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	SLO	200,000	
					RW			
					UT			
					CN	SLO		2,043,030
					Project Cost:		200,000	2,043,030

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SLO	12,500	
					RW			
					UT			
					CN	SLO		70,000
					Project Cost:		12,500	70,000
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:		1,000,000	0
JEFFERSON	516.03	-0	SAFETY(P)	VARIOUS SAFETY PROJECTS IN THE LOUISVILLE URBANIZED AREA.	PL			
					DN			
					RW			
					UT			
					CN	SLO		1,000,000
					Project Cost:		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	SLO	194,169	
					CN	SLO		509,788
					Project Cost:		194,169	509,788
JEFFERSON	519	CR-1004	BIKE/PED FACIL(O)	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
					Project Cost:		0	656,640

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	521	I-64	BRIDGE REHAB(P)	REPAIR DRAINAGE SYSTEM ON THE I-64 BRIDGE OVER N.S. RAILROAD AND THE LEVEE AND REPAIR THE LEVEE.(056B00284N)(2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	IM	400,000	
					Project Cost:		400,000	0
JEFFERSON	522	-0	BIKE/PED FACIL(O)	"SHARED USE PATH" LOUISVILLE LOOP TRAILHEAD FACILITIES THROUGH JEFFERSON MEMORIAL FOREST FROM NORTH END OF SAND QUARRY TUNNEL AT GENE SNYDER FWY TO WEST TERMINUS OF THE EXISTING MSD TRAIL	PL			
					DN	SLO	333,600	
					RW			
					UT			
					CN			
					Project Cost:		333,600	0
JEFFERSON	531	KY-1932	MATCHED FED FUNDS(O)	IMPROVE THE SAFETY AND CONGESTION OF KY 1932 (CHENOWETH LANE) FROM US 60 (SHELBYVILLE ROAD) TO US 42 (BROWNSBORO ROAD) APPROXIMATELY 1.07 MILES (2014BOP).	PL			
					DN	SLO	1,250,000	
					RW	SLO		1,766,400
					UT	SLO		
					CN			
					Project Cost:		1,250,000	1,766,400
JEFFERSON	536	KY-1931	MINOR WIDENING(O)	WIDEN KY 1931 FROM 2 TO 3 LANES FROM US 31W (DIXIE HWY) TO DOSS HIGH SCHOOL. (2014BOP)	PL			
					DN			
					RW	SLO		
					UT			
					CN			
					Project Cost:		0	0
JEFFERSON	537	I-265	MAJOR WIDENING(O)	SIX LANE PRIORITY SECTION OF I-265 BETWEEN TAYLORSVILLE ROAD AND I-71.	PL			
					DN	NH	2,500,000	
					RW	NH		
					UT			
					CN			
					Project Cost:		2,500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	539	I-71	RECONSTRUCTION(O)	PROVIDE COLLECTOR-DISTRIBUTOR LANE ON SOUTHBOUND I-71 TO FACILITATE RAMP MOVEMENTS TO AND FROM I-265.	PL			
					DN			
					RW			
					UT			
					CN	IM		5,000,000
					Project Cost:		0	5,000,000
JEFFERSON	540	I-265	TRANSP ENHANCEMENT(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTH SIDE OF I-265 FROM MP 16.6 TO MP 17.2 APPROX 3100 FT.	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0
JEFFERSON	715.41	-0	I-CHANGE RECONST(O)	LOUISVILLE BRIDGES; KENTUCKY TRADITIONAL NH FUNDING FOR FY 2017 PLEDGED TO SUPPORT THE FINANCING OF THE LSIORB (CANNOT BE MOVED)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	NH		50,000,000
					Project Cost:		0	50,000,000
JEFFERSON	804	I-264	RECONSTRUCTION(O)	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY 1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594) (12CCR)(14CCR)	PL			
					DN	IM	3,000,000	
					RW			
					UT			
					CN			
					Project Cost:		3,000,000	0
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	48,700,000	
					Project Cost:		48,700,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	965.15	-0	MATCHED FED FUNDS(O)	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		5,800,000
					Project Cost:		0	5,800,000
JEFFERSON	965.16	-0	MATCHED FED FUNDS(O)	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		
					Project Cost:		0	0
JEFFERSON	972	US-42	SAFETY-HAZARD ELIM(P)	US 42 SAFETY IMPROVEMENTS FROM HARRODS CREEK BRIDGE TO RIVER ROAD. (10CCR)	PL			
					DN			
					RW	SP	5,000,000	
					UT	SP	3,000,000	
					CN	SP		
					Project Cost:		8,000,000	0
JEFFERSON	1061	CR-1038	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON CR-1038L OVER BEE LICK CREEK; (STRUCTURALLY DEFICIENT, SR=4) 056C00104N	PL			
					DN			
					RW			
					UT			
					CN	BRZ	330,000	
					Project Cost:		330,000	0
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			
					RW			
					UT			
					CN	BRZ	600,000	
					Project Cost:		600,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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 9.5) 056B00139N	PL			
					DN			
					RW	BRO	100,000	
					UT	BRO	500,000	
					CN	BRO		
					Project Cost:		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	BRO	120,000	
					UT	BRO	220,000	
					CN	BRO		850,000
					Project Cost:		340,000	850,000
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 41) 056C00054N	PL			
					DN			
					RW	BRZ	100,000	
					UT	BRZ	50,000	
					CN	BRZ		500,000
					Project Cost:		150,000	500,000
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	BRZ		10,000
					UT	BRZ		100,000
					CN			
					Project Cost:		0	110,000
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	2,000,000	
					Project Cost:		2,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	1077	CR-1001	BRIDGE REPLACEMENT(P)	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	BRZ		350,000
					RW			
					UT			
					CN			
					Project Cost:		0	350,000
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 5-8105 IN 2010 ENACTED HIGHWAY PLAN FOR R, U, AND C PHASES.)(12CCR)	PL			
					DN			
					RW			
					UT	SPP	750,000	
					CN	SPP		4,330,000
					Project Cost:		750,000	4,330,000
JEFFERSON	8203	KY-1819	RECONSTRUCTION(O)	RECONSTRUCT BILLTOWN ROAD FROM NORTH OF COLONNADES PLACE TO SOUTH OF EASUM ROAD. (04CCN)(06CCN)(08CCR)(10CCR) (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,400,000	
					Project Cost:		2,400,000	0
JEFFERSON	8205.1	KY-2053	MINOR WIDENING(O)	IMPROVE AND WIDEN MT WASHINGTON ROAD FROM PRESTON HIGHWAY TO PENN RUN CREEK BRIDGE. (10CCN)(SAME AS 5-8611.00)	PL			
					DN			
					RW	SP	3,260,000	
					UT	SP	6,390,000	
					CN			
					Project Cost:		9,650,000	0
JEFFERSON	8205.2	KY-2053	MINOR WIDENING(O)	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PENN RUN CREEK BRIDGE TO CEDAR CREEK ROAD. (10CCN)(SAME AS 5-8612.00)	PL			
					DN	SP	1,000,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		1,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		2,170,000	0
JEFFERSON	8412	-0	SAFETY-RR PROTECTN(P)	RAILROAD SAFETY CROSSING. IMPROVE LIGHTING, ERECT SIGNALS UPGRADE AND ROADWAY CROSSINGS BETWEEN CARDINAL AND HILL STREETS. (08CCN)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SAF	200,000	
					Project Cost:		200,000	0
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	SP	1,350,000	
					RW			
					UT			
					CN			
					Project Cost:		1,350,000	0
JEFFERSON	8503	KY-2055	MAJOR WIDENING(O)	WIDEN KY-2055 (MT. HOLLY ROAD) FROM NATIONAL TURNPIKE TO FAIRDALE ROAD. (08CCN)	PL			
					DN	SP	1,050,000	
					RW	SP		
					UT			
					CN			
					Project Cost:		1,050,000	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	
					Project Cost:		102,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		1,392,000	0
JEFFERSON	8612	KY-2053	RECONSTRUCTION(O)	IMPROVE AND WIDEN MT. WASHINGTON ROAD FROM PENN RUN CREEK BRIDGE TO CEDAR CREEK ROAD. (10CCN)(12CCR)(SAME AS 5-8205.20)	PL			
					DN	SP	800,000	
					RW	SP		2,020,000
					UT	SP		1,650,000
					CN			
					Project Cost:		800,000	3,670,000
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	300,000	
					Project Cost:		300,000	0
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
					Project Cost:		0	8,500,000
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	
					Project Cost:		1,200,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	
					Project Cost:		1,200,000	0
JEFFERSON	8801	CR-1015	MINOR WIDENING(O)	WIDEN RANGELAND ROAD TO 3 LANES FOR 1.23 MILES. (14CCN)	PL			
					DN			
					RW	SPP	860,000	
					UT	SPP	990,000	
					CN	SPP		3,080,000
					Project Cost:		1,850,000	3,080,000
JEFFERSON	8803	KY-1142	SAFETY(P)	SAFETY IMPROVEMENTS TO PALATKA ROAD (KY-1142) MP 0.0 TO MP 1.73. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	220,000	
					Project Cost:		220,000	0
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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,690,000	
					Project Cost:		1,690,000	0
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. (14CCN)	PL			
					DN	SPP	250,000	
					RW			
					UT			
					CN	SPP		2,600,000
					Project Cost:		250,000	2,600,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	8808	KY-1934	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	SPP	240,000	
					RW			
					UT			
					CN	SPP	960,000	
					Project Cost:		1,200,000	0
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. (14CCN)	PL			
					DN			
					RW	STP	3,130,000	
					UT	STP	1,880,000	
					CN	STP		
					Project Cost:		5,010,000	0
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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP	2,000,000	
					Project Cost:		2,000,000	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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP	3,000,000	
					Project Cost:		3,000,000	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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	2,961,000	
					Project Cost:		2,961,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	8859	I-71	TRANSP ENHANCEMENT(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE SOUTH SIDE OF I-71 FROM MP 7.5 TO MP 7.8 (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,152,000
					Project Cost:		0	1,152,000
JEFFERSON	8860	I-71	TRANSP ENHANCEMENT(P)	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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		4,608,000
					Project Cost:		0	4,608,000
JEFFERSON	8904		BIKE/PED FACIL(O)	HILLTOP PATHWAY FROM TYLER PARK TO A STREET CROSSWALK AT EDGELAND AVENUE.	PL	SP		
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	0
JEFFERSON	8905	KY-1747	CONGESTION MITIGTN(O)	EXTEND THE LEFT TURN LANE ON HURSTBOURNE LANE AT INTERSECTION WITH SIX MILE LANE.	PL			
					DN			
					RW			
					UT			
					CN	SPP		200,000
					Project Cost:		0	200,000
JEFFERSON	8906		BIKE/PED FACIL(O)	CONSTRUCT A NEW PEDESTRIAN BRIDGE AND IMPROVE DRAINAGE AT THE ENGINEERING SPEED SCHOOL AT THE UNIVERSITY OF LOUISVILLE APPLIED SCIENCE AND RESEARCH PARK	PL			
					DN			
					RW			
					UT	SPP		3,500,000
					CN	SPP		7,500,000
					Project Cost:		0	11,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JEFFERSON	8907	KY-1450	MAJOR WIDENING(O)	4-LANE BLUE LICK RD FROM GENE SNYDER TO BULLITT COUNTY LINE	PL			
					DN	SPP		2,500,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	2,500,000
JEFFERSON	8953	KY-1747	CONGESTION MITIGTN(O)	IMPROVE THE HURSTBOURNE PARKWAY (KY 1747) AT SHELBYVILLE ROAD (US 60) INTERSECTION TO INCREASE CAPACITY, REDUCE DELAYS, AND IMPROVE SAFETY	PL			
					DN	SPP		138,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	138,000
Total for JEFFERSON county					PL		200,000	189,000
					DN		17,354,440	2,988,000
					RW		29,360,000	12,456,400
					UT		19,554,169	12,890,000
					CN		136,499,000	123,937,258
					Total Amounts:		202,967,609	152,460,658
JESSAMINE	87.2	-0	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION IA FROM 50 FEET SOUTH OF KY 39 TO 125 FEET NORTH OF KY 169.	PL			
					DN			
					RW			
					UT			
					CN	SP	15,000,000	
					Project Cost:		15,000,000	0
JESSAMINE	87.3	-0	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION IB 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. (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SP		38,000,000
					Project Cost:		0	38,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JESSAMINE	87.5	-0	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION II; FROM KY-39, EXTENDING SOUTHWESTERLY TO US-27 SOUTH OF NICHOLASVILLE. (SEE 7-8305.00 FOR D PHASE.)(2000BOP)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
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	SPP	3,000,000	
					UT	SPP		4,980,000
					CN	SPP		
					Project Cost:		3,000,000	4,980,000
JESSAMINE	419	KY-169	RECONSTRUCTION(O)	RECONSTRUCT KY 169 JUST EAST OF KEENE TO ELIMINATE DROP OFFS	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
JESSAMINE	430	US-27	SAFETY(P)	ACCESS MANAGEMENT ON NICHOLASVILLE ROAD BETWEEN NICHOLASVILLE AND MAN-O-WAR BLVD. (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SP		7,900,000
					Project Cost:		0	7,900,000
JESSAMINE	915	US-68	SAFETY(P)	RECONSTRUCT INTERSECTION OF KY 29 NORTH OF WILMORE.	PL			
					DN			
					RW	STP		2,630,000
					UT			
					CN			
					Project Cost:		0	2,630,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
JESSAMINE	8404	US-27	NEW ROUTE(O)	CONSTRUCT A NEW 4 LANE CONNECTOR BETWEEN US-27 AND I-75. (08CCN)(12CCR)	PL			
					DN	STP		2,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	2,000,000
JESSAMINE	8851	KY-169	BRIDGE REPLACEMENT(P)	REPLACE RAILROAD BRIDGE ON KY 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE. (SR=28.9)057R00603(14CCN)	PL			
					DN	BRO	500,000	
					RW			
					UT			
					CN	BRO		
					Project Cost:		500,000	0
JESSAMINE	8906	KY-169	RECONSTRUCTION(O)	RECONSTRUCT KY 169 FROM US 68 TO 0.54 MILES NORTH OF CLEAR CREEK RD (MP. 14.448 TO MP 19.000)	PL			
					DN	SP		2,750,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	2,750,000
Total for JESSAMINE county					PL			
					DN		500,000	4,750,000
					RW		3,000,000	2,630,000
					UT			4,980,000
					CN		15,000,000	45,900,000
					Total Amounts:		18,500,000	58,260,000
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	SPP	500,000	
					RW	SPP		496,000
					UT	SPP		510,000
					CN			
					Project Cost:		500,000	1,006,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	BRO	400,000	
					UT	BRO	225,000	
					CN	BRO		950,000
					Project Cost:		625,000	950,000
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	12,600,000	
					Project Cost:		12,600,000	0
JOHNSON	8903	KY-1428	SAFETY(P)	IMPROVE SAFETY AND GEOMETRICS FROM KY 321 RAMP TO PAINTSVILLE, AT THE BROADWAY INTERSECTION.	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for JOHNSON county					PL			
					DN		500,000	
					RW		400,000	496,000
					UT		225,000	510,000
					CN		12,600,000	950,000
					Total Amounts:		13,725,000	1,956,000
KENTON	17.04	I-75	BRIDGE REHAB(P)	TRANSPORTATION IMPROVEMENTS TO BRENT SPENCE BRIDGE. (2005HPP-KY154): (059B00046N) (THESE FUNDS WILL BE USED BY KYTC FOR EXISTING BRIDGE MAINTENANCE,REPAIR AND PAINTING.)	PL			
					DN			
					RW			
					UT			
					CN	HPP		16,800,000
					Project Cost:		0	16,800,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KENTON	17.05	I-75	BRIDGE REPLACEMENT(P)	KY 143 HPP EARMARK "REPLACE BRENT SPENCE BRIDGE, KENTON COUNTY, KENTUCKY". (2005HPP-KY143)(SEE 6-17.04 FOR ADDITIONAL 2005HPP FUNDING)	PL			
					DN			
					RW			
					UT			
					CN	HPP		1,600,000
					Project Cost:		0	1,600,000
KENTON	17.09	I-75	BRIDGE REHAB(P)	BRENT SPENCE BRIDGE PROJECT (ADDITIONAL PROJECT FUNDS FOR MAINTENANCE, REPAIR AND PAINTING)(10CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2		
					Project Cost:		0	0
KENTON	17.1	I-75	BRIDGE REHAB(P)	BRENT SPENCE BRIDGE PROJECT (ADDITIONAL PROJECT FUNDS FOR MAINTENANCE, REPAIR AND PAINTING).	PL			
					DN			
					RW			
					UT			
					CN	IM		
					Project Cost:		0	0
KENTON	162.2	KY-536	RECONSTRUCTION(O)	RECONSTRUCT KY 536 FROM THE EAST END OF THE NS RAILROAD BRIDGE (B91)(MP 14.363 IN BOONE) TO KY 1303 (MP 1.061)	PL			
					DN			
					RW	STP		3,500,000
					UT			
					CN			
					Project Cost:		0	3,500,000
KENTON	416	CS-5555	MATCHED FED FUNDS(O)	EXTEND THE SECOND EASTBOUND LANE OF THOMAS MORE PKWY FROM RENAISSANCE DR TO 0.1 SE OF CENTERVIEW BLVD. (2012BOP)	PL			
					DN			
					RW			
					UT	SNK	40,000	
					CN	SNK		528,000
					Project Cost:		40,000	528,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,280,508	
					Project Cost:		1,280,508	0
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	SNK	400,000	
					UT	SNK	800,000	
					CN	SNK		3,080,000
					Project Cost:		1,200,000	3,080,000
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	
					Project Cost:		481,600	0
KENTON	428.1	CS-4128	RESURFACING(P)	RESURFACE & STABILIZE DUDLEY ROAD FROM WINDING TRAILS TO THOMAS MORE PARKWAY (PHASE 1). (2014BOPC)(MOA WITH CITY OF EDGEWOOD).	PL			
					DN			
					RW			
					UT			
					CN	SNK		1,044,000
					Project Cost:		0	1,044,000
KENTON	428.2	CS-4128	RESURFACING(P)	RESURFACE & STABILIZE DUDLEY ROAD FROM THOMAS MORE PARKWAY TO CATHERINE DRIVE (PHASE 2). (2014BOPC)(MOA WITH CITY OF EDGEWOOD).	PL			
					DN			
					RW			
					UT			
					CN	SNK		924,000
					Project Cost:		0	924,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KENTON	429	CS-2604	RECONSTRUCTION(O)	LATONIA AVENUE ROADWAY RECONSTRUCTION FROM SOUTHERN AVENUE TO NEAR WEST 36TH STREET (2014BOP)(MOA WITH THE CITY OF COVINGTON).	PL			
					DN			
					RW			
					UT			
					CN	SNK		588,000
					Project Cost:		0	588,000
KENTON	1070	CS-2097	BRIDGE REPLACEMENT(P)	WEST 15TH STREET; REPLACE BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON. (SR=19.1): (059C00029N)(12CCR)	PL			
					DN			
					RW	BRZ	830,000	
					UT	BRZ	550,000	
					CN	BRZ		
					Project Cost:		1,380,000	0
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=19.5) 059B00083N	PL			
					DN			
					RW	BRO	250,000	
					UT	BRO	550,000	
					CN	BRO		750,000
					Project Cost:		800,000	750,000
KENTON	8307.1	KY-1501	RECONSTRUCTION(O)	RECONSTRUCT HANDS PIKE (KY 1501) FROM KY 17 TO CRYSTAL LAKE DRIVE.(12CCR) (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,800,000
					Project Cost:		0	5,800,000
KENTON	8813	US-25	RECONSTRUCTION(O)	RECONSTRUCTION OF PIKE AND MAIN STREETS IN CITY OF COVINGTON. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP	1,700,000	
					Project Cost:		1,700,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KENTON	8814	KY-16	RECONSTRUCTION(O)	RECONSTRUCT KY 16 BETWEEN 38TH STREET AND HOWARD LITZLER DRIVE. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SP	12,980,000	
					Project Cost:		12,980,000	0
KENTON	8815	US-25	TRANSP ENHANCEMENT(P)	SIDEWALK AND CURB CONSTRUCTION ON DIXIE HIGHWAY FROM NORTH ARLINGTON NORTH TO COVINGTON SIDEWALK SYSTEM. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SAF	1,130,000	
					Project Cost:		1,130,000	0
KENTON	8911	CS-1500	PAVEMENT REHAB-INT(P)	IMPROVE MONTCLAIR AVE., INCLUDING CURB REPLACEMENT, PAVEMENT MILLING, AND ASPHALT REPLACEMENT	PL			
					DN			
					RW			
					UT			
					CN	SPP		168,000
					Project Cost:		0	168,000
KENTON	8912	CS-5046	PAVEMENT REHAB-INT(P)	IMPROVE ASH ST., INCLUDING CURB REPLACEMENT, PAVEMENT MILLING, AND ASPHALT REPLACEMENT	PL			
					DN			
					RW			
					UT			
					CN	SPP		98,000
					Project Cost:		0	98,000
KENTON	8913	CS-1560	PAVEMENT REHAB-INT(P)	IMPROVE ADELA AVE., INCLUDING TREE REMOVAL, SIDEWALK REPLACEMENT, CURB REPLACEMENT, PAVEMENT MILLING, AND ASPHALT REPLACEMENT	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KENTON	8914	KY-1501	NEW ROUTE(O)	EXTEND HANDS PIKE (KY 1501) TO KY 177.	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
KENTON	8915	I-275	TRANSP ENHANCEMENT(P)	CONSTRUCT A SOUND BARRIER WALL ON I-275 FROM DIXIE HIGHWAY WESTBOUND	PL			
					DN	STP		100,000
					RW			
					UT			
					CN			
					Project Cost:		0	100,000
KENTON	8916		NEW ROUTE(O)	EXTEND HOUSTON ROAD TO CINEMA PROPERTY	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
KENTON	8951	US-25	REALIGNMENT	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25	PL			
					DN	SPP		250,000
					RW			
					UT			
					CN			
					Project Cost:		0	250,000
KENTON	8954	CR-1021	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON ERNEST BRIDGE DR (CR 1021) OVER CSX RAILROAD.	PL			
					DN			
					RW			
					UT			
					CN	BRX		600,000
					Project Cost:		0	600,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for KENTON county					PL			
					DN			350,000
					RW		1,480,000	3,500,000
					UT		1,940,000	
					CN		17,572,108	31,980,000
					Total Amounts:		20,992,108	35,830,000
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			
					RW	BRO	530,000	
					UT			
					CN	BRO		1,630,000
					Project Cost:		530,000	1,630,000
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	PL			
					DN			
					RW	BRZ	75,000	
					UT	BRZ	325,000	
					CN	BRZ		600,000
					Project Cost:		400,000	600,000
KNOTT	8200	KY-1231	RESURFACING(P)	NEW CONSTRUCTION OF ONE MILE STRETCH OF KY-1231 BEGINNING AT BRIDGE AFTER LEAVING KY-550. (04CCN)(06CCR)(08CCR)(10CCR)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2	4,660,000	
					Project Cost:		4,660,000	0
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
					Project Cost:		0	6,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KNOTT	8801	KY-899	RECONSTRUCTION(O)	RECONSTRUCT CURVE ON KY 899 IN KNOTT COUNTY BETWEEN MP 3.6 AND MP 3.7	PL			
					DN			
					RW			
					UT			
					CN	SAF		
					Project Cost:		0	0
KNOTT	8802	KY-899	BIKE/PED FACIL(O)	PEDESTRIAN BRIDGE OVER KY 899 FROM THE ENTRANCE OF ALICE LLOYD COLLEGE TO THE PARKING LOTS. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	475,000	
					Project Cost:		475,000	0
KNOTT	8803	KY-899	SAFETY(P)	INTERSECTION LIGHTS AT KY-160 AND KY-899. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	75,000	
					Project Cost:		75,000	0
KNOTT	8904	KY-3209	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BALLS FORK ON KY 3209.	PL			
					DN			
					RW			
					UT			
					CN	BRZ		1,000,000
					Project Cost:		0	1,000,000
KNOTT	8908		NEW ROUTE(O)	CONSTRUCT AN ACCESS POINT OFF KY-7 AT APPROXIMATELY MP 13.2 TO CONNECT WITH JUSTIN EMERY LN (CR-1657), INCLUDING NEW BRIDGE FOR A SAFE CROSSING OVER RAILROAD TRACKS.	PL			
					DN			
					RW			
					UT			
					CN	RRS		100,000
					Project Cost:		0	100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for KNOTT county					PL			
					DN			
					RW		605,000	
					UT		325,000	
					CN		5,210,000	9,330,000
					Total Amounts:		6,140,000	9,330,000
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	NH		3,480,000
					UT	NH		1,920,000
					CN	NH		
					Project Cost:		0	5,400,000
KNOX	8705	KY-223	BRIDGE REPLACEMENT(P)	REPLACE STINKING CREEK ROAD BROWNS BRANCH BRIDGE.(12CCN)	PL			
					DN			
					RW			
					UT			
					CN	BRX	900,000	
					Project Cost:		900,000	0
KNOX	8713	KY-459	SAFETY(P)	RAISE KY-459 ABOVE FLOOD PLAIN FROM MP 3 TO MP 5, INCLUDING RAISING THE BULL RUN CREEK BRIDGE (INCLUDES 11-8712).(12CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	4,120,000	
					Project Cost:		4,120,000	0
KNOX	8955	KY-3041	SAFETY(P)	IMPROVE KY 3041 FROM MP 1.5 TO MP 2.0 TO INCREASE SAFETY AND PROVIDE ACCESS TO THUNDER GAP HORSE RACING TRACK.	PL			
					DN	SPP		200,000
					RW	SPP		200,000
					UT	SPP		100,000
					CN	SPP		500,000
					Project Cost:		0	1,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
KNOX	8956	CS-1107	MINOR WIDENING(O)	WIDEN ALLISON BOULEVARD (CS-1107) TO IMPROVE SAFETY AND PROVIDE ACCESS TO THUNDER GAP HORSE RACING TRACK.	PL			
					DN	SPP		150,000
					RW	SPP		150,000
					UT	SPP		75,000
					CN	SPP		1,650,000
					Project Cost:		0	2,025,000
Total for KNOX county					PL			
					DN			350,000
					RW			3,830,000
					UT			2,095,000
					CN		5,020,000	2,150,000
					Total Amounts:		5,020,000	8,425,000
LARUE	1087	KY-61	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER SOUTH FORK BRANCH ON KY 61 0.5 MILE NORTH OF KY 1906 (062B00010N) (SR=49.8)	PL			
					DN	BRX		130,000
					RW			
					UT			
					CN			
					Project Cost:		0	130,000
LARUE	8505	KY-222	RECONSTRUCTION(O)	RECONSTRUCT-REHABILITATION AND IMPROVEMENTS TO KY 222. (08CCN)(14CCR)	PL			
					DN	SPP		1,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	1,000,000
LARUE	8908	KY-61	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER SOUTH FORK BRANCH	PL			
					DN	BRZ		125,000
					RW	BRZ		
					UT			
					CN			
					Project Cost:		0	125,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
LARUE	8909	KY-222	CONGESTION MITIGTN(O)	CONNECTOR IMPROVEMENTS HODGENVILLE TO I-65	PL			
					DN	SPP		125,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	125,000
LARUE	8911	KY-84	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY 84 FROM HODGENVILLE TO I-65.	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
LARUE	8912	KY-210	SCOPING STUDY(O)	SCOPING STUDY TO IMPROVE KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE.	PL			
					DN	SPP		600,000
					RW			
					UT			
					CN			
					Project Cost:		0	600,000
Total for LARUE county					PL			
					DN			1,980,000
					RW			
					UT			
					CN			
					Total Amounts:		0	1,980,000
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			
					UT			
					CN	SPP		25,310,000
					Project Cost:		0	25,310,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
LAUREL	147.1	KY-363	MAJOR WIDENING(O)	ADDRESS SAFETY, CAPACITY, AND ACCESS MANAGEMENT ON KY 363 FROM KY 1006 TO KY 192. (06CCR)(2006BOPC).(10CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		4,650,000
					Project Cost:		0	4,650,000
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			
					CN			
					Project Cost:		3,000,000	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			
					UT			
					CN	SPP	18,930,000	
					Project Cost:		18,930,000	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			
					UT			
					CN	BRX		1,530,000
					Project Cost:		0	1,530,000
LAUREL	1094	CR-1341	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON DOG BRANCH SCHOOL RD (CR 1341) OVER SINKING CREEK 0.56 MILE NW OF SINKING CREEK RD (FD 781)(SR 13.8) 063C00025N	PL			
					DN	BRZ	250,000	
					RW	BRZ		50,000
					UT	BRZ		50,000
					CN			
					Project Cost:		250,000	100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW	BRX		100,000
					UT	BRX		50,000
					CN	BRX		
					Project Cost:		0	150,000
LAUREL	1105.01	I-75	BRIDGE REHAB(P)	REHAB BRIDGE ON I-75 AT MILEPOST 30.5 OVER LAUREL RIVER (SR 34.1) (B00043R AND B00043L)	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	0
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	SP	1,650,000	
					UT	SP	170,000	
					CN	SP		
					Project Cost:		1,820,000	0
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		
					UT			
					CN			
					Project Cost:		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). (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,343,900	
					Project Cost:		1,343,900	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					RW			
					UT			
					CN	SPP		2,000,000
					Project Cost:		0	2,000,000
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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	600,000	
					Project Cost:		600,000	0
LAUREL	8907	KY-80	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: EASTERN APPROACH TO THE ROCKCASTLE RIVER BRIDGE TO I-75 (SEGMENT 4)	PL			
					DN	IM	1,000,000	
					RW			
					UT			
					CN			
					Project Cost:		1,000,000	0
LAUREL	8908	KY-80	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: LONDON BYPASS, I-75 TO THE HAL ROGERS PARKWAY (SEGMENT 5)	PL			
					DN	IM		1,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	1,000,000
LAUREL	8909	HR-9006	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: APPROXIMATELY 4 MILES EAST OF KY 192 TO CLAY/LAUREL LINE, MP 7.877 TO MP 10.593 (SEGMENT 6)	PL			
					DN	IM	1,000,000	
					RW			
					UT			
					CN			
					Project Cost:		1,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for LAUREL county					PL			
					DN		2,250,000	1,000,000
					RW		4,650,000	150,000
					UT		170,000	100,000
					CN		20,873,900	33,490,000
					Total Amounts:		27,943,900	34,740,000
LAWRENCE	3	KY-3215	NEW ROUTE(O)	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE. (12CCR)(14CCR)	PL			
					DN			
					RW			
					UT	SPP	500,000	
					CN			
					Project Cost:		500,000	0
LAWRENCE	193	KY-2565	RECONSTRUCTION(O)	IMPROVE SIGHT DISTANCE ON KY 2565 AND ELIMINATE DEAD MAN'S CURVE. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,265,000	
					Project Cost:		1,265,000	0
LAWRENCE	196	CR-1529	RECONSTRUCTION(O)	RECONSTRUCT CR 1529 (INDUSTRIAL PARK ROAD) FROM APPROX. 1000' EAST OF COMMERCE DRIVE/CHLOES LANE INTERSECTION TO APPROX. 400' WEST OF CR 1529/KY2565/KY2563 INTERSECTION (SECTION	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,670,000	
					Project Cost:		1,670,000	0
LAWRENCE	196.1	KY-2565	RECONSTRUCTION(O)	RECONSTRUCT KY 2565 FROM APPROX. 550' NW OF CR 1529/KY2565/KY2563 INTERSECTION TO APPROX. 1150' SE OF THE INTERSECTION (SECTION 2). (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	SPP	600,000	
					Project Cost:		600,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(SR 47) 064C00011N	PL			
					DN			
					RW	BRZ	75,000	
					UT	BRZ	75,000	
					CN	BRZ		
					Project Cost:		150,000	0
LAWRENCE	8117	KY-581	SAFETY(P)	SIGHT DISTANCE IMPROVEMENTS ON KY-581 FROM KY-645, EXTENDING SOUTH 2000' TOWARDS PAINTSVILLE. (02CCNFD04)	PL			
					DN			
					RW	SP	110,000	
					UT	SP	60,000	
					CN	SP		470,000
					Project Cost:		170,000	470,000
LAWRENCE	8701	KY-581	BRIDGE REPLACEMENT(P)	REPLACE THE GEORGES CREEK BRIDGE. (12CCN)	PL			
					DN			
					RW	SPP	40,000	
					UT			
					CN	SPP	800,000	
					Project Cost:		840,000	0
Total for LAWRENCE county					PL			
					DN			
					RW		225,000	
					UT		635,000	
					CN		4,335,000	470,000
					Total Amounts:		5,195,000	470,000
LEE	292.1	KY-11	RECONSTRUCTION(O)	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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SP		22,620,000
					Project Cost:		0	22,620,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
LEE	8852	KY-52	SAFETY(P)	CONSTRUCT SIDEWALKS, CURB AND GUTTER ON KY 52 FROM DOWNTOWN BEATTYVILLE TOWARD IRVINE. (14CCN)(AR/W)	PL			
					DN			
					RW			
					UT			
					CN	STP	3,000,000	
					Project Cost:		3,000,000	0
Total for LEE county					PL			
					DN			
					RW			
					UT			
					CN		3,000,000	22,620,000
					Total Amounts:		3,000,000	22,620,000
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	SP	3,630,000	
					UT	SP	600,000	
					CN			
					Project Cost:		4,230,000	0
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)(AR/W)	PL			
					DN			
					RW			
					UT			
					CN	BRZ	630,000	
					Project Cost:		630,000	0
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	BRO		180,000
					CN			
					Project Cost:		0	180,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,681,000	
					Project Cost:		1,681,000	0
LESLIE	1095	US-421	BRIDGE REPLACEMENT(P)	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			
					UT			
					CN			
					Project Cost:		0	350,000
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	SB2	920,000	
					UT	SB2	420,000	
					CN	SB2		2,000,000
					Project Cost:		1,340,000	2,000,000
LESLIE	8517	KY-3424	NEW ROUTE(O)	CONSTRUCT A NEW APPROACH FROM KY-3424 ONTO THE HAL ROGERS PARKWAY AT MP 45.7. (08CCN)	PL			
					DN			
					RW	SPB		25,000
					UT			
					CN			
					Project Cost:		0	25,000
LESLIE	8518	KY-6272	NEW ROUTE(O)	CONSTRUCT A NEW APPROACH FROM KY-6272 ONTO THE HAL ROGERS PARKWAY AT MP 42.7. (08CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPB		638,300
					Project Cost:		0	638,300

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
LESLIE	8708	KY-118	MINOR WIDENING(O)	WIDEN KY 118 TO PROVIDE LEFT AND RIGHT TURN LANES ONTO DENTON ROAD.(12CCN) (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,420,000
					Project Cost:		0	1,420,000
Total for LESLIE county					PL			
					DN			350,000
					RW		4,550,000	25,000
					UT		1,020,000	180,000
					CN		2,311,000	4,058,300
					Total Amounts:		7,881,000	4,613,300
LETCHER	199.10	US-119	MAJOR WIDENING(O)	RECONSTRUCT US-119 BY WIDENING TO 4-LANES, BEGINNING 0.15 MILES NORTH OF KY-15 AT END OF BRIDGE TO THE EXISTING 4-LANE AT BRASS DRIVE (SOUTH)	PL			
					DN	NH		2,000,000
					RW	NH		2,400,000
					UT	NH		2,400,000
					CN			
					Project Cost:		0	6,800,000
LETCHER	199.11	US-119	MAJOR WIDENING(O)	RECONSTRUCT US-119 BY WIDENING TO 4-LANES, BEGINNING 0.15 MILES NORTH OF KY-15 AT END OF BRIDGE TO THE KY 2034/COUGAR DRIVE INTERSECTION	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
LETCHER	199.15	US-119	MAJOR WIDENING(O)	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM KY 2034/COUGAR DRIVE TO THE EXISTING 4-LANE AT BRASS DRIVE (SOUTH)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
LETCHER	199.31	US-119	MAJOR WIDENING(O)	RECONSTRUCT US-119 BY WIDENING TO 4-LANES FROM EXISTING 4-LANE AT KY-1862 TO PAST JUST NORTH OF THE MAYKING MALL.	PL			
					DN	NH		
					RW			
					UT			
					CN			
					Project Cost:		0	0
LETCHER	199.50	US-119	MAJOR WIDENING(O)	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23, INCLUDING US-23 FLYOVER RAMP.	PL			
					DN	NH		3,500,000
					RW	NH		
					UT	NH		
					CN			
					Project Cost:		0	3,500,000
LETCHER	311.3	US-119	RELOCATION(O)	HARLAN-WHITESBURG; PINE MOUNTAIN; PARTRIDGE TO OVEN FORK; BEGINNING 1.3 MILES EAST OF THE HARLAN COUNTY LINE TO 1.71 MILES EAST OF KY-3404 NEAR JOE DAY BRANCH. (R/W FOR SECTIONS 1A & 1B) (F16)	PL			
					DN			
					RW	APD	3,150,000	
					UT			
					CN			
					Project Cost:		3,150,000	0
LETCHER	311.7	US-119	RELOCATION(O)	HARLAN-WHITESBURG; PINE MOUNTAIN; PARTRIDGE TO OVEN FORK; BEGINNING 1.71 MILES EAST OF KY-3404 NEAR JOE DAY BRANCH TO THE COMMUNITY OF OVEN FORK. (R/W FOR SECTIONS 3 & 4) (F16) (2000BOP)	PL			
					DN			
					RW	APD	3,300,000	
					UT			
					CN			
					Project Cost:		3,300,000	0
LETCHER	311.79	US-119	SURFACE(O)	HARLAN-WHITESBURG; PINE MOUNTAIN; PARTRIDGE TO OVEN FORK; SURFACING ON US-119 FROM 1000 FT WEST JCT. KY 3404 TO 0.15 MI WEST OF KY 806 AT OVEN FORK INCLUDING APPROACH TO EXISTING US 119.	PL			
					DN			
					RW			
					UT			
					CN	APD		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					RW	APD		
					UT			
					CN			
					Project Cost:		0	0
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	
					Project Cost:		670,000	0
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	270,000	
					Project Cost:		270,000	0
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) 067C00063N (AR/W)	PL			
					DN			
					RW			
					UT			
					CN	BRZ	450,000	
					Project Cost:		450,000	0
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) 067B00121N	PL			
					DN			
					RW	BRX	420,000	
					UT	BRX	125,000	
					CN	BRX		
					Project Cost:		545,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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) C00080N	PL			
					DN			
					RW			
					UT			
					CN	BRZ	875,000	
					Project Cost:		875,000	0
LETCHER	1120	KY-3404	BRIDGE REPLACEMENT(P)	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			
					UT			
					CN			
					Project Cost:		0	275,000
LETCHER	1125	CR-1226	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON HAMPTON BRANCH (CR 1226) (MP 0.01) OVER COWAN CREEK. (SR=7.0) 067C00021N	PL			
					DN	BRZ		200,000
					RW			
					UT			
					CN			
					Project Cost:		0	200,000
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			
					UT			
					CN	SPP	6,060,000	
					Project Cost:		6,060,000	0
LETCHER	8804	KY-15	SAFETY(P)	CONGESTION/SAFETY IMPROVEMENT AT THE JUNCTION OF MAIN STREET AND EAST MAIN IN DOWNTOWN WHITESBURG. (14CCN)	PL			
					DN			
					RW	SPP	150,000	
					UT	SPP	200,000	
					CN	SPP		1,000,000
					Project Cost:		350,000	1,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for LETCHER county					PL			
					DN			5,975,000
					RW		7,020,000	2,400,000
					UT		325,000	2,400,000
					CN		8,325,000	1,000,000
					Total Amounts:		15,670,000	11,775,000
LEWIS	231	KY-59	RECONSTRUCTION(O)	RECONSTRUCT KY-59 FROM KY-9 (AA) IN VANCEBURG TO JUNCTION OF KY-344 MP 18.1 TO MP 23.19	PL			
					DN	STP		6,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	6,000,000
LEWIS	232	KY-10	SAFETY(P)	RECONSTRUCT THE INTERSECTION OF KY 10 AND KY 1306.	PL			
					DN			
					RW			
					UT	SPP	50,000	
					CN	SPP	500,000	
					Project Cost:		550,000	0
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 (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	BRO	3,250,000	
					Project Cost:		3,250,000	0
LEWIS	1090	KY-1068	BRIDGE REPLACEMENT(P)	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		500,000
					RW	BRX		
					UT	BRX		
					CN			
					Project Cost:		0	500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SPP	5,200,000	
					Project Cost:		5,200,000	0
LEWIS	8806	KY-8	NEW ROUTE(O)	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.	PL			
					DN	STP		3,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	3,000,000
LEWIS	8807	KY-57	RECONSTRUCTION(O)	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE. (14CCN)	PL			
					DN	STP		2,100,000
					RW	STP		
					UT			
					CN			
					Project Cost:		0	2,100,000
LEWIS	8808	KY-9	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION AT KY-9 AND KY-2523. (14CCN)	PL			
					DN			
					RW	SPP	200,000	
					UT	SPP	125,000	
					CN	SPP		1,000,000
					Project Cost:		325,000	1,000,000
Total for LEWIS county					PL			
					DN			11,600,000
					RW		200,000	
					UT		175,000	
					CN		8,950,000	1,000,000
					Total Amounts:		9,325,000	12,600,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	850,000	
					Project Cost:		850,000	0
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			
					DN			
					RW	BRX	120,000	
					UT	BRX	350,000	
					CN	BRX		
					Project Cost:		470,000	0
Total for LINCOLN county					PL			
					DN			
					RW		120,000	
					UT		350,000	
					CN		850,000	
					Total Amounts:		1,320,000	0
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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SP	22,360,000	
					Project Cost:		22,360,000	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			
					RW	BRO	500,000	
					UT	BRO	370,000	
					CN	BRO		
					Project Cost:		870,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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 44.5)070B00050N	PL			
					DN			
					RW			
					UT			
					CN	BRX	750,000	
					Project Cost:		750,000	0
Total for LIVINGSTON county					PL			
					DN			
					RW		500,000	
					UT		370,000	
					CN		23,110,000	
					Total Amounts:		23,980,000	0
LOGAN	311.1	-0	NEW ROUTE(O)	RUSSELLVILLE SOUTHERN BYPASS. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	19,300,000	
					Project Cost:		19,300,000	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	BRX	460,000	
					Project Cost:		460,000	0
LOGAN	8908	KY-2349	SAFETY(P)	IMPROVE SAFETY BY IMPROVING SIGHT LINES CROSSING RAILROAD BETWEEN STOCKYARDS AND INDUSTRIAL PARK	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for LOGAN county					PL			
					DN			
					RW			
					UT			
					CN		19,760,000	
					Total Amounts:		19,760,000	0
LYON	187.5	US-641	RELOCATION(O)	RELOCATION OF US 641 FROM US 62 NEAR EDDYVILLE TO JUST SOUTH OF THE LYON/CALDWELL COUNTY LINE.	PL			
					DN	SPP	1,500,000	
					RW	SPP		3,500,000
					UT	SPP		1,000,000
					CN	SPP		
					Project Cost:		1,500,000	4,500,000
LYON	187.6	US-641	RELOCATION(O)	RELOCATION OF US 641 FROM JUST SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES.	PL			
					DN	SPP	2,500,000	
					RW	SPP		4,000,000
					UT	SPP		1,500,000
					CN	SPP		
					Project Cost:		2,500,000	5,500,000
LYON	801	KY-93	SAFETY(P)	UPGRADE KY 93/RIVERPORT ROAD INTERSECTION.	PL			
					DN			
					RW			
					UT	SPP	350,000	
					CN	SPP		1,560,000
					Project Cost:		350,000	1,560,000
LYON	8901	KY-93	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION AT JUNCTION OF KY-93 AND KY-3305	PL			
					DN			
					RW			
					UT			
					CN	STP		1,450,000
					Project Cost:		0	1,450,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for LYON county					PL			
					DN		4,000,000	
					RW			7,500,000
					UT		350,000	2,500,000
					CN			3,010,000
					Total Amounts:		4,350,000	13,010,000
MADISON	192.2	-0	NEW ROUTE(O)	CONSTRUCT 4-LANE BEREA BYPASS SECTION 2; FROM 150' EAST OF US-25, SE TO KY-21. (2004BOPC)(08CCR)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	22,420,000	
					Project Cost:		22,420,000	0
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)(14CCR) (DESIGN/BUILD)	PL			
					DN			
					RW			
					UT	SPP		15,840,000
					CN			
					Project Cost:		0	15,840,000
MADISON	236	KY-595	SCOPING STUDY(O)	COMPREHENSIVE TRAFFIC STUDY FOR INTERSECTION OF MAIN STREET AND BEREA COLLEGE CAMPUS, BEREA. (2005HPP-KY112) (MOA WITH BEREA).	PL			
					DN			
					RW			
					UT			
					CN	HPP	500,000	
					Project Cost:		500,000	0
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		719,921
					Project Cost:		0	719,921

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MADISON	251.1	US-25	MAJOR WIDENING(O)	PRIORITY SECTION III: WIDEN US 25 FROM US 421 TO 1500' SOUTH OF DUNCANNON LANE. (SEE 7-251.40 FOR R/W)(2006BOPC)	PL			
					DN			
					RW	SP	570,000	
					UT	SP	2,290,000	
					CN	SP		
					Project Cost:		2,860,000	0
MADISON	251.4	US-25	MAJOR WIDENING(O)	PRIORITY SECTION II & III: WIDEN US-25 FROM US 421 TO PUMPKIN RUN.(SEE 7-251.10 FOR SEC III UTIL & CONST) (2006BOPC)(08CCR)(10CCR) (12CCR)(14CCR)	PL			
					DN			
					RW			
					UT	NH		3,970,000
					CN	NH		
					Project Cost:		0	3,970,000
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	BRX	760,000	
					Project Cost:		760,000	0
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	BRO	90,000	
					UT	BRO	90,000	
					CN	BRO		625,000
					Project Cost:		180,000	625,000
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	BRZ	40,000	
					UT	BRZ	40,000	
					CN	BRZ		400,000
					Project Cost:		80,000	400,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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) (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	NH		18,720,000
					Project Cost:		0	18,720,000
MADISON	8505	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) (LET BY KYTC)	PL			
					DN			
					RW			
					UT			
					CN	SPP	6,220,000	
					Project Cost:		6,220,000	0
MADISON	8820	I-75	PAVEMENT REHAB-INT(P)	REHABILITATION FROM CLAY'S FERRY BRIDGE TO BARNES MILL ROAD. (14CCN)	PL			
					DN	IM	1,500,000	
					RW			
					UT			
					CN			
					Project Cost:		1,500,000	0
Total for MADISON county					PL			
					DN		1,500,000	
					RW		700,000	
					UT		2,420,000	19,810,000
					CN		29,900,000	20,464,921
					Total Amounts:		34,520,000	40,274,921
MAGOFFIN	126.13	KY-9009	PREFINANCD CONVRSN(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	NH	12,861,470	
					Project Cost:		12,861,470	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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) (14CCR)	PL			
					DN			
					RW			
					UT	NH		850,000
					CN			
					Project Cost:		0	850,000
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. (14CCR)	PL			
					DN			
					RW			
					UT	NH	630,000	
					CN	NH		15,000,000
					Project Cost:		630,000	15,000,000
MAGOFFIN	126.51	KY-9009	PREFINANCD CONVRSN(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.(ADDITIONAL FUNDING FOR C PHASE)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
MAGOFFIN	140.1	KY-9009	PREFINANCD CONVRSN(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	NH	10,000,000	
					Project Cost:		10,000,000	0
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. (14CCR)(R & U PHASES UNDER	PL			
					DN			
					RW			
					UT			
					CN	KYD	24,000,000	
					Project Cost:		24,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MAGOFFIN	169	KY-114	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE. (SEE 12-1.01 FOR PE & ENV)(14CCR)	PL			
					DN	NH		3,000,000
					RW	NH		
					UT			
					CN			
					Project Cost:		0	3,000,000
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			
					UT			
					CN	BRO	780,000	
					Project Cost:		780,000	0
MAGOFFIN	1099	KY-2019	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 2019 OVER RACCOON CREEK 0.039 S OF KY 1081(SR 33.2) (AR/W)077B00063N	PL			
					DN			
					RW			
					UT			
					CN	BRO	680,000	
					Project Cost:		680,000	0
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		10,400,000
					Project Cost:		490,000	10,400,000
MAGOFFIN	8801	-0	BRIDGE REPLACEMENT(P)	BRIDGE NEAR NEW MAGOFFIN COUNTY HIGH SCHOOL NEAR OLD BURNING FORK ROAD. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	BRO		256,370
					Project Cost:		0	256,370

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MAGOFFIN	8901	US-460	RECONSTRUCTION(O)	RECONSTRUCT US 460 IN MAGOFFIN COUNTY AT IVY POINT HILL FROM MP 10.0 TO 10.7.	PL			
					DN	STP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for MAGOFFIN county					PL			
					DN			3,000,000
					RW		310,000	
					UT		810,000	850,000
					CN		48,321,470	25,656,370
					Total Amounts:		49,441,470	29,506,370
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 25) 078B00031N.	PL			
					DN			
					RW			
					UT	BRO	90,000	
					CN	BRO		480,000
					Project Cost:		90,000	480,000
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	SP	3,000,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		3,000,000	0
MARION	8714	-0	NEW ROUTE(O)	CONNECTOR FROM HENDRICKSON DRIVE TO CORPORATE DRIVE (12CCN)	PL			
					DN	SP	700,000	
					RW	SP		2,000,000
					UT	SP		500,000
					CN			
					Project Cost:		700,000	2,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MARION	8715	KY-49	NEW ROUTE(O)	KY 49 FROM RIVERSIDE BRIDGE (B76) TO KY 337 IN BRADFORDSVILLE (12CCN)	PL			
					DN	SP	1,770,000	
					RW	SP		2,210,000
					UT	SP		1,130,000
					CN			
					Project Cost:		1,770,000	3,340,000
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. (14CCN)	PL			
					DN			
					RW	SPP		800,000
					UT	SPP		700,000
					CN	SPP		
					Project Cost:		0	1,500,000
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. (14CCN)	PL			
					DN			
					RW	SPP		1,700,000
					UT	SPP		900,000
					CN	SPP		
					Project Cost:		0	2,600,000
MARION	8804	KY-49	SAFETY(P)	IMPROVE CURVE/TURNING LANE AT WEST MARION ELEMENTARY. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	450,000	
					Project Cost:		450,000	0
MARION	8805	-0	NEW ROUTE(O)	NEW CONSTRUCTION - EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES. (14CCN)	PL			
					DN	SP	850,000	
					RW	SP		3,000,000
					UT	SP		500,000
					CN			
					Project Cost:		850,000	3,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MARION	8913	US-68	TRANSP ENHANCEMENT(P)	IMPROVE INTERSECTION OF US 68 AND KY 2154	PL			
					DN	SP		350,000
					RW			
					UT			
					CN			
					Project Cost:		0	350,000
MARION	8914	KY-84	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 84 OVER HARDINS CREEK	PL			
					DN	SP		135,000
					RW			
					UT			
					CN			
					Project Cost:		0	135,000
MARION	8915	KY-49	SAFETY(P)	IMPROVE SAFETY ISSUES AND SIGHT DISTANCE SOUTH OF BRADFORDSVILLE FROM MP 16.90 TO MP 17.6.	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
MARION	8916	KY-55	MAJOR WIDENING(O)	HEARTLAND PARKWAY: LEBANON BYPASS TO MARION/WASHINGTON LINE	PL			
					DN	NH		300,000
					RW	NH		
					UT	NH		
					CN			
					Project Cost:		0	300,000
MARION	8917	US-68	MAJOR WIDENING(O)	HEARTLAND PARKWAY: MARION/TAYLOR LINE TO LEBANON BYPASS	PL			
					DN	NH		600,000
					RW	NH		
					UT	NH		
					CN			
					Project Cost:		0	600,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for MARION county					PL			
					DN		6,320,000	1,385,000
					RW			9,710,000
					UT		90,000	3,730,000
					CN		450,000	480,000
					Total Amounts:		6,860,000	15,305,000
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	SB2	4,680,000	
					Project Cost:		4,680,000	0
Total for MARSHALL county					PL			
					DN			
					RW			
					UT			
					CN		4,680,000	
					Total Amounts:		4,680,000	0
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			
					DN			
					RW			
					UT	SPP		
					CN			
					Project Cost:		0	0
MARTIN	154.12	KY-40	RELOCATION(O)	INEZ TO WARFIELD (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK [STA. 190+00 TO STA. 298+00] (ADDITIONAL FUNDING FOR C PHASE)	PL			
					DN			
					RW			
					UT	SPP		
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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		1,150,000
					Project Cost:		0	1,150,000
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	60,000	
					Project Cost:		60,000	0
MARTIN	1112	KY-40	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 40 OVER BUCK CREEK AT THE KY 2031 INTERSECTION (SR 49.8) 080B00002N.(AR/W)	PL			
					DN			
					RW			
					UT	BRO	175,000	
					CN	BRO		500,000
					Project Cost:		175,000	500,000
Total for MARTIN county					PL			
					DN			
					RW			
					UT		175,000	
					CN		60,000	1,650,000
					Total Amounts:		235,000	1,650,000
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)(06CCR)	PL			
					DN	SP	780,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		780,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	780,000	
					RW	SP		1,580,000
					UT	SP		1,820,000
					CN			
					Project Cost:		780,000	3,400,000
MASON	1095	US-68	BRIDGE REHAB(P)	REPAIR BRIDGE ON US 68 OVER LAWRENCE CREEK 0.13 MI SW OF KY 3056. (081B00067N)	PL			
					DN	BRO	550,000	
					RW			
					UT			
					CN	BRO		2,000,000
					Project Cost:		550,000	2,000,000
MASON	8809	US-68	NEW INTERCHANGE(O)	ADDITION OF AN INTERCHANGE ON HEATHER FRENCH HENRY SOUTHERN LOOP (US 62 AND US 68). (14CCN)	PL			
					DN	STP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
MASON	8810	US-62	RECONSTRUCTION(O)	RECONSTRUCT US 62 GOING TO SARDIS BETWEEN KY 324 AND SARDIS (BETWEEN TWIN BRIDGES). (14CCN)	PL	SP		300,000
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	300,000
MASON	8816	KY-9	SAFETY(P)	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)(14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		300,000
					Project Cost:		0	300,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MASON	8905	US-62	LIGHTING(P)	INSTALL DECORATIVE LIGHTING ON SIMON KENTON BRIDGE OVER OHIO RIVER IN MAYESVILLE.	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
MASON	8906	KY-3056	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 3056 OVER SOUTH FORK LAWRENCE CREEK.	PL			
					DN	BRO		400,000
					RW	BRO		
					UT			
					CN			
					Project Cost:		0	400,000
MASON	8907	KY-9	MAJOR WIDENING(O)	WIDEN KY 9/AA HIGHWAY TO 4 LANES FROM KY 435 TO KY 2370 IN BRACKEN CO.	PL			
					DN	SP		4,000,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	4,000,000
MASON	8908	KY-9	MAJOR WIDENING(O)	WIDEN THE AA HIGHWAY TO 4 LANES FROM KY 1449 TO KY 11.	PL			
					DN	SP		2,500,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	2,500,000
MASON	8909	KY-11	SAFETY(P)	IMPROVE SAFETY BY ADDING LEFT AND RIGHT TURN LANES FOR EXIT ALONG KY 11.	PL			
					DN	SP		550,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	550,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MASON	8910	CR-1124	BRIDGE REPLACEMENT(P)	REPLACE THE BRIDGE ON DAVIS LANE	PL			
					DN	BRZ		500,000
					RW	BRZ		
					UT			
					CN			
					Project Cost:		0	500,000
MASON	8911	CR-1019	BRIDGE REPLACEMENT(P)	REPLACE THE BRIDGE ON KENNEDY CREEK ROAD	PL			
					DN	BRZ		300,000
					RW	BRZ		
					UT			
					CN			
					Project Cost:		0	300,000
MASON	8916	CR-1122	BRIDGE REPLACEMENT(P)	REPAIR BRIDGE (081C00018N) ON DIXON PIKE	PL			
					DN			
					RW			
					UT			
					CN	BRZ		60,000
					Project Cost:		0	60,000
Total for MASON county					PL			300,000
					DN		2,110,000	8,250,000
					RW			1,580,000
					UT			1,820,000
					CN			2,360,000
					Total Amounts:		2,110,000	14,310,000
MCCRACKEN	2	I-24	BRIDGE REHAB(P)	I-24 BRIDGE OVER THE OHIO RIVER @ PADUCAH (B100); JOINT PROJECT WITH ILLINOIS TO MITIGATE SCOUR (073B00100N)	PL			
					DN			
					RW			
					UT			
					CN	IM	260,000	
					Project Cost:		260,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MCCRACKEN	115.1	US-60	MAJOR WIDENING(O)	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	SPP		3,150,000
					UT	SPP		
					CN			
					Project Cost:		0	3,150,000
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	SPP	2,500,000	
					CN	SPP		7,600,000
					Project Cost:		2,500,000	7,600,000
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	SPP		
					UT			
					CN			
					Project Cost:		0	0
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	NH	210,000	
					UT	NH	320,000	
					CN	NH		3,790,000
					Project Cost:		530,000	3,790,000
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	SP	5,040,000	
					UT	SP	2,380,000	
					CN			
					Project Cost:		7,420,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	5,040,000	
					UT	SP	4,170,000	
					CN			
					Project Cost:		9,210,000	0
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	750,000	
					Project Cost:		750,000	0
MCCRACKEN	1115.1	US-60	RELOCATION(O)	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR) (14CCR)(LET W/ 1-1115.20)	PL			
					DN			
					RW	NH	3,500,000	
					UT	NH	3,120,000	
					CN			
					Project Cost:		6,620,000	0
MCCRACKEN	1115.2	US-62	RELOCATION(O)	RELOCATION OF US-62 FROM US-60 DEPARTURE TO KY-1887 (PARK ROAD).(10CCR) (12CCR)(LET W/ 1-1115.10)	PL			
					DN	STP	520,000	
					RW	STP		
					UT			
					CN			
					Project Cost:		520,000	0
MCCRACKEN	1152	KY-1954	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER BOTTOM DITCH ON KY 1954 0.7 MILE NORTH OF KY 348 (073B00096N) (SR=8.3).	PL			
					DN	BRX		260,000
					RW			
					UT			
					CN			
					Project Cost:		0	260,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MCCRACKEN	8003	I-24	NEW INTERCHANGE(O)	I-24; CONSTRUCT NEW INTERCHANGE AT KY-994 (OLD MAYFIELD ROAD) SE OF PADUCAH. (00CCN)(14CCN)	PL			
					DN			
					RW	SP	7,170,000	
					UT	SP		3,790,000
					CN			
					Project Cost:		7,170,000	3,790,000
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)(14CCR)	PL			
					DN			
					RW	SPP		4,200,000
					UT	SPP		3,250,000
					CN			
					Project Cost:		0	7,450,000
Total for MCCRACKEN county					PL			
					DN		520,000	260,000
					RW		20,960,000	7,350,000
					UT		12,490,000	7,040,000
					CN		1,010,000	11,390,000
					Total Amounts:		34,980,000	26,040,000
MCCREARY	261.3	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).(2014BOP)(SAME AS 11-184.20)	PL			
					DN			
					RW			
					UT			
					CN	SPP	33,300,000	
					Project Cost:		33,300,000	0
Total for MCCREARY county					PL			
					DN			
					RW			
					UT			
					CN		33,300,000	
					Total Amounts:		33,300,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	BRO	200,000	
					UT	BRO	100,000	
					CN	BRO		2,400,000
					Project Cost:		300,000	2,400,000
MCLEAN	8400	US-431	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)	PL			
					DN			
					RW	SPP	200,000	
					UT	SPP	180,000	
					CN	SB2		500,000
					Project Cost:		380,000	500,000
MCLEAN	8401	US-431	RECONSTRUCTION(O)	RECONSTRUCT AND WIDEN FROM MCLEAN/MUHLENBURG COUNTY LINE) TO LIVERMORE. (08CCN)(10CCR)	PL			
					DN			
					RW	SB2	1,430,000	
					UT	SB2	1,210,000	
					CN	SPP		
					Project Cost:		2,640,000	0
MCLEAN	8852	KY-56	RECONSTRUCTION(O)	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233. (14CCN)	PL			
					DN			
					RW	SPP	50,000	
					UT	SPP	50,000	
					CN	SPP		350,000
					Project Cost:		100,000	350,000
Total for MCLEAN county					PL			
					DN			
					RW		1,880,000	
					UT		1,540,000	
					CN			3,250,000
					Total Amounts:		3,420,000	3,250,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MEADE	8702	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 428 TO KY 144. (12CCN)(14CCR)	PL			
					DN	SPP	1,040,000	
					RW	SPP		3,250,000
					UT	SPP		1,770,000
					CN			
					Project Cost:		1,040,000	5,020,000
MEADE	8705	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR)	PL			
					DN			
					RW			
					UT	SPP		2,030,000
					CN	SPP		
					Project Cost:		0	2,030,000
MEADE	8918	KY-448	BIKE/PED FACIL(O)	CONSTRUCT A SIDEWALK FROM 700 BLOCK OF HIGH STREET (KY 448) TO THE BYPASS IN BRANDENBURG ALONG THE NORTHWEST SIDE OF THE ROAD	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0
MEADE	8919	CS-1004	CONGESTION MITIGTN(O)	CONSTRUCT A ROUNDABOUT AT NORTHERN END OF MAIN STREET (CS 1004) IN BRANDENBURG	PL			
					DN			
					RW			
					UT			
					CN	SP		
					Project Cost:		0	0
Total for MEADE county					PL			
					DN		1,040,000	
					RW			3,250,000
					UT			3,800,000
					CN			
					Total Amounts:		1,040,000	7,050,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SPP		
					Project Cost:		0	0
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	SP	200,000	
					RW	SP		250,000
					UT	SP		250,000
					CN	SP		
					Project Cost:		200,000	500,000
Total for MENIFEE county					PL			
					DN		200,000	
					RW			250,000
					UT			250,000
					CN			
					Total Amounts:		200,000	500,000
MERCER	416	US-68	SAFETY(P)	IMPROVE SAFETY ON US 68 AT KY 127 INTERSECTION IN HARRODSBURG. (12CCR) (14CCR)	PL			
					DN	SPP	500,000	
					RW	SPP		1,000,000
					UT	SPP		1,000,000
					CN	SPP		
					Project Cost:		500,000	2,000,000
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	SPP	210,000	
					CN	SPP		780,000
					Project Cost:		210,000	780,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	8,000,000	
					Project Cost:		8,000,000	0
MERCER	1116.01	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		7,280,000
					Project Cost:		0	7,280,000
MERCER	1116.02	KY-152	PREFINANCD CONVRSN(P)	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)	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	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	710,000	
					Project Cost:		710,000	0
MERCER	8708	US-68	SCOPING STUDY(O)	SCOPING STUDY ON US-68 FROM HARRODSBURG TO WILMORE.(12CCN)	PL	SPP	500,000	
					DN			
					RW			
					UT			
					CN			
					Project Cost:		500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MERCER	8858	US-127	SAFETY(P)	SAFETY IMPROVEMENTS ON US 127 IN SALVISA. (14CCN)	PL			
					DN	SP	200,000	
					RW			
					UT			
					CN			
					Project Cost:		200,000	0
Total for MERCER county					PL		500,000	
					DN		700,000	
					RW			1,000,000
					UT		210,000	1,000,000
					CN		8,710,000	8,060,000
					Total Amounts:		10,120,000	10,060,000
METCALFE	112.1	KY-90	SPOT IMPROVEMENTS(O)	SUMMER SHADE BYPASS. (06CCR)(2006BOPC) (08CCR)(12CCR)(14CCR)	PL			
					DN			
					RW	STP		2,440,000
					UT	STP		
					CN			
					Project Cost:		0	2,440,000
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 MAJESTIC DRIVE (CS-1024). (2004BOPC) (10CCR)	PL			
					DN			
					RW	SP	190,000	
					UT	SP	370,000	
					CN	SP		1,040,000
					Project Cost:		560,000	1,040,000
METCALFE	8506.2	KY-163	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES OVER ROGERS CREEK AT MP 7.307. (DESIGN HANDLED UNDER 3-8506.00)(STRUCTURALLY OBSOLETE, SR=79.8) 085B00010N (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	SPP	3,133,000	
					Project Cost:		3,133,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
METCALFE	8506.3	KY-163	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE AND APPROACHES OVER BLACK ROCK CREEK AT MP 8.474 (DESIGN HANDLED UNDER 3-8506.00)(STRUCTURALLY OBSOLETE, SR=73.0)085B00009N (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	SPP	1,008,987	
					Project Cost:		1,008,987	0
METCALFE	8706	US-68	SCOPING STUDY(O)	SPOT IMPROVEMENTS ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE.(12CCN)	PL			
					DN			
					RW	STP		
					UT			
					CN			
					Project Cost:		0	0
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 RD (MP 10.0) S OF EDMONTON, CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE COURTHOUSE SQ, TO US 68	PL			
					DN	SPP	1,000,000	
					RW	SPP		3,000,000
					UT	SPP		
					CN			
					Project Cost:		1,000,000	3,000,000
Total for METCALFE county					PL			
					DN		1,000,000	
					RW		190,000	5,440,000
					UT		370,000	
					CN		4,141,987	1,040,000
					Total Amounts:		5,701,987	6,480,000
MONROE	128.08	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2017. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		444,000
					Project Cost:		0	444,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MONROE	128.09	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2018. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
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 20.4) 086C00015N	PL			
					DN			
					RW			
					UT			
					CN	BRZ		280,000
					Project Cost:		0	280,000
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		6,930,000
					Project Cost:		0	6,930,000
MONROE	7020.17	-0	NEW ROUTE(O)	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	STP		
					Project Cost:		0	0
MONROE	8954	KY-63	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION OF KY 63 AND POPLAR LOG CHURCH ROAD	PL			
					DN	SPP		200,000
					RW	SPP		
					UT	SPP		
					CN			
					Project Cost:		0	200,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for MONROE county					PL			
					DN			200,000
					RW			
					UT			
					CN			7,654,000
					Total Amounts:		0	7,854,000
MONTGOMERY	6.01	I-64	REST AREA REHAB(P)	MONTGOMERY COUNTY I-64 WEST BOUND REST AREA IMPROVEMENTS.	PL			
					DN			
					RW			
					UT			
					CN	IM		250,000
					Project Cost:		0	250,000
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		559,899
					Project Cost:		0	559,899
MONTGOMERY	250.1	US-460	RECONSTRUCTION(O)	RECONSTRUCT US 460 AT LUCKY STOP HILL. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP		12,980,000
					Project Cost:		0	12,980,000
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	4,010,000	
					Project Cost:		4,010,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,600,000	
					Project Cost:		1,600,000	0
MONTGOMERY	8810	US-60	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	SPP	800,000	
					RW	SPP		1,500,000
					UT	SPP		
					CN			
					Project Cost:		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. (14CCN)	PL			
					DN	SPP	1,000,000	
					RW			
					UT			
					CN			
					Project Cost:		1,000,000	0
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	SPP	200,000	
					RW			
					UT			
					CN			
					Project Cost:		200,000	0
MONTGOMERY	8819	I-64	MAJOR WIDENING(O)	WIDEN TO SIX LANES FROM MP 107.5 TO MP 113.7. (14CCN)	PL			
					DN	IM	1,500,000	
					RW			
					UT			
					CN			
					Project Cost:		1,500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for MONTGOMERY county					PL			
					DN		3,500,000	
					RW			1,500,000
					UT			
					CN		5,610,000	13,789,899
					Total Amounts:		9,110,000	15,289,899
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)(14CCR)	PL			
					DN			
					RW			
					UT	NH	900,000	
					CN	NH		
					Project Cost:		900,000	0
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	SB2	4,270,000	
					Project Cost:		4,270,000	0
MORGAN	293.1	KY-7	RECONSTRUCTION(O)	RECONSTRUCT/WIDENING OF MAIN ST (KY 7) IN WEST LIBERTY BEGINNING AT RIVERSIDE DR. (CS 1058) AND EXTENDING NORTH TO 0.159 MILES NORTH OF INTERSECTION WITH CEDAR RD (CS 1053). (2014BOP)(D,R,U COMPLETED	PL			
					DN			
					RW	SPP	1,050,000	
					UT			
					CN	SPP		2,750,000
					Project Cost:		1,050,000	2,750,000
MORGAN	8302	US-460	RECONSTRUCTION(O)	RECONSTRUCT AND STRAIGHTEN CURVE IN US-460 FROM MILEPOST 0.8 TO MILEPOST 2.1. (06CCN)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP	4,370,000	
					Project Cost:		4,370,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	2,320,000	
					UT	SP	1,560,000	
					CN	SP		
					Project Cost:		3,880,000	0
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	SPP		
					UT			
					CN			
					Project Cost:		0	0
MORGAN	8902	KY-191	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 191 OVER CANEY CREEK .5 MILES WEST OF KY 1162	PL			
					DN	SPP		250,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	250,000
Total for MORGAN county					PL			
					DN			250,000
					RW		3,370,000	
					UT		2,460,000	
					CN		8,640,000	2,750,000
					Total Amounts:		14,470,000	3,000,000
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			
					Project Cost:		630,000	780,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
MUHLENBERG	8506	US-62	MAJOR WIDENING(O)	WIDEN US-62 FROM WAL-MART TO US-431. (08CCN)(10CCR)(12CCR)(14CCR)(INCLUDES 2-8301)	PL			
					DN			
					RW			
					UT			
					CN	SPP	9,740,000	
					Project Cost:		9,740,000	0
MUHLENBERG	8802	KY-181	MINOR WIDENING(O)	WIDEN KY-181 BY FOUR FEET ON EACH SIDE FROM INTERSECTION 601 TO WENDELL FORD CENTER. (14CCN)	PL			
					DN			
					RW	SPP	530,000	
					UT	SPP		1,820,000
					CN	SPP		
					Project Cost:		530,000	1,820,000
MUHLENBERG	8803	KY-2533	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. (14CCN)	PL			
					DN	SPP	780,000	
					RW	SPP		500,000
					UT	SPP		
					CN			
					Project Cost:		780,000	500,000
MUHLENBERG	8804	KY-246	RECONSTRUCTION(O)	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. (14CCN)	PL			
					DN	SPP		280,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	280,000
Total for MUHLENBERG county					PL			
					DN		1,410,000	280,000
					RW		530,000	950,000
					UT			2,150,000
					CN		9,740,000	
					Total Amounts:		11,680,000	3,380,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	9,930,000	
					UT	SP	2,440,000	
					CN	SP		
					Project Cost:		12,370,000	0
NELSON	1078	US-62	BRIDGE REPLACEMENT(P)	REPLACE BRIDGES ON US 62 (HINKLE CREEK) AND KY 48 IN BLOOMFIELD 090B00096N (SR 28.2) 090B00095N (SR 49.7)(12CCR)	PL			
					DN			
					RW	BRO	170,000	
					UT	BRO	520,000	
					CN	BRO		1,400,000
					Project Cost:		690,000	1,400,000
NELSON	8307.2	KY-245	MAJOR WIDENING(O)	WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).	PL			
					DN	SP		4,500,000
					RW			
					UT			
					CN			
					Project Cost:		0	4,500,000
NELSON	8308.1	US-150	MAJOR WIDENING(O)	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN)	PL			
					DN	SP	570,000	
					RW	SP		2,440,000
					UT	SP		710,000
					CN			
					Project Cost:		570,000	3,150,000
NELSON	8309.1	US-150	MAJOR WIDENING(O)	WIDEN US-150 FROM NEAR KY-245 THROUGH THE BLUEGRASS PARKWAY INTERCHANGE TO JUST PAST LESLIE BALLARD ROAD.(06CCN) (2006BOPC)(12CCR)(14CCR)	PL			
					DN			
					RW	SPP		2,630,000
					UT	SPP		
					CN			
					Project Cost:		0	2,630,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
NELSON	8809	-0	NEW ROUTE(O)	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN.	PL			
					DN	SPP		500,000
					RW			
					UT			
					CN			
					Project Cost:		0	500,000
NELSON	8851	KY-1430	MINOR WIDENING(O)	WIDEN TEMPLIN AVENUE BETWEEN CHAMBERS BLVD AND BEN IRVIN RD/KY 2737. (14CCN)	PL			
					DN	SPP	200,000	
					RW			
					UT			
					CN			
					Project Cost:		200,000	0
Total for NELSON county					PL			
					DN		770,000	5,000,000
					RW		10,100,000	5,070,000
					UT		2,960,000	710,000
					CN			1,400,000
					Total Amounts:		13,830,000	12,180,000
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	STP	1,250,000	
					UT	STP	850,000	
					CN	STP		4,500,000
					Project Cost:		2,100,000	4,500,000
NICHOLAS	310.3	US-68	MAJOR WIDENING(O)	PARIS-MAYSVILLE ROAD; RECONSTRUCT FROM MILLERSBURG TO KY-1455 AT CARLISLE (SECTION 3).(08CCR)(12CCR)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	NH		16,870,000
					Project Cost:		0	16,870,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
NICHOLAS	8811	KY-36	RECONSTRUCTION(O)	RECONSTRUCT KY 36/KY 928 INTERSECTION. (14CCN)	PL			
					DN			
					RW	SPP	200,000	
					UT	SPP	150,000	
					CN	SPP	1,400,000	
					Project Cost:		1,750,000	0
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. (14CCN)	PL	SPP	100,000	
					DN	SPP		2,000,000
					RW	SPP		2,000,000
					UT	SPP		
					CN			
					Project Cost:		100,000	4,000,000
Total for NICHOLAS county					PL		100,000	
					DN			2,000,000
					RW		1,450,000	2,000,000
					UT		1,000,000	
					CN		1,400,000	21,370,000
					Total Amounts:		3,950,000	25,370,000
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:		500,000	1,000,000
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 (AR/W)	PL			
					DN			
					RW			
					UT	BRZ	150,000	
					CN	BRZ		340,000
					Project Cost:		150,000	340,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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 47.2)092B00032	PL			
					DN			
					RW	BRO	230,000	
					UT	BRO	90,000	
					CN	BRO		650,000
					Project Cost:		320,000	650,000
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	SPP	400,000	
					UT	SPP	500,000	
					CN	SPP		900,000
					Project Cost:		900,000	900,000
OHIO	8810	KY-69	SAFETY-HAZARD ELIM(P)	WIDEN/RECONSTRUCT KY 69 FROM CENTERTOWN TO HARTFORD. (14CCN)	PL			
					DN	STP	1,690,000	
					RW	STP		
					UT			
					CN			
					Project Cost:		1,690,000	0
OHIO	8811	-0	NEW ROUTE(O)	CONSTRUCT A CONNECTOR ROAD INTO BLUEGRASS CROSSINGS INDUSTRIAL PARK TO IMPROVE ACCESS AND ELIMINATE SAFETY ISSUES. (14CCN)	PL			
					DN			
					RW	SPP	700,000	
					UT	SPP	300,000	
					CN	SPP		3,000,000
					Project Cost:		1,000,000	3,000,000
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. (14CCN)	PL			
					DN			
					RW	SPP	1,000,000	
					UT	SPP	1,600,000	
					CN	SPP		6,900,000
					Project Cost:		2,600,000	6,900,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
OHIO	8901	KY-54	MAJOR WIDENING(O)	UPGRADE KY 54 TO A 3 LANE AND PROVIDE NEW CURB AND GUTTER AND ADDRESS TWO DANGEROUS CURVES AT FORDSVILLE ON EAST SIDE OF ROADWAY.	PL			
					DN	SPP		750,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	750,000
OHIO	8951	KY-54	MINOR WIDENING(O)	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS	PL			
					DN	SPP		750,000
					RW			
					UT			
					CN			
					Project Cost:		0	750,000
Total for OHIO county					PL			
					DN		1,690,000	1,500,000
					RW		2,530,000	
					UT		2,940,000	
					CN			12,790,000
					Total Amounts:		7,160,000	14,290,000
OLDHAM	234	KY-393	MAJOR WIDENING(O)	KY-393 RECONSTRUCT FROM 140FEET SOUTH OF RAILROAD CROSSING (CSX) EXTENDING NORTHWEST TOWARDS KY 146 ENDING AT STATION 12+00 (DESIGN UNDER 5-230.00). (CONSTRUCTION SEQ.#2)	PL			
					DN			
					RW			
					UT			
					CN	STP	11,520,000	
					Project Cost:		11,520,000	0
OLDHAM	304.1	KY-22	MAJOR WIDENING(O)	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			
					Project Cost:		0	5,100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	SP	910,000	
					RW	SP		3,840,000
					UT	SP		2,540,000
					CN			
					Project Cost:		910,000	6,380,000
OLDHAM	367	-0	NEW ROUTE(O)	CONSTRUCT NEW ROUTE FROM OLD HENRY INTERCHANGE AT I-265 TO CRESTWOOD BYPASS. (98CCR)(2004BOPP)(10CCN)(14CCR)	PL			
					DN			
					RW	SP	500,000	
					UT	SP	500,000	
					CN	SP		15,000,000
					Project Cost:		1,000,000	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	15,000,000	
					Project Cost:		15,000,000	0
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). (14CCR)	PL			
					DN	SLO	180,000	
					RW	SLO	350,000	
					UT			
					CN	SLO		2,080,000
					Project Cost:		530,000	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). (14CCR)	PL			
					DN			
					RW	SLO	3,190,000	
					UT	SLO	1,350,000	
					CN	SLO		
					Project Cost:		4,540,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	PL			
					DN			
					RW			
					UT			
					CN	SLO	80,000	
					Project Cost:		80,000	0
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	3,510,000	
					Project Cost:		3,510,000	0
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	
					Project Cost:		870,000	0
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	
					Project Cost:		308,000	0
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	SLO	230,000	
					UT			
					CN	SLO		522,000
					Project Cost:		230,000	522,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
OLDHAM	517.02	-0	BIKE/PED FACIL(O)	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL			
					DN			
					RW			
					UT			
					CN	SLO	100,000	
					Project Cost:		100,000	0
OLDHAM	517.03	-0	BIKE/PED FACIL(O)	CONSTRUCT VARIOUS SIDEWALKS IN OLDHAM COUNTY.	PL			
					DN			
					RW			
					UT			
					CN	SLO		100,000
					Project Cost:		0	100,000
OLDHAM	8851	KY-362	DRAINAGE IMPROVE(P)	IMPROVE DRAINAGE ON KY-362 (ASH AVENUE) IN PEWEE VALLEY. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	500,000	
					Project Cost:		500,000	0
Total for OLDHAM county					PL			
					DN		1,090,000	
					RW		4,270,000	6,400,000
					UT		1,850,000	5,080,000
					CN		31,888,000	17,702,000
					Total Amounts:		39,098,000	29,182,000
OWEN	198	KY-22	RECONSTRUCTION(O)	RECONSTRUCT KY-22 AT KY-227 AT END OF NEW CONSTRUCTION TO 0.4 MILE EAST OF KY 845 SOUTH. (06CCR)(08CCN)(12CCR)(14CCR)	PL			
					DN			
					RW	SPP		1,840,000
					UT	SPP		1,250,000
					CN			
					Project Cost:		0	3,090,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
OWEN	1088	CR-1214	BRIDGE REPLACEMENT(P)	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			
					UT			
					CN			
					Project Cost:		0	150,000
OWEN	8702	KY-22	MAJOR WIDENING(O)	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE.(12CCN) (14CCR)	PL			
					DN			
					RW	SPP		3,000,000
					UT	SPP		
					CN			
					Project Cost:		0	3,000,000
Total for OWEN county					PL			
					DN			150,000
					RW			4,840,000
					UT			1,250,000
					CN			
					Total Amounts:		0	6,240,000
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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	28,080,000	
					Project Cost:		28,080,000	0
OWSLEY	279.61	KY-30	RECONSTRUCTION(O)	RECONSTRUCT KY 30 FROM KY 847 TO THE JACKSON COUNTY LINE.(14CCR)(SEE 10-279.60 FOR PE & ENVIR) (AR/W)	PL			
					DN	STP	2,250,000	
					RW	STP		2,000,000
					UT	STP		2,500,000
					CN	STP		
					Project Cost:		2,250,000	4,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for OWSLEY county					PL			
					DN		2,250,000	
					RW			2,000,000
					UT			2,500,000
					CN		28,080,000	
					Total Amounts:		30,330,000	4,500,000
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			
					RW			
					UT			
					CN	BRX	400,000	
					Project Cost:		400,000	0
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=42.4) 096B00004N	PL			
					DN			
					RW	BRX	100,000	
					UT	BRX	75,000	
					CN	BRX		
					Project Cost:		175,000	0
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 2) 096B00012N	PL			
					DN			
					RW			
					UT			
					CN	BRX	2,600,000	
					Project Cost:		2,600,000	0
PENDLETON	1092	CR-1020	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON HALE RD (CR 1020) 0.395MI N OF FLOUR CREEK RD. (SR=22.0) 096C00102N	PL			
					DN	BRZ		30,000
					RW	BRZ		
					UT	BRZ		
					CN			
					Project Cost:		0	30,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW	SPP	20,000,000	
					UT	SPP	4,500,000	
					CN	SPP		
					Project Cost:		24,500,000	0
Total for PENDLETON county					PL			
					DN			30,000
					RW		20,100,000	
					UT		4,575,000	
					CN		3,000,000	
					Total Amounts:		27,675,000	30,000
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	NH		25,000,000
					Project Cost:		0	25,000,000
PERRY	158.01	KY-15	PREFINANCD CONVRSN(O)	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		
					Project Cost:		0	0
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	1,000,000	
					Project Cost:		1,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	BRX		600,000
					Project Cost:		0	600,000
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	BRX		550,000
					Project Cost:		0	550,000
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	940,000	
					Project Cost:		940,000	0
PERRY	1112	PR-1056	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER CLOVER FORK ON ROAD TO LEATHERWOOD SCHOOL 50 FT N OF KY 699 (097C00052N) (SR= 14.6)	PL			
					DN	BRZ		250,000
					RW			
					UT			
					CN			
					Project Cost:		0	250,000
PERRY	8851	KY-451	MINOR WIDENING(O)	MINOR WIDENING & RESURFACING OF KY 451 FROM MP 11.3 TO MP 11.65. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	360,000	
					Project Cost:		360,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PERRY	8903	HR-9006	NEW INTERCHANGE(O)	NEW INTERCHANGE OFF OF A NEW EXIT 57 HAL ROGERS PARKWAY	PL			
					DN	STP		1,340,000
					RW	STP		
					UT			
					CN			
					Project Cost:		0	1,340,000
PERRY	8904	KY-80	SAFETY(P)	IMPROVE SAFETY AND SUBSTANDARD GEOMETRICS FROM BAKER STREET TO KY 15 IN COMBS.	PL			
					DN	SP		515,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	515,000
PERRY	8905	KY-80	SAFETY(P)	REMOVE CONCRETE BARRIER ON KY-80 AND JUSTICE DRIVE IN HAZARD.	PL			
					DN			
					RW			
					UT			
					CN	SAF		500,000
					Project Cost:		0	500,000
PERRY	8906	KY-80	SAFETY(P)	SAFETY IMPROVEMENTS ON KY 80 FROM LESLIE COUNTY LINE TO KY 451.	PL			
					DN	SP		670,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	670,000
PERRY	8907	KY-476	SAFETY(P)	IMPROVE SAFETY AND DRAINAGE ALONG KY 478 NORTH OF AJAX HOLLOW TO JAKES BRANCH FIRE DEPARTMENT.	PL			
					DN	SP		258,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	258,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PERRY	8908	KY-476	SAFETY(P)	REPAIR SLIDE AREA TO CORRECT A CONTINUOUS MAINTENANCE ISSUE FROM MP 2.9 TO MP 3.1.	PL			
					DN	SP		530,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	530,000
PERRY	8909	KY-451	RECONSTRUCTION(O)	RECONSTRUCT FROM LOCUST STREET TO KY 15X IN HAZARD	PL			
					DN	SP		1,550,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	1,550,000
PERRY	8910	KY-1166	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-1166 OVER RT. FK. MACES CREEK. SR=26.8	PL			
					DN	BRO		335,000
					RW	BRO		
					UT			
					CN			
					Project Cost:		0	335,000
PERRY	8912	KY-1088	RECONSTRUCTION(O)	RECONSTRUCT CURVE EAST OF HURT CEMETERY TO WEST OF HURT BR RD.	PL			
					DN	SP		795,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	795,000
PERRY	8913	KY-1168	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1168 OVER MACES CREEK	PL			
					DN	BRO		335,000
					RW	BRO		
					UT			
					CN			
					Project Cost:		0	335,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PERRY	8914	HR-9006	NEW INTERCHANGE(O)	NEW INTERCHANGE OFF OF HAL ROGERS PARKWAY AT MP 52.85	PL			
					DN	SP		1,000,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	1,000,000
PERRY	8915	CR-1150	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER LEATHERWOOD CREEK SR=35	PL			
					DN	BRO		258,000
					RW	BRO		
					UT			
					CN			
					Project Cost:		0	258,000
PERRY	8916	KY-699	RESURFACING(P)	RESURFACE KY 699 FOR 2 MILES TO IMPROVE SAFETY AT OWEN'S BRANCH ROAD.	PL			
					DN			
					RW			
					UT			
					CN	SPP		260,000
					Project Cost:		0	260,000
Total for PERRY county					PL			
					DN			7,836,000
					RW			
					UT			
					CN		2,300,000	26,910,000
					Total Amounts:		2,300,000	34,746,000
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			
					DN			
					RW	SPP		2,000,000
					UT	SPP		1,500,000
					CN			
					Project Cost:		0	3,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PIKE	263.55	US-460	RELOCATION(O)	PIKEVILLE TO VA STATE LINE; US 460/KY 80; MAINLINE BRIDGES OVER KY 195 @ MARROWBONE CREEK. (SECTION 5B) (2014BOP)	PL			
					DN			
					RW			
					UT			
					CN	APD	15,000,000	
					Project Cost:		15,000,000	0
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.(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	APD	20,000,000	
					Project Cost:		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. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	APD		43,000,000
					Project Cost:		0	43,000,000
PIKE	263.74	US-460	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE; US 460/KY 80 AT BEAVER CREEK NEAR BEAVER BOTTOM (SECTION 7A-2), RAMP 2, GRADE, DRAIN AND SURFACING.(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	APD		18,500,000
					Project Cost:		0	18,500,000
PIKE	263.89	US-460	SURFACE(O)	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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	APD		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PIKE	276	-0	NEW ROUTE(O)	CONSTRUCT BRIDGE AT POTTER FLATS NEAR ELKHORN CITY.(10CCR)	PL			
					DN			
					RW	SPP	120,000	
					UT	SPP	60,000	
					CN	SPP		2,810,000
					Project Cost:		180,000	2,810,000
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	
					Project Cost:		8,300,000	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	
					Project Cost:		4,500,000	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	
					Project Cost:		5,300,000	0
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) (AR/W)098B00069N	PL			
					DN			
					RW			
					UT			
					CN	BRO	1,100,000	
					Project Cost:		1,100,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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			
					UT			
					CN	BRX	500,000	
					Project Cost:		500,000	0
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) 098B00093N	PL			
					DN			
					RW			
					UT	BRX	225,000	
					CN	BRX		
					Project Cost:		225,000	0
PIKE	1122	CR-1181	BRIDGE REPLACEMENT(P)	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			
					UT			
					CN			
					Project Cost:		0	400,000
PIKE	8704	CS-1215	SAFETY(P)	IMPROVEMENTS TO CASSIDY BLVD. AND THOMPSON RD TO ADDRESS SAFETY CONCERNS AND CONGESTION ISSUES.	PL			
					DN			
					RW	SPP	1,233,000	
					UT	SPP	2,200,000	
					CN	SPP		6,500,000
					Project Cost:		3,433,000	6,500,000
PIKE	8705	CS-1215	NEW ROUTE(O)	CONSTRUCT NEW CONNECTION FROM THOMPSON ROAD TO US 23 AT STONECOAL. (12CCN)(14CCR)	PL			
					DN			
					RW			
					UT	SPP		1,500,000
					CN	SPP		
					Project Cost:		0	1,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PIKE	8805	CR-1268	ECONOMIC DEVEL(O)	EXTEND THE INDUSTRIAL PARK ACCESS ROAD ON CR-1268.	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,270,000
					Project Cost:		0	1,270,000
PIKE	8807	US-119	SIGNAL SYS IMPROVE(P)	TRAFFIC SIGNAL AT THE ENTRANCE TO FOOD CITY AND US 119, SOUTH WILLIAMSON. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	75,000	
					Project Cost:		75,000	0
PIKE	8905	KY-881	CONGESTION MITIGTN(O)	IMPROVE CONNECTIVITY BETWEEN KY 881 AND US 119	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
PIKE	8906		NEW ROUTE(O)	IMPROVE CONNECTIVITY BETWEEN KY 292 AND US 119/US 52 MINGO	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
PIKE	8912	KY-610	BRIDGE REPLACEMENT(P)	REPLACE VIRGIE BRIDGE OVER SHELBY CREEK ON KY 610	PL			
					DN	SPP		400,000
					RW	SPP		
					UT	SPP		
					CN			
					Project Cost:		0	400,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
PIKE	8913.1	KY-194	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 18.68 TO MP 20.98	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
PIKE	8913.2	KY-194	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY 194 / KY 632 (META TO PHELPS) FROM MP 22.00 TO MP 27.00	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for PIKE county					PL			
					DN			800,000
					RW		1,353,000	2,000,000
					UT		2,485,000	3,000,000
					CN		54,775,000	72,080,000
					Total Amounts:		58,613,000	77,880,000
PULASKI	59.11	I-66	PE & ENVIRONMENTAL(O)	SOMERSET TO LONDON. (2006KYD)(10CCR)	PL			
					DN			
					RW			
					UT			
					CN	KYD	3,219,838	
					Project Cost:		3,219,838	0
PULASKI	59.21	I-66	NEW ROUTE(O)	HAL ROGERS PARKWAY NORTHEAST BYPASS AROUND SOMERSET. (2006KYD)	PL			
					DN			
					RW			
					UT			
					CN	KYD	1,470,000	
					Project Cost:		1,470,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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)(14CCR)	PL			
					DN			
					RW	SP	70,000	
					UT	SP	180,000	
					CN	SP		1,410,000
					Project Cost:		250,000	1,410,000
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	
					Project Cost:		510,000	0
PULASKI	8901		MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS INCLUDING ACCESS: SOMERSET NORTHERN BYPASS, LOUIE B. NUNN (CUMBERLAND) PARKWAY TO HAL ROGERS PARKWAY (KY 80) (SEGMENT 1)	PL			
					DN	SP		10,000,000
					RW	SP		
					UT			
					CN			
					Project Cost:		0	10,000,000
PULASKI	8902	KY-80	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: HAL ROGERS PARKWAY TO THE WESTERN APPROACHES OF THE ROCKCASTLE RIVER BRIDGE (SEGMENT 2)	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
PULASKI	8903	KY-80	MAJOR WIDENING(O)	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: ROCKCASTLE RIVER BRIDGE AND APPROACHES (SEGMENT 3)	PL			
					DN	SP		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for PULASKI county					PL			
					DN			10,000,000
					RW		70,000	
					UT		180,000	
					CN		5,199,838	1,410,000
					Total Amounts:		5,449,838	11,410,000
ROBERTSON	8711	KY-616	RECONSTRUCTION(O)	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN) (14CCR)	PL			
					DN			
					RW	SPP	250,000	
					UT	SPP	210,000	
					CN	SPP		2,820,000
					Project Cost:		460,000	2,820,000
ROBERTSON	8712	KY-165	SAFETY(P)	IMPROVE SAFETY BY RECONSTRUCTING THE CURVE ON KY 165 FROM MP 7.0 TO MP 7.2. (12CCN)(14CCN)	PL			
					DN			
					RW	SPP	200,000	
					UT	SPP	50,000	
					CN	SPP		1,500,000
					Project Cost:		250,000	1,500,000
ROBERTSON	8713	US-62	SAFETY(P)	IMPROVE SAFETY BEGINNING AT ORCHARD AVENUE TO THE INTERSECTION AT KY 616. (12CCN)(14CCN)	PL			
					DN			
					RW	SPP		1,250,000
					UT	SPP		
					CN			
					Project Cost:		0	1,250,000
ROBERTSON	8810	KY-1504	SPOT IMPROVEMENTS(O)	SHOULDER IMPROVEMENTS ALONG KY 1504. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		6,490,000
					Project Cost:		0	6,490,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for ROBERTSON county					PL			
					DN			
					RW		450,000	1,250,000
					UT		260,000	
					CN			10,810,000
					Total Amounts:		710,000	12,060,000
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			
					UT			
					CN	KYD	855,000	
					Project Cost:		855,000	0
ROCKCASTLE	8718	I-75	MAJOR WIDENING(O)	MAKE I-75 THREE LANES IN EACH DIRECTION FROM MP 64.5 TO MP 69.0. (12CCN) (DESIGN/BUILD)	PL			
					DN	IM	500,000	
					RW			
					UT			
					CN	IM	35,000,000	
					Project Cost:		35,500,000	0
ROCKCASTLE	8718.01	I-75	MAJOR WIDENING(O)	MAKE I-75 THREE LANES IN EACH DIRECTION FROM MP 60.1 TO MP 64.5. (12CCN) (DESIGN/BUILD)	PL			
					DN			
					RW			
					UT	IM	1,790,000	
					CN	IM		
					Project Cost:		1,790,000	0
ROCKCASTLE	8718.02	I-75	MAJOR WIDENING(O)	MAKE I-75 THREE LANES IN EACH DIRECTION, FROM MP 55.7 TO 60.1. (12CCN) (DESIGN/BUILD)	PL			
					DN	IM	1,500,000	
					RW	IM	750,000	
					UT	IM	250,000	
					CN	IM		
					Project Cost:		2,500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for ROCKCASTLE county					PL			
					DN		2,000,000	
					RW		750,000	
					UT		2,040,000	
					CN		35,855,000	
					Total Amounts:		40,645,000	0
ROWAN	61	I-64	WEIGH STA REHAB(P)	UPGRADE EXISTING ROWAN COUNTY WEIGH STATION.	PL			
					DN			
					RW			
					UT			
					CN	IM		1,000,000
					Project Cost:		0	1,000,000
ROWAN	204	KY-32	RECONSTRUCTION(O)	FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)	PL			
					DN			
					RW	SPP	5,000,000	
					UT	SPP	3,888,000	
					CN	SPP		
					Project Cost:		8,888,000	0
ROWAN	227	US-60	SAFETY(P)	CONSTRUCT TURN LANES INTO LAKESIDE CHRISTIAN ACADEMY TO IMPROVE SAFETY. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	250,000	
					Project Cost:		250,000	0
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)(14CCR)	PL			
					DN	SPP	3,000,000	
					RW	SP		
					UT	SP		
					CN			
					Project Cost:		3,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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
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	830,000	
					UT	SPP	700,000	
					CN	SPP		5,500,000
					Project Cost:		1,530,000	5,500,000
ROWAN	8406	KY-377	RECONSTRUCTION(O)	RECONSTRUCT KY 377 FROM KY 32 (MP 0.0) TO JUST NORTH OF KY 799 (MP 8.2+-) TO IMPROVE SAFETY, CAPACITY, EFFICIENCY AND HIGHWAY SYSTEMS CONNECTIVITY. (08CCN)(10CCR)	PL			
					DN			
					RW	SB2		5,210,000
					UT	SB2		13,100,000
					CN			
					Project Cost:		0	18,310,000
ROWAN	8912	US-60	BRIDGE REPLACEMENT(P)	REPLACE THE WEST BRIDGE ON US 60 AT SUNNYBROOK	PL			
					DN	BRO	600,000	
					RW	BRO		50,000
					UT	BRO		75,000
					CN	BRO		
					Project Cost:		600,000	125,000
ROWAN	8913	US-60	CONGESTION MITIGTN(O)	PROVIDE WEST TURN LANES ON US 60 AT SUNNYBROOK.	PL			
					DN	SPP		300,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	300,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ROWAN	8914	CR-1025	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON LITTLE PERRY ROAD OVER TRIPLETT CREEK.	PL			
					DN	BRZ		400,000
					RW	BRZ		
					UT			
					CN			
					Project Cost:		0	400,000
ROWAN	8915	KY-801	MAJOR WIDENING(O)	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO.	PL	STP		75,000
					DN	STP		1,500,000
					RW	STP		
					UT			
					CN			
					Project Cost:		0	1,575,000
Total for ROWAN county					PL			75,000
					DN		3,600,000	2,200,000
					RW		5,830,000	5,260,000
					UT		4,588,000	13,175,000
					CN		13,770,000	6,500,000
					Total Amounts:		27,788,000	27,210,000
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)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2	43,200,000	
					Project Cost:		43,200,000	0
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	SB2	1,840,000	
					UT	SB2	760,000	
					CN	SB2		6,740,000
					Project Cost:		2,600,000	6,740,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
RUSSELL	8601.21	US-127	RELOCATION(O)	RELOCATE US 127 FR APPROX .36 MI E OF INTERSECTION KY 1730 & MANNTOWN RD EXTEND N TO N BANK OF CUMBERLAND RIVER INCLUDING NEW BRIDGE OVER LAKE CUMBERLAND FR CLINTON CO TO RUSSELL	PL			
					DN	NH	1,900,000	
					RW	NH		2,100,000
					UT	NH		810,000
					CN	NH		
					Project Cost:		1,900,000	2,910,000
Total for RUSSELL county					PL			
					DN		1,900,000	
					RW		1,840,000	2,100,000
					UT		760,000	810,000
					CN		43,200,000	6,740,000
					Total Amounts:		47,700,000	9,650,000
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	STP		3,540,000
					CN	STP		
					Project Cost:		0	3,540,000
SCOTT	1127	KY-1689	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 1689 OVER LECOMPTES RUN 0.46 MILE W OF KY 227(SR 9.4) 105B00038N	PL			
					DN			
					RW	BRX	60,000	
					UT	BRX	60,000	
					CN	BRX		
					Project Cost:		120,000	0
SCOTT	1139	CR-1022	BRIDGE REPLACEMENT(P)	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		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
SCOTT	8306	KY-620	MAJOR WIDENING(O)	WIDEN/IMPROVE SHOULDERS ON KY-620. (06CCN) (08CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPB	2,500,000	
					Project Cost:		2,500,000	0
SCOTT	8907	KY-227	RECONSTRUCTION(O)	RECONSTRUCT KY-227 FROM MP 2.98 TO MP 3.34 TO IMPROVE HORIZONTAL CURVE	PL			
					DN	STP		225,000
					RW	STP		
					UT	STP		
					CN			
					Project Cost:		0	225,000
Total for SCOTT county					PL			
					DN			225,000
					RW		60,000	
					UT		60,000	3,540,000
					CN		2,500,000	
					Total Amounts:		2,620,000	3,765,000
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=2) 106B00031N	PL			
					DN			
					RW			
					UT			
					CN	BRO	1,360,000	
					Project Cost:		1,360,000	0
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	2,580,000	
					Project Cost:		2,580,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
SHELBY	1069	CR-1036	BRIDGE REPLACEMENT(P)	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		
					Project Cost:		0	0
SHELBY	8713	US-60	RECONSTRUCTION(O)	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN) (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		2,170,000
					Project Cost:		0	2,170,000
Total for SHELBY county					PL			
					DN			
					RW			
					UT			
					CN		3,940,000	2,170,000
					Total Amounts:		3,940,000	2,170,000
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	2,100,000	
					UT	SPP	2,750,000	
					CN	SPP		
					Project Cost:		4,850,000	0
SIMPSON	8306	KY-100	RECONSTRUCTION(O)	RECONSTRUCTION AND WIDENING KY-100 FROM I-65 TO KY-622. (06CCN)(10CCR). (12CCR) (14CCR)	PL			
					DN			
					RW			
					UT			
					CN	STP		8,670,000
					Project Cost:		0	8,670,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
SIMPSON	8810	-0	NEW ROUTE(O)	GARVIN LANE EXTENSION TO HENDERSON INDUSTRIAL PARK. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP	300,000	
					Project Cost:		300,000	0
SIMPSON	8855	KY-1008	MAJOR WIDENING(O)	MAJOR WIDENING TO 3-LANES WITH URBAN SECTION FROM KY-73 TO NORTH FRANKLIN STREET. (14CCN)	PL			
					DN			
					RW	SPP	1,700,000	
					UT	SPP		2,600,000
					CN	SPP		
					Project Cost:		1,700,000	2,600,000
SIMPSON	8856	US-31	MAJOR WIDENING(O)	MAJOR WIDENING TO 5-LANES WITH URBAN SECTION FROM KY-1008 TO KY-621. (14CCN)	PL			
					DN	SPP	1,000,000	
					RW	SPP		2,000,000
					UT	SPP		3,000,000
					CN			
					Project Cost:		1,000,000	5,000,000
SIMPSON	8903	KY-100	FEASIBILITY STUDY(O)	PLANNING STUDY FOR NEW ROUTE BETWEEN KY 100 WEST OF FRANKLIN OR US 31W SOUTH OF FRANKLIN AND THE KENTUCKY/TENN LINE NEAR WITT ROAD IN SIMPSON CO.	PL	SPP		300,000
					DN			
					RW			
					UT			
					CN			
					Project Cost:		0	300,000
SIMPSON	8956		NEW ROUTE(O)	CONSTRUCT NEW ACCESS ROAD TO BROADY INDUSTRIAL PARK.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for SIMPSON county					PL			300,000
					DN		1,000,000	
					RW		3,800,000	2,000,000
					UT		2,750,000	5,600,000
					CN		300,000	8,670,000
					Total Amounts:		7,850,000	16,570,000
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	BRX	100,000	
					UT	BRX	50,000	
					CN	BRX		500,000
					Project Cost:		150,000	500,000
Total for SPENCER county					PL			
					DN			
					RW		100,000	
					UT		50,000	
					CN			500,000
					Total Amounts:		150,000	500,000
TAYLOR	142.2	KY-555	NEW ROUTE(O)	HEARTLAND PARKWAY; CAMPBELLSVILLE BYPASS FROM KY-55 SOUTH TO KY-70. (2010BOP)(14CCR)	PL			
					DN			
					RW	NH		6,780,000
					UT	NH		1,000,000
					CN			
					Project Cost:		0	7,780,000
TAYLOR	8920	KY-55	MAJOR WIDENING(O)	CONSTRUCT 2 LANES WITH PASSING LANE TO CONTINUE ROUTE FROM ADAIR/TAYLOR COUNTY LINE TO CAMPBELLSVILLE BYPASS. MP 0.0 TO MP 8.003	PL			
					DN	NH		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for TAYLOR county					PL			
					DN			
					RW			6,780,000
					UT			1,000,000
					CN			
					Total Amounts:		0	7,780,000
TODD	8811	KY-181	RECONSTRUCTION(O)	RECONSTRUCT KY-181 (ELKTON 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) (14CCN)	PL			
					DN			
					RW	SPP	250,000	
					UT	SPP		670,000
					CN	SPP		
					Project Cost:		250,000	670,000
TODD	8909	CS-1028	RESURFACING(P)	RESURFACE POND RIVER RD FROM NORTH MAIN ST. TO THE 68/80 BYPASS IN ELKTON.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
Total for TODD county					PL			
					DN			
					RW		250,000	
					UT			670,000
					CN			
					Total Amounts:		250,000	670,000
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		1,100,000
					Project Cost:		0	1,100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
TRIGG	8951	KY-139	REALIGNMENT	REALIGN KY 124 APPROACH TO KY 139 TO IMPROVE INTERSECTION ANGLE AND SIGHT DISTANCE	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
Total for TRIGG county					PL			
					DN			
					RW			
					UT			
					CN			1,100,000
					Total Amounts:		0	1,100,000
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	BRO		870,000
					Project Cost:		0	870,000
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	STP	320,000	
					UT	STP	260,000	
					CN	STP		830,000
					Project Cost:		580,000	830,000
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)(14CCR)	PL			
					DN			
					RW	BRX	10,000	
					UT	BRX	24,000	
					CN	BRX		
					Project Cost:		34,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
TRIMBLE	8712	US-421	SAFETY(P)	CONSTRUCT TURN LANES INTO TRIMBLE COUNTY HIGH SCHOOL. (12CCN)	PL			
					DN			
					RW	SPP	100,000	
					UT	SPP	1,000,000	
					CN	SPP		1,100,000
					Project Cost:		1,100,000	1,100,000
Total for TRIMBLE county					PL			
					DN			
					RW		430,000	
					UT		1,284,000	
					CN			2,800,000
					Total Amounts:		1,714,000	2,800,000
UNION	79.2	US-60	RECONSTRUCTION(O)	PADUCAH-HENDERSON; RECONSTRUCT US-60 FROM WAVERLY BYPASS TO CORYDON BYPASS. (PRIORITY SECTION)(08CCR)(12CCR)(14CCR)	PL			
					DN	SP	1,740,000	
					RW	SP		5,680,000
					UT	SP		2,250,000
					CN			
					Project Cost:		1,740,000	7,930,000
UNION	122.01	US-60	MAJOR WIDENING(O)	PADUCAH-HENDERSON; MORGANFIELD BYPASS TO WAVERLY (08CCR)(12CCR)(14CCR)	PL			
					DN			
					RW	SP	3,680,000	
					UT	SP	2,610,000	
					CN	SP		
					Project Cost:		6,290,000	0
UNION	123.01	US-60	BYPASS(O)	PADUCAH-HENDERSON; WAVERLY BYPASS. (12CCR)(14CCR)	PL			
					DN			
					RW	SP	1,730,000	
					UT	SP		1,480,000
					CN			
					Project Cost:		1,730,000	1,480,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
UNION	139	US-60	NEW ROUTE(O)	CONSTRUCT NEW US-60 BYPASS AT SULLIVAN. (04CCN)	PL			
					DN	SP	970,000	
					RW			
					UT			
					CN			
					Project Cost:		970,000	0
UNION	310.21	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 SHAWNEETOWN BRIDGE.(14CCR) (SAME AS ITEM NO. 2-310.20 IN 2014 SYP)	PL			
					DN			
					RW			
					UT			
					CN	SP		14,500,000
					Project Cost:		0	14,500,000
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=34.5) 113B00006N (LET W/ 2-1074)	PL			
					DN			
					RW			
					UT			
					CN	BRO	570,000	
					Project Cost:		570,000	0
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=12.6) 113B00007N (LET W/ 2-1073)	PL			
					DN			
					RW			
					UT			
					CN	BRO	570,000	
					Project Cost:		570,000	0
UNION	8955	US-60	SAFETY(P)	RECONSTRUCT US 60 TO ALLEVIATE FLOODING ISSUES BETWEEN MP 23.8 AND MP 25.2.	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
Total for UNION county					PL			
					DN		2,710,000	
					RW		5,410,000	5,680,000
					UT		2,610,000	3,730,000
					CN		1,140,000	14,500,000
					Total Amounts:		11,870,000	23,910,000
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	13,380,000	
					Project Cost:		13,380,000	0
WARREN	16.05	I-65	PREFINANCD CONVRSN(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) (ADDITIONAL C-FUNDS FOR 3-16.04)	PL			
					DN			
					RW			
					UT			
					CN	IM		6,000,000
					Project Cost:		0	6,000,000
WARREN	110	KY-185	RECONSTRUCTION(O)	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)(14CCR)	PL			
					DN			
					RW			
					UT	SPP	2,540,000	
					CN	SPP		
					Project Cost:		2,540,000	0
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			
					UT			
					CN	SPP		9,610,000
					Project Cost:		0	9,610,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WARREN	199.99	US-31W	SAFETY(P)	CONSTRUCT A PEDESTRIAN UNDERPASS UNDER US 31W CONNECTING BUCHANON PARK TRAIL TO CHANEY'S DAIRY BARN.	PL			
					DN	SPP		50,000
					RW			
					UT			
					CN	SPP		400,000
					Project Cost:		0	450,000
WARREN	202	WN-9007	SAFETY(P)	RECONSTRUCT THE EXISTING NATCHER PARKWAY/US 231 INTERCHANGE ON WEST SIDE OF BOWLING GREEN. (12CCR)	PL			
					DN	NH		1,250,000
					RW			
					UT			
					CN			
					Project Cost:		0	1,250,000
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			
					UT			
					CN	BRO		
					Project Cost:		0	0
WARREN	8702	US-231	MAJOR WIDENING(O)	WIDEN AND EXPAND US 231 FROM PASCOE BLVD. TO NORTH OF CAVE MILL ROAD. (12CCN)	PL			
					DN			
					RW	SPP	840,000	
					UT	SPP		2,080,000
					CN	SPP		
					Project Cost:		840,000	2,080,000
WARREN	8818	KY-884	NEW ROUTE(O)	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN)	PL			
					DN			
					RW	SPP	4,000,000	
					UT	SPP	2,800,000	
					CN	SPP		
					Project Cost:		6,800,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WARREN	8852	KY-884	MINOR WIDENING(O)	RECONSTRUCT KY-884 FROM LONG ROAD TO THE NATCHER PARKWAY (MP 5.516 TO MP 7.438). (14CCN) (BRIDGE OVER NATCHER PKWY UNDER 3-8818).	PL			
					DN			
					RW	SPP		1,000,000
					UT	SPP		
					CN			
					Project Cost:		0	1,000,000
WARREN	8853	US-31	MINOR WIDENING(O)	MINOR WIDENING (2 + 1 CONCEPT) FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK.(14CCN)	PL			
					DN			
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	0
WARREN	8854	KY-234	MAJOR WIDENING(O)	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).(14CCN)	PL			
					DN	SPP		750,000
					RW	SPP		
					UT			
					CN			
					Project Cost:		0	750,000
WARREN	8857	US-31	MAJOR WIDENING(O)	MAJOR WIDENING/RECONSTRUCTION FROM CAMPBELL LANE (US 231) TO UNIVERSITY BOULEVARD (US 231X). MP 10.561 TO MP 11.688 (14CCN)	PL			
					DN	SPP		800,000
					RW			
					UT			
					CN			
					Project Cost:		0	800,000
WARREN	8858	CS-1540	NEW ROUTE(O)	EXTEND SHIVE LANE TO LOVERS LANE (KY 880) IN BOWLING GREEN. (14CCN)	PL			
					DN	SPP		139,000
					RW	SPP		
					UT	SPP		
					CN	SPP		
					Project Cost:		0	139,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WARREN	8904	US-31W	MAJOR WIDENING(O)	MAJOR WIDENING WITH URBAN SECTION FROM CEMETERY ROAD TO US 68 IN BOWLING GREEN, INCLUDING IMPROVING SAFETY AT THE INTERSECTION OF US 31W BYPASS AND KY 234.	PL			
					DN	SP		800,000
					RW			
					UT			
					CN			
					Project Cost:		0	800,000
WARREN	8905	US-31W	CONGESTION MITIGTN(O)	ACCOMMODATE INCREASED TRAFFIC FROM THE RESIDENTIAL AND INDUSTRIAL DEVELOPMENT NORTH OF BOWLING GREEN ALONG THE SECTION OF US 31W FROM US 68 (MP 21.148) TO MIZPAH.	PL			
					DN	SP		800,000
					RW	SP		900,000
					UT	SP		400,000
					CN	SP		
					Project Cost:		0	2,100,000
WARREN	8951	US-231	MINOR WIDENING(O)	IMPROVE CAPACITY AND SAFETY ON SCOTTSVILLE ROAD BY WIDENING TO SIX LANES FROM KY 884 (3 SPRINGS RD) TO WILKINSON TRACE/ASHLEY CIRCLE.	PL			
					DN	SPP		2,000,000
					RW			
					UT			
					CN			
					Project Cost:		0	2,000,000
Total for WARREN county					PL			
					DN			6,589,000
					RW		4,840,000	1,900,000
					UT		5,340,000	2,480,000
					CN		13,380,000	16,010,000
					Total Amounts:		23,560,000	26,979,000
WASHINGTON	8956	CR-1140	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON TEXAS-MACKVILLE ROAD (CR 1140) OVER PRATHER CREEK	PL			
					DN			
					RW			
					UT			
					CN	BRX		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WASHINGTON	8957	CR-1140	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON TEXAS-MACKVILLE ROAD (CR 1140) AT MP 0.349 OVER LONG LICK CREEK	PL			
					DN			
					RW			
					UT			
					CN	BRX		175,000
					Project Cost:		0	175,000
Total for WASHINGTON county					PL			
					DN			
					RW			
					UT			
					CN			175,000
					Total Amounts:		0	175,000
WAYNE	394	KY-92	RECONSTRUCTION(O)	RAISE GRADE TO PREVENT FLOODING FROM 0.5 MI EAST OF VALLEY VIEW DRIVE TO 0.7 MI W OF KY 1258. (12CCR)(14CCR)	PL			
					DN			
					RW	SPP	1,660,000	
					UT	SPP	2,170,000	
					CN	SPP		
					Project Cost:		3,830,000	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	BRZ	90,000	
					UT	BRZ	80,000	
					CN	BRZ		570,000
					Project Cost:		170,000	570,000
Total for WAYNE county					PL			
					DN			
					RW		1,750,000	
					UT		2,250,000	
					CN			570,000
					Total Amounts:		4,000,000	570,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WEBSTER	143	US-41	RECONSTRUCTION(O)	RECONSTRUCT US-41A BETWEEN PROVIDENCE AND DIXON (04CCN)(08CCR)(10CCR)(12CCR)	PL			
					DN	SPP	1,700,000	
					RW	SP	5,370,000	
					UT	SP	4,430,000	
					CN	SP		
					Project Cost:		11,500,000	0
WEBSTER	228	KY-138	RECONSTRUCTION(O)	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)	PL			
					DN			
					RW	SPP	100,000	
					UT	SPP	250,000	
					CN	SPP		1,200,000
					Project Cost:		350,000	1,200,000
Total for WEBSTER county					PL			
					DN		1,700,000	
					RW		5,470,000	
					UT		4,680,000	
					CN			1,200,000
					Total Amounts:		11,850,000	1,200,000
WHITLEY	184.1	KY-92	RELOCATION(O)	RECONSTRUCT KY-92 FROM 500 FT WEST OF THE WHITLEY/MCCREARY COUNTY LINE TO 1200 FT EAST OF OLD JELLICO CREEK ROAD. (SECTION 1)(14CCR)	PL			
					DN			
					RW			
					UT	SPP	1,800,000	
					CN	SPP		22,000,000
					Project Cost:		1,800,000	22,000,000
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			
					DN			
					RW	SPP		2,630,000
					UT	SPP		2,540,000
					CN			
					Project Cost:		0	5,170,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WHITLEY	1105	I-75	BRIDGE REHAB(P)	REHAB BRIDGE ON I-75 AT MILEPOINT 27.9 OVER LYNN CAMP CREEK (SR 34.1) (B00063R AND B00063L)	PL			
					DN			
					RW			
					UT			
					CN	BRO		4,000,000
					Project Cost:		0	4,000,000
WHITLEY	8954		NEW ROUTE(O)	CONSTRUCT A NEW ENTRANCE TO THE UNIVERSITY OF THE CUMBERLANDS FROM SOUTH 2ND ST UP THE HILL TO TIE INTO HUTTON WAY	PL			
					DN	SPP		300,000
					RW			
					UT	SPP		50,000
					CN	SPP		1,600,000
					Project Cost:		0	1,950,000
Total for WHITLEY county					PL			
					DN			300,000
					RW			2,630,000
					UT		1,800,000	2,590,000
					CN			27,600,000
					Total Amounts:		1,800,000	33,120,000
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)(14CCR)	PL			
					DN			
					RW			
					UT	NH	2,400,000	
					CN	NH		
					Project Cost:		2,400,000	0
WOLFE	126.71	KY-9009	PREFINANCD CONVRSN(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). (ADDITIONAL C-FUNDS FOR 10-126.70)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WOLFE	126.72	KY-9009	PREFINANCD CONVRSN(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). (ADDITIONAL C-FUNDS FOR 10-126.70)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
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			
					UT			
					CN	SB2		3,410,000
					Project Cost:		0	3,410,000
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)(14CCR)	PL			
					DN			
					RW	NH		6,000,000
					UT	NH		
					CN			
					Project Cost:		0	6,000,000
WOLFE	168.1	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)(14CCN)(ADDITIONAL FUNDS	PL			
					DN	NH		5,200,000
					RW	NH		
					UT			
					CN			
					Project Cost:		0	5,200,000
WOLFE	8101	KY-205	RECONSTRUCTION(O)	RECONSTRUCT KY-205 FROM THE WOLFE/BREATHITT CO. LINE TO THE MOUNTAIN PARKWAY (PHASE 1). (02CCN)(06CCR)(08CCR)(10CCR)(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SB2	16,500,000	
					Project Cost:		16,500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	250,000	
					UT	SP	670,000	
					CN	SP		1,550,000
					Project Cost:		920,000	1,550,000
WOLFE	8803	KY-715	RECONSTRUCTION(O)	RECONSTRUCTION OF KY-715 & KY-2016 INTERSECTION MP 2.548 - MP 2.748. (14CCN)	PL			
					DN			
					RW			
					UT			
					CN	SPP		280,000
					Project Cost:		0	280,000
Total for WOLFE county					PL			
					DN			5,200,000
					RW		250,000	6,000,000
					UT		3,070,000	
					CN		16,500,000	5,240,000
					Total Amounts:		19,820,000	16,440,000
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	1,380,000	
					Project Cost:		1,380,000	0
WOODFORD	8903		SCOPING STUDY(O)	STUDY IMPROVEMENTS TO TRAFFIC FLOW ISSUES IN DOWNTOWN VERSAILLES	PL			
					DN	SPP		100,000
					RW			
					UT			
					CN			
					Project Cost:		0	100,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
WOODFORD	8904	KY-33	RECONSTRUCTION(O)	RECONSTRUCT KY 33 FROM 100 FEET NORTH OF KY 1267 TO 100 FEET NORTH OF KY 169 MP 3.04 TO MP 10.65	PL			
					DN	SPP		
					RW			
					UT			
					CN			
					Project Cost:		0	0
WOODFORD	8905	US-60	CONGESTION MITIGTN(O)	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70)	PL			
					DN	SPP	400,000	
					RW	SPP	950,000	
					UT	SPP		
					CN			
					Project Cost:		1,350,000	0
Total for WOODFORD county					PL			
					DN		400,000	100,000
					RW		950,000	
					UT			
					CN		1,380,000	
					Total Amounts:		2,730,000	100,000
ZVARIOUS	65.13	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE NHS FOR FY 2016. (2009BOPP)	PL			
					DN			
					RW			
					UT			
					CN	IM	3,500,000	
					Project Cost:		3,500,000	0
ZVARIOUS	65.14	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE NHS FOR FY 2017. (2009BOPP)	PL			
					DN			
					RW			
					UT			
					CN	IM		3,700,000
					Project Cost:		0	3,700,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	65.15	-0	BRIDGE REHAB(P)	BRIDGE REPAIRS ON VARIOUS BRIDGES ON THE NHS FOR FY 2018. (2009BOPP)	PL			
					DN			
					RW			
					UT			
					CN	IM		
					Project Cost:		0	0
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	
					Project Cost:		2,000,000	0
ZVARIOUS	66.12	-0	ITS(P)	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	NH		2,000,000
					Project Cost:		0	2,000,000
ZVARIOUS	66.13	-0	ITS(P)	ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
ZVARIOUS	195.12	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT (98CCR)	PL			
					DN			
					RW			
					UT			
					CN	TE	14,500,000	
					Project Cost:		14,500,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	195.13	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT (98CCR)	PL			
					DN			
					RW			
					UT			
					CN	TE		16,700,000
					Project Cost:		0	16,700,000
ZVARIOUS	195.14	-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2012. (98CCR)	PL			
					DN			
					RW			
					UT			
					CN	TE		
					Project Cost:		0	0
ZVARIOUS	219.14	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2016.	PL			
					DN			
					RW			
					UT			
					CN	CM	15,000,000	
					Project Cost:		15,000,000	0
ZVARIOUS	219.15	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	CM		16,700,000
					Project Cost:		0	16,700,000
ZVARIOUS	219.16	-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	CM		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	224.12	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2016.	PL			
					DN			
					RW			
					UT			
					CN	STP	5,000,000	
					Project Cost:		5,000,000	0
ZVARIOUS	327.13	-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2017	PL			
					DN			
					RW			
					UT			
					CN	BRO		2,500,000
					Project Cost:		0	2,500,000
ZVARIOUS	327.14	-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	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:		1,641,000	0
ZVARIOUS	333.13	-0	FOREST HIGHWAY(P)	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	FH		1,641,000
					Project Cost:		0	1,641,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	333.14	-0	FOREST HIGHWAY(P)	STATEWIDE FEDERAL LANDS ACCESS PROGRAM FEDERAL HIGHWAY FUNDS FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	FH		
					Project Cost:		0	0
ZVARIOUS	337.11	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2016. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	IM	5,000,000	
					Project Cost:		5,000,000	0
ZVARIOUS	337.12	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2017. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	IM		5,000,000
					Project Cost:		0	5,000,000
ZVARIOUS	337.13	-0	PAVEMENT REHAB-INT(P)	STATEWIDE I-STATE ROUTES FOR FY 2018. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	IM		
					Project Cost:		0	0
ZVARIOUS	346.12	-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2016	PL			
					DN			
					RW			
					UT			
					CN	BRZ	900,000	
					Project Cost:		900,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	346.13	-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2017	PL			
					DN			
					RW			
					UT			
					CN	BRZ		1,000,000
					Project Cost:		0	1,000,000
ZVARIOUS	346.14	-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2018	PL			
					DN			
					RW			
					UT			
					CN	BRZ		
					Project Cost:		0	0
ZVARIOUS	352.12	-0	SAFETY-RR SEPARATN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2016.	PL			
					DN			
					RW			
					UT			
					CN	RRP	3,800,000	
					Project Cost:		3,800,000	0
ZVARIOUS	352.13	-0	SAFETY-RR SEPARATN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	RRP		3,800,000
					Project Cost:		0	3,800,000
ZVARIOUS	352.14	-0	SAFETY-RR PROTECTN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	RRP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	369.06	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2016.(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	NH	5,000,000	
					Project Cost:		5,000,000	0
ZVARIOUS	369.07	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	NH		5,000,000
					Project Cost:		0	5,000,000
ZVARIOUS	369.08	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
ZVARIOUS	374.07	-0	SAFETY(P)	MEDIAN CABLE GUARDRAIL PROGRAM. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	5,000,000	
					Project Cost:		5,000,000	0
ZVARIOUS	374.08	-0	SAFETY(P)	MEDIAN CABLE GUARDRAIL PROGRAM.	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,000,000
					Project Cost:		0	5,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	388.06	-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2016.	PL			
					DN			
					RW			
					UT			
					CN	BRO	1,200,000	
					Project Cost:		1,200,000	0
ZVARIOUS	388.07	-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	BRO		1,500,000
					Project Cost:		0	1,500,000
ZVARIOUS	388.08	-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2018. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	0
ZVARIOUS	391.05	-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
ZVARIOUS	395.05	-0	RECONSTRUCTION(O)	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2017. (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		7,500,000
					Project Cost:		0	7,500,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	397.03	-0	PAVEMENT REHAB-INT(P)	PAVEMENT REHABILITATION FOR FY 2016(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP	10,000,000	
					Project Cost:		10,000,000	0
ZVARIOUS	397.04	-0	PAVEMENT REHAB-INT(P)	PAVEMENT REHABILITATION FOR FY 2017(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		10,000,000
					Project Cost:		0	10,000,000
ZVARIOUS	397.05	-0	PAVEMENT REHAB-INT(P)	PAVEMENT REHABILITATION FOR FY 2018(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
ZVARIOUS	399.04	-0	ITS(P)	LIDAR TECHNOLOGY PROJECT-PROVIDE ASSISTANCE IN THE KENTUCKY AERIAL PHOTOGRAPHY AND ELEVATION DATA (KYAPED) PROGRAM.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
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	
					Project Cost:		2,000,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	400.04	-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL			
					DN			
					RW			
					UT			
					CN	SPP		2,000,000
					Project Cost:		0	2,000,000
ZVARIOUS	400.05	-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
ZVARIOUS	510	-0	BRIDGE REHAB(P)	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL			
					DN			
					RW			
					UT			
					CN	SPP	15,000,000	
					Project Cost:		15,000,000	0
ZVARIOUS	510.01	-0	BRIDGE REHAB(P)	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL			
					DN			
					RW			
					UT			
					CN	SPP		15,000,000
					Project Cost:		0	15,000,000
ZVARIOUS	510.02	-0	BRIDGE REHAB(P)	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	511	-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION	PL			
					DN			
					RW			
					UT			
					CN	SPP	10,000,000	
					Project Cost:		10,000,000	0
ZVARIOUS	511.01	-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION	PL			
					DN			
					RW			
					UT			
					CN	SPP		10,000,000
					Project Cost:		0	10,000,000
ZVARIOUS	511.02	-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
ZVARIOUS	512	-0	BRIDGE REHAB(P)	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,500,000
					Project Cost:		0	1,500,000
ZVARIOUS	513	-0	BRIDGE REHAB(P)	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	911.05	-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2016. (HSIP)	PL			
					DN			
					RW			
					UT			
					CN	SAF	37,000,000	
					Project Cost:		37,000,000	0
ZVARIOUS	911.06	-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2017. (HSIP)(14CCR)	PL			
					DN			
					RW			
					UT			
					CN	SAF		40,800,000
					Project Cost:		0	40,800,000
ZVARIOUS	911.07	-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2018. (HSIP)	PL			
					DN			
					RW			
					UT			
					CN	SAF		
					Project Cost:		0	0
ZVARIOUS	1063.13	-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2017	PL			
					DN			
					RW			
					UT			
					CN	BRX		500,000
					Project Cost:		0	500,000
ZVARIOUS	1063.14	-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2018	PL			
					DN			
					RW			
					UT			
					CN	BRX		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	1,500,000	
					Project Cost:		1,500,000	0
ZVARIOUS	1071.05	-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES	PL			
					DN			
					RW			
					UT			
					CN	BRO		1,500,000
					Project Cost:		0	1,500,000
ZVARIOUS	1073.05	-0	BRIDGE REPLACEMENT(P)	STATEWIDE "BRO" FUNDS.	PL			
					DN			
					RW			
					UT			
					CN	BRO		
					Project Cost:		0	0
ZVARIOUS	1074.06	-0	BRIDGE REPLACEMENT(P)	STATEWIDE OFF SYSTEM BRIDGE REPLACEMENT PROJECTS FOR 2018.	PL			
					DN			
					RW			
					UT			
					CN	BRZ		
					Project Cost:		0	0
ZVARIOUS	1075.08	-0	BRIDGE REPLACEMENT(P)	STATEWIDE "BRX" FUNDS FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	BRX		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	2700.11	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2017.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,000,000
					Project Cost:		0	5,000,000
ZVARIOUS	2700.12	-0	PAVEMENT REHAB-PRI(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2018.(12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
ZVARIOUS	3009	-0	SAFETY(P)	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL			
					DN			
					RW			
					UT			
					CN	SPP		1,000,000
					Project Cost:		0	1,000,000
ZVARIOUS	3010	-0	SAFETY(P)	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL			
					DN			
					RW			
					UT			
					CN	SPP		
					Project Cost:		0	0
ZVARIOUS	8500.1	-0	SAFETY(P)	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL			
					DN			
					RW			
					UT			
					CN	SPP		5,000,000
					Project Cost:		0	5,000,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
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	17,500,000	
					Project Cost:		17,500,000	0
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	26,300,000	
					Project Cost:		26,300,000	0
ZVARIOUS	9050.06	-0	MAJOR WIDENING(O)	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		17,500,000
					Project Cost:		0	17,500,000
ZVARIOUS	9050.07	-0	MAJOR WIDENING(O)	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		26,300,000
					Project Cost:		0	26,300,000
ZVARIOUS	9050.08	-0	MAJOR WIDENING(O)	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		
					Project Cost:		0	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	9050.09	-0	MAJOR WIDENING(O)	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		
					Project Cost:		0	0
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	9,100,000	
					Project Cost:		9,100,000	0
ZVARIOUS	9068.02	US-68	BRIDGE REPLACEMENT(P)	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		9,100,000
					Project Cost:		0	9,100,000
ZVARIOUS	9068.03	US-68	BRIDGE REPLACEMENT(P)	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		
					Project Cost:		0	0
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	8,900,000	
					Project Cost:		8,900,000	0

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	9068.63	US-68	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2017.	PL			
					DN			
					RW			
					UT			
					CN	STP		9,100,000
					Project Cost:		0	9,100,000
ZVARIOUS	9068.64	US-68	BRIDGE REPLACEMENT(P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2018.	PL			
					DN			
					RW			
					UT			
					CN	STP		
					Project Cost:		0	0
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	5,900,000	
					Project Cost:		5,900,000	0
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	8,800,000	
					Project Cost:		8,800,000	0
ZVARIOUS	9659.15	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2017. (JZ1-FD53 "IM" COMPONENT)	PL			
					DN			
					RW			
					UT			
					CN	IM		13,700,000
					Project Cost:		0	13,700,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2016	FY 2017
ZVARIOUS	9659.16	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2017. (JZ1-FD53 "NH" COMPONENT)	PL			
					DN			
					RW			
					UT			
					CN	NH		20,600,000
					Project Cost:		0	20,600,000
ZVARIOUS	9659.18	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2018. (JZ1-FD53 "IM" COMPONENT)	PL			
					DN			
					RW			
					UT			
					CN	IM		
					Project Cost:		0	0
ZVARIOUS	9659.19	-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2018. (JZ1-FD53 "NH" COMPONENT)	PL			
					DN			
					RW			
					UT			
					CN	NH		
					Project Cost:		0	0
Total for ZVARIOUS county					PL			
					DN			
					RW			
					UT			
					CN		214,541,000	260,641,000
					Total Amounts:		214,541,000	260,641,000

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Biennium Fund Summary

Fund	Description	FY 2017	FY 2018	T
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	61,500,000	24,500,000	86,00
BR2	BRAC BOND PROJECTS SECOND PROGRAM	0	13,700,000	13,70
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	64,884,370	77,098,000	141,98
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	11,825,000	16,635,000	28,46
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	14,700,000	13,330,000	28,03
CM	FEDERAL CONGESTION MITIGATION FUNDS	21,100,000	17,000,000	38,10
FH	FEDERAL FOREST HIGHWAY FUNDS	1,641,000	1,641,000	3,28
HPP	HIGH PRIORITY PROJECTS	31,164,114	2,879,680	34,04
IM	FEDERAL INTERSTATE MAINTENANCE FUNDS	83,530,000	116,420,000	199,95
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	267,890,000	298,735,000	566,62
RRP	SAFETY-RAILROAD PROTECTION	3,800,000	3,800,000	7,60
RRS	SAFETY-RAILROAD SEPARATION	100,000	0	10
SAF	FEDERAL SAFETY FUNDS	41,300,000	41,725,000	83,02
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,600,000	1,600,000	3,20
SB2	STATE BONDS 2010	70,425,000	49,300,000	119,72
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	1,850,000	600,000	2,45
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	22,044,658	22,400,000	44,44
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	17,350,000	4,600,000	21,95
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	23,190,692	10,200,000	33,39
SP	STATE CONSTRUCTION	258,658,000	361,145,000	619,80
SPB	SP BONDS 2009	663,300	0	66
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	583,383,400	572,083,600	1,155,46
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	165,535,000	147,550,000	313,08
TE	FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM FUNDS	18,510,000	17,000,000	35,51
Total Amount		1,766,644,534	1,813,942,280	3,580,58

2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2016	FY 2017	FY 2018	Tota
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	41,450,000	61,500,000	24,500,000	127,450,00
BR2	BRAC BOND PROJECTS SECOND PROGRAM	11,300,000	0	13,700,000	25,000,00
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	58,266,000	64,884,370	77,098,000	200,248,37
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	12,739,000	11,825,000	16,635,000	41,199,00
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	9,755,000	14,700,000	13,330,000	37,785,00
CM	FEDERAL CONGESTION MITIGATION FUNDS	15,000,000	21,100,000	17,000,000	53,100,00
FH	FEDERAL FOREST HIGHWAY FUNDS	1,641,000	1,641,000	1,641,000	4,923,00
HPP	HIGH PRIORITY PROJECTS	4,239,839	31,164,114	2,879,680	38,283,63
IM	FEDERAL INTERSTATE MAINTENANCE FUNDS	96,710,000	83,530,000	116,420,000	296,660,00
KYD	FEDERAL DEMONSTRATION FUNDS ALLOCATED TO KENTUCKY	30,071,561	0	0	30,071,56
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	112,341,470	267,890,000	298,735,000	678,966,47
RRP	SAFETY-RAILROAD PROTECTION	4,800,000	3,800,000	3,800,000	12,400,00
RRS	SAFETY-RAILROAD SEPARATION	0	100,000	0	100,00
SAF	FEDERAL SAFETY FUNDS	38,830,000	41,300,000	41,725,000	121,855,00
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,293,704	1,600,000	1,600,000	4,493,70
SB2	STATE BONDS 2010	141,720,000	70,425,000	49,300,000	261,445,00
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	1,125,000	1,850,000	600,000	3,575,00
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	93,450,609	22,044,658	22,400,000	137,895,26
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	5,019,000	17,350,000	4,600,000	26,969,00
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	24,870,699	23,190,692	10,200,000	58,261,39
SP	STATE CONSTRUCTION	248,032,000	258,658,000	361,145,000	867,835,00
SPB	SP BONDS 2009	4,670,000	663,300	0	5,333,30
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	624,643,887	583,383,400	572,083,600	1,780,110,88
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	108,420,000	165,535,000	147,550,000	421,505,00
TE	FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM FUNDS	14,500,000	18,510,000	17,000,000	50,010,00
Totals		1,704,888,769	1,766,644,534	1,813,942,280	5,285,475,58

CHAPTER 148

(HB 304)

+AN ACT relating to appropriations providing financing and conditions for the operations, maintenance, support, and functioning of the Transportation Cabinet of the Commonwealth of Kentucky.

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, 2015, and ending June 30, 2016, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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

	2016-17	2017-18
General Fund	500,000	500,000
Restricted Funds	2,127,300	2,141,800
Road Fund	74,340,100	74,651,200
TOTAL	76,967,400	77,293,000

(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 2016-2018 Biennial Highway Construction Program~~[and Section 2 shall detail the 2016-2018 Highway Preconstruction Program Plan for fiscal year 2016-2017 through fiscal year 2021-2022 as identified by the 2016 General Assembly. This document shall mirror in data type and format the fiscal year 2016-2022 Recommended Six-Year Road Plan as submitted to the 2016 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 2016 Regular Session of the General Assembly]~~.

(2) Debt Service: Included in the above Road Fund appropriation is $7,113,600 in fiscal year 2016-2017 and $7,107,400 in fiscal year 2017-2018 for debt service on previously authorized bonds for the Transportation Cabinet office building and parking structure and the C-1 Garage.

(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) 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.

(5) 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.

(6) Lapse of Road Fund Excess Debt Service Appropriations: Pursuant to KRS 48.720, any excess Road Fund debt service shall lapse to the Road Fund surplus account unless otherwise directed in this Act.

2. AVIATION

	2016-17	2017-18
Restricted Funds	11,630,400	10,537,200
Federal Funds	663,500	213,700
Road Fund	2,670,900	2,676,100
TOTAL	14,964,800	13,427,000

(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 $1,832,200 in fiscal year 2016-2017 and $1,830,700 in fiscal year 2017-2018 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, $1,832,200 in fiscal year 2016-2017 and $1,830,700 in fiscal year 2017-2018 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 2016-2017 for the Bowling Green-Warren County Regional Airport project.

3. DEBT SERVICE

	2016-17	2017-18
Road Fund	160,382,900	165,825,600

(1) Economic Development Road Lease-Rental Payments: Included in the above Road Fund appropriation is $160,332,900 in fiscal year 2016-2017 and $165,775,600 in fiscal year 2017-2018 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 2016-2018 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

	2016-17	2017-18
Restricted Funds	103,088,400	103,232,300
Federal Funds	709,785,100	725,106,300
Road Fund	767,032,800	777,426,900
TOTAL	1,579,906,300	1,605,765,500

(1) Debt Service: Included in the above Federal Funds appropriation is $76,000,000 in fiscal year 2016-2017 and $97,500,000 in fiscal year 2017-2018 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 $345,149,400 in fiscal year 2016-2017 and $353,539,400 in fiscal year 2017-2018 for the State Supported Construction Program.

(3) Biennial Highway Construction Program: Included in the State Supported Construction Program is $189,149,400 in fiscal year 2016-2017 and $197,539,400 in fiscal year 2017-2018 from the Road Fund for state construction projects in the fiscal biennium 2016-2018 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.~~[Notwithstanding KRS 224.43-505(2)(d), 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~~[and service improvements which shall not be expended unless matched with private funds equaling 20 percent of the total amount for any individual project]~~.

(5) 2014-2016 Biennial Highway Construction Plan: Projects in the enacted 2014-2016 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2016-2018 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2016-2018 Biennial Highway Construction Plan, the projects in the 2016-2018 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 2016-2018 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) State Match Provisions: The Transportation Cabinet is authorized to utilize state construction moneys or Toll Credits to match federal highway moneys.

(8) 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 moneys shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2016-2018 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.

(9) 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 2016-2018 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, 2016.~~[The report shall include a monthly forecast by fiscal year for fiscal year 2016-2017 through fiscal year 2021-2022.]~~

(10) 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 2015-2016 and in fiscal year 2016-2017 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 2015-2016 and in fiscal year 2016-2017, 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.

(11) Federally Supported Construction Program: Included in the above Federal Funds appropriation is $687,884,300 in fiscal year 2016-2017 and $702,750,400 in fiscal year 2017-2018 for federal construction projects.

~~[(12) State Resurfacing Program: Included in the State-Supported Construction Program is $125,000,000 in each fiscal year from the Road Fund for the State Resurfacing Program.]~~

(13) Highways Maintenance: Included in the above Highways Road Fund appropriation is $347,457,900 in fiscal year 2016-2017 and $349,072,600 in fiscal year 2017-2018 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.

(14) 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.]~~

(15) Transportation Employees Salary Study: The Transportation Cabinet, with the assistance of the Personnel Cabinet, shall conduct a study~~[on all merit employee classifications]~~ within the Transportation Cabinet to develop a plan to ensure salary and benefit parity among Transportation Cabinet employees statewide. The Transportation Cabinet shall submit a report detailing the results of the study to the Interim Joint Committee on Transportation and the Interim Joint Committee on Appropriations and Revenue~~[no later than October 31, 2016]~~.

(16) ~~[Mountain Parkway Extension and]~~**Hal Rogers Parkway:** ~~[Notwithstanding the provisions of KRS 175B.005(1) and 175B.030(1) and (2)(a) and (c), the Secretary of the Kentucky Transportation Cabinet shall work with the Secretary of the West Virginia Department of Transportation to study and develop a highway plan to extend the Mountain Parkway from Prestonsburg, Kentucky to Beckley, West Virginia. The Secretary of the Kentucky Transportation Cabinet shall make quarterly reports to the Interim Joint Committee on Transportation regarding the status and progress of the planning, design, and funding options to ensure that both states are working towards the common goal of improving regional mobility by developing a plan to construct an interstate-quality highway eastward.~~

~~The Commonwealth of Kentucky and the state of West Virginia shall work collectively to ensure the Mountain Parkway extension project utilizes a common crossing point from either Martin or Pike County in Kentucky and either Mingo or Wayne County in West Virginia. The respective membership shall be established and authorized in accordance with KRS Chapter 175B, and the members shall meet to develop plans, cost estimates, and potential funding scenarios.]~~

The Secretary of the Kentucky Transportation Cabinet shall~~[also develop plans and]~~ provide cost estimates to upgrade the Hal Rogers Parkway to interstate standards and shall submit a~~[full]~~ report on the~~[Mountain Parkway expansion and]~~ upgrade of the Hal Rogers Parkway to the Interim Joint Committee on Appropriations and Revenue~~[before December 1, 2016, on the potential project plans, designs, costs, and funding sources]~~.

~~[(17) Economic Development Priorities: Projects identified by the General Assembly for improving economic development opportunities for the benefit of the citizens of the Commonwealth in the areas to be served shall be given priority by the Transportation Cabinet to facilitate construction as soon as possible.]~~

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

	2016-17	**2017-18**
General Fund	5,728,200	5,728,200
Restricted Funds	692,600	698,700
Federal Funds	25,730,500	25,788,900
TOTAL	32,151,300	32,215,800

(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

	2016-17	2017-18
Road Fund	330,812,900	332,030,200

(1) County Road Aid Program: Included in the above Road Fund appropriation is $125,097,400 in fiscal year 2016-2017 and $125,554,900 in fiscal year 2017-2018 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 $151,757,600 in fiscal year 2016-2017 and $152,312,600 in fiscal year 2017-2018 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 $52,636,600 in fiscal year 2016-2017 and $52,829,100 in fiscal year 2017-2018 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 $458,000 in fiscal year 2016-2017 and $460,000 in fiscal year 2017-2018 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

(5) Continuation of the Flex Funds and the 80/20 Bridge Replacement Programs: The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge Replacement Programs within the Rural Secondary Program.

8. VEHICLE REGULATION

	2016-17	2017-18
Restricted Funds	15,193,500	15,120,500
Federal Funds	4,600,000	4,600,000
Road Fund	26,126,900	27,902,200
TOTAL	45,920,400	47,622,700

(1) Debt Service: Included in the above Road Fund appropriation is $3,143,000 in fiscal year 2016-2017 and $4,781,300 in fiscal year 2017-2018 for debt service on previously authorized bonds.

TOTAL - TRANSPORTATION CABINET

	2016-17	2017-18
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,361,366,500	1,380,512,200
TOTAL	2,241,106,000	2,274,179,800

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 2016-2018 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, 2016, unless reauthorized in this Act with the following exceptions:

(a) A construction contract for the project shall have been awarded by June 30, 2016; (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 2014-2016 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	2016-17	2017-18
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Maintenance Pool - 2016-2018		
Road Fund	2,750,000	2,750,000
002. Transportation Enterprise Database II		
Road Fund	1,500,000	1,500,000
003. Construct Manchester (D-11) District Office - Additional Reauthorization ($6,600,000 Road Fund)		
Road Fund	-0-	845,000
004. Construct Jackson (D-10) District Office - Additional Reauthorization ($6,600,000 Road Fund)		
Road Fund	426,000	-0-
005. Construct Muhlenberg County Maintenance Facility and Salt Storage Structure - Additional Reauthorization ($1,440,000 Road Fund)		
Road Fund	151,000	-0-
006. Construct Ballard County Maintenance Facility and Salt Storage Structure - Additional Reauthorization ($1,440,000 Road Fund)		
Road Fund	144,000	-0-
007. Construct Henderson County Maintenance Facility and Salt Storage Structure - Additional Reauthorization ($1,440,000 Road Fund)		
Road Fund	83,000	-0-
008. Construct Harrison County Maintenance Facility and Salt Storage Structure - Additional Reauthorization ($1,440,000 Road Fund)		
Road Fund	45,000	-0-
009. Construct Knott County Maintenance Facility and Salt Storage Structure - Reauthorization ($1,440,000 Road Fund)		
010. Construct Nicholas County Maintenance Facility and Salt Storage Structure - Reauthorization ($1,440,000 Road Fund)		
011. Upgrade AASHTOWare Reauthorization ($2,600,000 Road Fund)		
2. AVIATION		

	001. Aircraft Maintenance Pool - 2016-2018		
	Investment Income	600,000	600,000
3.	**HIGHWAYS**		
	001. Repair Loadometer and Rest Areas - 2016-2018		
	Road Fund	1,500,000	1,500,000
	002. Road Maintenance Parks - 2016-2018		
	Road Fund	1,250,000	1,250,000
	003. Various Environmental Compliance - 2016-2018		
	Road Fund	600,000	600,000
	004. Jefferson County - Lease		
4.	**VEHICLE REGULATION**		
	001. International Registration Plan System Upgrade		
	Road Fund	1,250,000	1,250,000

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 2016-2017 and fiscal year 2017-2018.

	2016-17	**2017-18**
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund	383,900	388,200
(KRS 183.525(4) and (5))		
2. Vehicle Regulation		
Agency Revenue Fund	4,200,000	4,200,000
(KRS 186.040(6)(a))		
TOTAL - FUNDS TRANSFER	4,583,900	4,588,200

PART IV

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

	2016-17	**2017-18**
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,361,366,500	1,380,512,200
SUBTOTAL	2,241,106,000	2,274,179,800

CAPITAL PROJECTS BUDGET

	2016-17	**2017-18**
Road Fund	9,699,000	9,695,000

Investment Income	600,000	600,000
SUBTOTAL	10,299,000	10,295,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2016-17	2017-18
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,371,065,500	1,390,207,200
Investment Income	600,000	600,000
TOTAL FUNDS	2,251,405,000	2,284,474,800

Vetoed in part April 27, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 28, 2016.

CHAPTER 149

(HB 303)

AN ACT relating to appropriations measures providing funding and establishing 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 4. 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, 2015, and ending June 30, 2016, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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

	2015-16	2016-17	2017-18
General Fund (Tobacco)	-0-	2,050,000	2,050,000
General Fund	-0-	5,455,700	5,516,800
Restricted Funds	-0-	323,200	325,000
Federal Funds	870,000	2,506,200	1,078,900

TOTAL	870,000	10,335,100	8,970,700

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is $2,050,000 in each fiscal year for the Early Childhood Advisory Council.

2. OFFICE OF STATE BUDGET DIRECTOR

	2016-17	**2017-18**
General Fund	3,135,100	3,165,500
Restricted Funds	229,100	242,300
TOTAL	3,364,200	3,407,800

3. STATE PLANNING FUND

	2016-17	**2017-18**
General Fund	137,200	137,200

4. HOMELAND SECURITY

	2016-17	**2017-18**
General Fund	229,200	231,800
Restricted Funds	1,468,100	1,460,400
Federal Funds	4,031,600	4,081,400
Road Fund	269,200	270,400
TOTAL	5,998,100	6,044,000

5. DEPARTMENT OF VETERANS' AFFAIRS

	2016-17	**2017-18**
General Fund	18,881,300	19,083,000
Restricted Funds	70,085,900	76,654,200
TOTAL	88,967,200	95,737,200

(1) Weekend and Holiday Premium Pay Incentive: The Kentucky Veterans' Centers are authorized to continue the weekend and holiday premium pay incentive for the 2016-2018 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) 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.

(4) 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

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	21,099,500	25,358,000	28,450,200
Restricted Funds	-0-	150,000	150,000
TOTAL	21,099,500	25,508,000	28,600,200

(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) Administrative Costs: 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) Counties Account: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is $10,835,300 in fiscal year 2016-2017 and $11,917,600 in fiscal year 2017-2018 for the counties account as specified in KRS 248.703(1)(a).

(4) Directive for Fiscal Year 2015-2016 General Fund (Tobacco): Notwithstanding KRS 248.703, 248.711, and 248.727, the General Fund (Tobacco) appropriation of $21,099,500 to the Governor's Office of Agricultural Policy in fiscal year 2015-2016 shall be used solely for~~[special]~~ agricultural development initiatives. ~~[These special initiatives shall be limited to those which support regional centers of excellence associated with a state university, to regional initiatives that support local food aggregators, processors, or distributors, to statewide initiatives that foster the maintenance, preservation, or enhancement of a natural resource which is important to the future development of the agricultural economy in the Commonwealth, or to regional initiatives that provide a public service which can be used to evaluate the marketability of livestock.]~~The grant process for each~~[special]~~ agricultural development initiative shall be subject to the application process and approval of the Agricultural Development Board created under KRS 248.707.~~[The Board shall not approve an individual grant for an amount that exceeds $12,800,000.]~~

7. KENTUCKY INFRASTRUCTURE AUTHORITY

	2016-17	2017-18
General Fund	1,507,900	2,087,000
Restricted Funds	37,791,900	53,459,600
Federal Funds	29,381,900	29,381,900
TOTAL	68,681,700	84,928,500

(1) 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.

(2) Debt Service: Included in the above General Fund appropriation is $291,000 in fiscal year 2016-2017 and $870,100 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

8. MILITARY AFFAIRS

	2016-17	2017-18
General Fund	9,779,500	9,912,800
Restricted Funds	33,164,600	33,314,800
Federal Funds	43,632,300	43,707,100
TOTAL	86,576,400	86,934,700

(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) Residential Youth at Risk Program: Included in the above General Fund appropriation is $357,300 in each fiscal year to support the Bluegrass Challenge Academy and $357,300 in each fiscal year to support the Appalachian Youth Challenge Academy.

~~[(4) Maysville National Guard Base: Notwithstanding KRS 36.080, the Maysville National Guard Base, located in Mason County, shall retain its workforce and shall be adequately maintained throughout the 2016-2018 fiscal biennium.]~~

9. COMMISSION ON HUMAN RIGHTS

	2016-17	2017-18
General Fund	1,762,900	1,781,800
Federal Funds	245,000	245,000
TOTAL	2,007,900	2,026,800

10. COMMISSION ON WOMEN

	2016-17	2017-18
General Fund	235,000	237,400

11. DEPARTMENT FOR LOCAL GOVERNMENT

	2016-17	2017-18
General Fund	16,397,400	15,705,300
Restricted Funds	1,123,700	882,400
Federal Funds	40,598,900	40,454,100
TOTAL	58,120,000	57,041,800

(1) Area Development District Funding: Included in the above General Fund appropriation is $2,116,300 in each fiscal year for the Joint Funding Administration Program in support of the Area Development Districts.

(2) 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.

~~[(3) Publishing Requirements: Notwithstanding KRS 424.220, public availability of a local government's complete annual financial statement 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 county in which the local government is located. If publication on the Internet or by printed copy at the public library is chosen, the appropriate officer of the local government 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.]~~

12. LOCAL GOVERNMENT ECONOMIC ASSISTANCE FUND

	2016-17	2017-18
General Fund	50,031,100	45,193,400

(1) Coal Severance Tax Collections and Transfers: The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director.

(a) Notwithstanding KRS 42.450 to 42.495, coal severance tax collections during the 2016-2018 fiscal biennium shall first be allocated to the following programs or purposes on a quarterly basis:

1. Osteopathic Medicine Scholarship Program: Pursuant to KRS 164.7891(11) and (12), a transfer in the amount of $306,000 in fiscal year 2016-2017 and $326,000 in fiscal year 2017-2018 shall be made to the Osteopathic Medicine Scholarship Program within the Kentucky Higher Education Assistance Authority;

2. Pharmacy Scholarships: Pursuant to KRS 164.7890(11), a transfer in the amount of $540,000 in fiscal year 2016-2017 and $580,000 in fiscal year 2017-2018 shall be made to the Coal County Pharmacy Scholarship Program within the Kentucky Higher Education Assistance Authority;

3. Trover Clinic Grant: A transfer in the amount of $496,000 in fiscal year 2016-2017 and $910,000 in fiscal year 2017-2018 shall be made to the Trover Clinic Grant within the Department for Local Government;

4. Robinson Scholars Program: An 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;

5. Mining Engineering Scholarship Program: An 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;

~~[6. School Technology in Coal Counties: An 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;]~~

7. Operation Unite: An annual appropriation of $2,000,000 in each fiscal year is appropriated as General Fund moneys to the Justice Administration budget unit for Operation Unite in relation to the Federal Task Force on Drug Abuse;

8. Shaping Our Appalachian Region (SOAR) Administrative Costs: An annual appropriation of $200,000 in each fiscal year is appropriated as General Fund moneys to the Department for Local Government budget unit for administrative expenses relating to the Shaping Our Appalachian Region (SOAR) initiative;

9. Kentucky Infrastructure Authority: An annual appropriation of $370,000 in each fiscal year is appropriated as General Fund moneys to the Kentucky Infrastructure Authority budget unit for Local Government Economic Development Fund project administration costs;

10. Department for Local Government: An annual appropriation of $669,700 in each fiscal year is appropriated as General Fund moneys to the Department for Local Government budget unit for Local Government Economic Development Fund project administration costs;

11. Save the Children: An annual appropriation of $500,000 in each fiscal year is appropriated as General Fund moneys to the Learning and Result Services budget unit within the Department of Education for the Save the Children Program;

12. Family Medicine Residency Program at Owensboro Health: A transfer in the amount of $414,000 in fiscal year 2016-2017 shall be made to the Family Medicine Residency Program at Owensboro Health within the Department for Local Government; and

13. Debt Service: An annual appropriation of 25 percent of the debt service necessary to support bonds authorized in 2003 Ky. Acts ch. 156, 2005 Ky. Acts ch. 173, 2006 Ky. Acts ch. 252, and 2008 Ky. Acts ch. 127, in the amount of $7,352,300 in fiscal year 2017-2018 is appropriated for that purpose.

(b) An amount equal to 50 percent of the remaining balance of severance and processing taxes on coal collected annually shall be transferred from the General Fund to the Local Government Economic Assistance Fund established by KRS 42.450. Transfers to the Local Government Economic Assistance Fund shall be made quarterly, based upon the revenue estimates prevailing at the time each quarterly transfer is due, except the last quarterly transfer shall be made after the close of the fiscal year accounting records, and shall be adjusted to provide the balance of the annual transfer required by this section.

(c) Prior to any distributions to local governments or any other use of the funds transferred to the Local Government Economic Assistance Fund pursuant to KRS 42.455 and 42.470, $25,282,400 in fiscal year 2016-2017, representing 100 percent of debt service in fiscal year 2016-2017 necessary to support bonds authorized in 2003 Ky. Acts ch. 156, 2005 Ky. Acts ch. 173, 2006 Ky. Acts ch. 252, and 2008 Ky. Acts ch. 127, and $22,057,000 in fiscal year 2017-2018, representing the remaining 75 percent of the debt service in fiscal year 2017-2018 necessary to support bonds authorized in 2003 Ky. Acts ch. 156, 2005 Ky. Acts ch. 173, 2006 Ky. Acts ch. 252, and 2008 Ky. Acts ch. 127, is appropriated for that purpose, and any amounts allowed as an incentive to an approved company under KRS 143.024 and 154.27-060 shall be deducted.

(d) No transfers shall be made to the Local Government Economic Development Fund established by KRS 42.4582.

(2) Additional Coal Severance Transfer: Notwithstanding KRS 42.450 to 42.495, an additional amount equal to $600,000 in each fiscal year shall be transferred from the General Fund to the Local Government Economic Assistance Fund established by KRS 42.450.

13. LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND

	2016-17	**2017-18**
General Fund	11,400,000	11,400,000

(1) Coal Severance Tax Transfers: Notwithstanding KRS 42.450 to 42.495, an amount equal to $22,500,000 in each fiscal year of the severance and processing taxes on coal collected annually shall be transferred from the General Fund and allocated as follows:

(a) $10,000,000 in each fiscal year shall be transferred to the Local Government Economic Development Fund Single-County Accounts to be allocated to projects with the concurrence of the respective county judge/executive, state senator(s), and state representative(s) of each county. In the event concurrence is not achieved, the fiscal court of each county may apply for Grants through the Department for Local Government pursuant to KRS 42.4588;

(b) $5,000,000 in each fiscal year shall be transferred to the Kentucky Higher Education Assistance Authority budget unit for the Coal County College Completion Scholarship Program; and

(c) $7,500,000 in each fiscal year shall be transferred to the Kentucky Coal Fields Endowment Fund. The Kentucky Coal Fields Endowment Fund is created as a separate trust fund within the Department for Local Government. The trust fund shall consist of funds appropriated from severance and processing taxes on coal, and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund. Trust fund moneys shall be used to support efforts to diversify the economy of the coal fields within Kentucky. Funds shall be distributed as directed by the General Assembly through the Department for Local Government. Moneys transferred to the trust fund are hereby appropriated for the purposes set forth in this Act. Notwithstanding KRS 45.229, any moneys, including interest earnings, remaining in the trust fund at the close of the fiscal year shall not lapse and shall carry forward into the succeeding fiscal year to be used for the purposes set forth in this Act. The Department for Local Government shall promulgate administrative regulations to administer the Kentucky Coal Fields Endowment Fund Program. Projects that may be funded shall be non-recurring investments in:

1. Economic development;
2. Public infrastructure, water, and wastewater;
3. Public health and safety; and
4. Information technology development and access.

Projects shall be selected based on economic impact, job creation, workforce development, community benefit, available partnerships, project readiness, and the ability for a project to be self-sustaining.

(2) Additional Coal Severance Transfer: Notwithstanding KRS 42.450 to 42.495, an additional amount equal to $1,400,000 in each fiscal year shall be transferred from the General Fund to the Local Government Economic Development Fund Single-County Accounts to be allocated to projects with the concurrence of the respective county judge/executive, state senator(s), and state representative(s) of each county. In the event concurrence is not achieved, the fiscal court of each county may apply for grants through the Department for Local Government pursuant to KRS 42.4588.

14. AREA DEVELOPMENT FUND

	2016-17	**2017-18**
General Fund	431,000	431,000

(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 a dollar-for-dollar basis.

15. EXECUTIVE BRANCH ETHICS COMMISSION

	2016-17	**2017-18**
General Fund	445,700	450,200
Restricted Funds	290,000	290,000

TOTAL	735,700	740,200

(1) Use of Restricted Funds: All penalties collected or received by the Executive Branch Ethics Commission shall be deposited in the State Treasury and credited to a trust and agency fund account to the credit of the Commission to be used by the Commission for the cost of conducting administrative hearings pursuant to KRS Chapter 13B. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

16. SECRETARY OF STATE

	2016-17	**2017-18**
General Fund	1,756,600	1,784,100
Restricted Funds	2,460,600	2,447,100
Federal Funds	277,000	221,400
TOTAL	4,494,200	4,452,600

(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

	2016-17	**2017-18**
General Fund	3,980,400	3,989,300
Restricted Funds	246,000	246,000
Federal Funds	5,211,200	4,044,900
TOTAL	9,437,600	8,280,200

(1) Cost of Elections: (a) 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, 2016, for fiscal year 2016-2017 and by November 1, 2017, for fiscal year 2017-2018.

(b) 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 paragraph (a) of this subsection.

(2) 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).

18. REGISTRY OF ELECTION FINANCE

	2016-17	**2017-18**
General Fund	1,221,400	1,231,700

19. ATTORNEY GENERAL

	2015-16	**2016-17**	**2017-18**
General Fund	-0-	10,931,400	11,034,400
Restricted Funds	9,500,000	19,434,600	19,726,700
Federal Funds	-0-	3,974,300	4,092,100
TOTAL	9,500,000	34,340,300	34,853,200

(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 $387,500 for the 2016-2018 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). Without charge, 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) 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.

(7) Risperdal Settlement Funds: The Attorney General, after payment of attorney's fees and expenses, shall transfer the settlement funds resulting from the suit against Johnson and Johnson, et al. regarding the off-label marketing of the pharmaceutical Risperdal as follows:

(a) $4,500,000 in fiscal year 2015-2016 shall be transferred to the Kentucky State Police to support statewide law enforcement purposes, inclusive of funding to reduce the DNA backlog at Kentucky State Police Forensic Laboratories;

(b) $1,000,000 in each fiscal year of the 2016-2018 fiscal biennium shall be transferred to the University of Louisville for genomics research in conjunction with Medicaid;

(c) $1,000,000 in each fiscal year shall be transferred to the Prosecutors Advisory Council to expand and continue the Rocket Docket Program;

(d) $500,000 in each fiscal year shall be transferred to support the Office of Attorney General's Department of Criminal Investigations & Office of Special Prosecutions for law enforcement purposes relating to drug and rape prosecution; and

(e) Any additional funds received in the 2016-2018 fiscal biennium shall be transferred to the Kentucky State Police to reduce the DNA backlog at Kentucky State Police Forensic Laboratories.

(8) Purdue Pharma Settlement Funds: The Attorney General, after payment of attorney's fees and expenses, shall transfer the settlement funds resulting from the suit against Purdue Pharma, et al. as follows:

(a) $700,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Hope in the Mountains;

(b) $500,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Necco;

(c) $300,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Maryhurst Alternative School;

(d) $500,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Kentucky River Community Care;

(e) $200,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to KVC Behavioral Health Care Kentucky;

(f) $200,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Mountain Comprehensive Care Center;

(g) $200,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Pathways;

(h) $200,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Ramey Estep Homes;

(i) $200,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to WestCare;

(j) $250,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Chrysalis House;

(k) $250,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Independence House;

(l) $250,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Children's Home of Northern Kentucky;

(m) $250,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Transitions Inc., Women's Residential Addiction Program (WRAP);

(n) $500,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Freedom House; and

(o) $500,000 in fiscal year 2015-2016 and $100,000 in each fiscal year of the 2016-2018 fiscal biennium to Recovery Kentucky.

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

	2016-17	**2017-18**
General Fund	48,439,600	49,024,300
Restricted Funds	1,653,000	1,652,900
Federal Funds	38,900	40,300
TOTAL	50,131,500	50,717,500

b. County Attorneys

	2016-17	**2017-18**
General Fund	42,080,300	42,647,000
Restricted Funds	554,700	554,600
Federal Funds	506,200	503,700
TOTAL	43,141,200	43,705,300

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2016-17	**2017-18**
General Fund	90,519,900	91,671,300
Restricted Funds	2,207,700	2,207,500
Federal Funds	545,100	544,000

TOTAL	93,272,700	94,422,800

21. TREASURY

	2016-17	2017-18
General Fund	1,937,200	1,989,900
Restricted Funds	1,825,000	1,848,600
Road Fund	250,000	250,000
TOTAL	4,012,200	4,088,500

(1) Unclaimed Property Fund: Included in the above Restricted Funds appropriation is $1,742,000 in fiscal year 2016-2017 and $1,755,100 in fiscal year 2017-2018 from the Unclaimed Property Fund to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

22. AGRICULTURE

	2016-17	2017-18
General Fund (Tobacco)	600,000	600,000
General Fund	16,903,000	17,041,200
Restricted Funds	10,168,600	10,191,400
Federal Funds	6,406,900	6,406,900
TOTAL	34,078,500	34,239,500

(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) County Fair Grants: Included in the above General Fund appropriation is $455,000 in each fiscal year to support capital improvement grants to the Local Agricultural Fair Aid Program.

(3) 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. The appropriations to the Farm to Food Banks Program may be used to purchase USDA-inspected meat to be distributed to local food pantries in Kentucky.

23. AUDITOR OF PUBLIC ACCOUNTS

	2015-16	2016-17	2017-18
General Fund	-0-	4,899,500	4,948,600
Restricted Funds	347,700	8,965,400	9,038,500
TOTAL	347,700	13,864,900	13,987,100

(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 audit services 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 for such services. The agency's request for audit services shall include 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

	2016-17	2017-18
Restricted Funds	888,000	913,800

25. KENTUCKY RETIREMENT SYSTEMS

	2016-17	2017-18
General Fund	98,193,000	87,574,300
Restricted Funds	42,819,200	42,960,400
TOTAL	141,012,200	130,534,700

(1) State Police Retirement System Pension Fund: Included in the above General Fund appropriation is $25,000,000 in fiscal year 2016-2017 and $10,000,000 in fiscal year 2017-2018 to be applied to the unfunded pension liability of the State Police Retirement System pension fund.

(2) Kentucky Employees Retirement System Hazardous Pension Fund: Included in the above General Fund appropriation is $15,000,000 in fiscal year 2016-2017 and $10,000,000 in fiscal year 2017-2018 to be applied to the unfunded pension liability of the Kentucky Employees Retirement System hazardous pension fund.

(3) Kentucky Employees Retirement System Nonhazardous Pension Fund: Included in the above General Fund appropriation is $58,193,000 in fiscal year 2016-2017 and $67,574,300 in fiscal year 2017-2018 to be applied to the unfunded pension liability of the Kentucky Employees Retirement System nonhazardous pension fund.

26. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2016-17	2017-18
Restricted Funds	578,000	581,400

b. Certification of Alcohol and Drug Counselors

	2016-17	2017-18
Restricted Funds	102,200	102,200

c. Applied Behavior Analysis Licensing

	2016-17	2017-18
Restricted Funds	30,600	30,600

d. Architects

	2016-17	2017-18
Restricted Funds	460,800	463,700

e. Certification for Professional Art Therapists

	2016-17	2017-18
Restricted Funds	11,200	11,200

f. Auctioneers

	2016-17	2017-18
Restricted Funds	403,300	405,000

g. Barbering

	2016-17	2017-18
Restricted Funds	339,100	340,800

h. Chiropractic Examiners

	2016-17	2017-18
Restricted Funds	334,400	336,500

i. Dentistry

	2016-17	2017-18
Restricted Funds	934,600	940,200

j. Licensed Diabetes Educators

	2016-17	2017-18
Restricted Funds	26,800	26,800

k. Licensure and Certification for Dietitians and Nutritionists

	2016-17	2017-18
Restricted Funds	73,900	73,900

l. Embalmers and Funeral Directors

	2016-17	2017-18
Restricted Funds	424,900	427,800

m. Licensure for Professional Engineers and Land Surveyors

	2016-17	2017-18
Restricted Funds	1,383,300	1,393,000

n. Certification of Fee-Based Pastoral Counselors

	2016-17	2017-18
Restricted Funds	3,600	3,600

o. Registration for Professional Geologists

	2016-17	2017-18
Restricted Funds	106,900	106,900

p. Hairdressers and Cosmetologists

	2016-17	2017-18
Restricted Funds	1,443,400	1,451,800

q. Specialists in Hearing Instruments

	2016-17	2017-18
Restricted Funds	81,100	81,100

r. Interpreters for the Deaf and Hard of Hearing

	2016-17	2017-18
Restricted Funds	38,200	38,200

s. Home Inspectors

	2016-17	2017-18
Restricted Funds	83,800	83,800

t. Examiners and Registration of Landscape Architects

	2016-17	2017-18
Restricted Funds	68,900	69,300

u. Licensure of Marriage and Family Therapists

	2016-17	2017-18
Restricted Funds	136,400	136,400

v. Licensure for Massage Therapy

	2016-17	2017-18
Restricted Funds	188,600	188,600

w. Medical Imaging and Radiation Therapy

	2016-17	2017-18
Restricted Funds	400,600	401,600

x. Medical Licensure

	2016-17	2017-18
Restricted Funds	3,072,300	3,088,200

y. Nursing

	2016-17	2017-18
Restricted Funds	7,220,000	7,266,000

z. Licensure for Nursing Home Administrators

	2016-17	2017-18
Restricted Funds	61,100	61,100

aa. Licensure for Occupational Therapy

	2016-17	2017-18
Restricted Funds	176,600	176,600

ab. Ophthalmic Dispensers

	2016-17	2017-18
Restricted Funds	49,700	49,700

ac. Optometric Examiners

	2016-17	2017-18
Restricted Funds	216,000	217,100

ad. Pharmacy

	2016-17	2017-18
Restricted Funds	1,728,700	1,740,400

ae. Physical Therapy

	2016-17	2017-18
Restricted Funds	580,300	583,700

af. Podiatry

	2016-17	2017-18
Restricted Funds	38,800	39,900

ag. Private Investigators

	2016-17	2017-18
Restricted Funds	101,500	101,500

ah. Licensed Professional Counselors

	2016-17	2017-18
Restricted Funds	215,800	215,800

ai. Prosthetics, Orthotics, and Pedorthics

	2016-17	2017-18
Restricted Funds	46,200	46,200

aj. Examiners of Psychology

	2016-17	2017-18
Restricted Funds	256,400	256,400

ak. Real Estate Appraisers

	2016-17	2017-18
Restricted Funds	793,200	841,600

al. Real Estate Commission

	2016-17	2017-18
Restricted Funds	2,370,500	2,383,100

am. Respiratory Care

	2016-17	2017-18
Restricted Funds	218,100	219,500

an. Social Work

	2015-16	2016-17	2017-18
Restricted Funds	53,500	358,200	338,300

ao. Speech-Language Pathology and Audiology

	2016-17	2017-18
Restricted Funds	190,100	190,100

ap. Veterinary Examiners

	2016-17	2017-18
Restricted Funds	277,600	277,600

TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

	2015-16	2016-17	2017-18
Restricted Funds	53,500	25,625,700	25,787,200

27. KENTUCKY RIVER AUTHORITY

	2016-17	2017-18
General Fund	256,000	258,200
Restricted Funds	3,507,900	6,881,300
TOTAL	3,763,900	7,139,500

(1) Debt Service: Included in the above Restricted Funds appropriation is $3,366,000 in fiscal year 2017-2018 for new debt service to support bonds as set forth in Part II, Capital Projects Budget, of this Act.

28. SCHOOL FACILITIES CONSTRUCTION COMMISSION

	2016-17	2017-18
General Fund	121,991,300	134,918,000
Restricted Funds	525,000	-0-
TOTAL	122,516,300	134,918,000

(1) Debt Service: Included in the above General Fund appropriation is $10,356,300 in fiscal year 2016-2017 and $23,019,400 in fiscal year 2017-2018 for new debt service to support bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Additional Offers of Assistance: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make an additional $91,000,000 in offers of assistance during the 2016-2018 biennium in anticipation of debt service availability during the 2018-2020 biennium. No bonded indebtedness based on the above amount is to be incurred during the 2016-2018 biennium.

(3) Urgent Needs School Assistance -- 2014-2016: (a) If bonds for those Urgent Needs Schools authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5) and 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b) are not issued by June 30, 2016, then the School Facilities Construction Commission is authorized to make offers of assistance to districts for the remaining Urgent Needs Schools as authorized in Part II, A., 10., 001. of this Act.

(b) If a school district receives an allotment for an Urgent Needs School authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5) and 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b) or in Part II, Capital Projects Budget, of this Act and subsequently, as a result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the Commonwealth an amount equal to that received for such purposes. If the litigation or insurance receipts are less than the amount received, 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).

(4) Urgent Needs School Assistance -- 2016-2018: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make additional offers of assistance in the specified amounts during the 2016-2018 fiscal biennium to the following local school districts:

(a) Not~~[less than $1,029,700 nor]~~ more than $3,850,000 to Lewis County Schools for Lewis County Central Elementary School;

(b) Not~~[less than $9,254,900 nor]~~ more than $13,580,000 to Breckinridge County Schools for Hardinsburg Elementary School;

(c) Not~~[less than $12,868,800 nor]~~ more than $14,355,000 to Raceland-Worthington Independent Schools for Worthington Middle School;

(d) Not~~[less than $13,985,800 nor]~~ more than $19,186,800 to Hart County Schools for Hart County High School;

(e) Not~~[less than $10,337,600 nor]~~ more than $12,585,000 to Boyle County Schools for Boyle County Middle School; and

(f) Not~~[less than $18,806,500 nor]~~ more than $25,188,000 to Morgan County Schools for Morgan County High School.

These schools are designated as the six schools ranked highest on the Kentucky Facilities Inventory and Classification System that are A1 schools, are ranked as a Priority 1 or 2 on the local school district's facility plan, are located in districts that did not receive Urgent Needs School Assistance funding authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5), and have levied a ten-cent equivalent tax dedicated to capital improvements but remain unable to cash fund or to sufficiently support the required annual debt service for replacement or renovation of the school. The amounts stated represent the difference between the cost to replace or renovate the designated facility and the amount of available local resources.

The School Facilities Construction Commission shall not make an offer of assistance to a local school district listed in paragraphs (a) through (f) in excess of the minimum amount authorized for the respective local school district unless provided with written authorization of the Commissioner of Education or his or her designee and documentation of the project cost, but in no case shall any district listed in paragraphs (a) through (f) receive an additional offer of assistance greater than the maximum amount authorized for the respective local school district.

(5) Critical Construction Needs Schools: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make an additional offer of assistance of $5,000,000 to Martin County Schools in fiscal year 2016-2017, which shall be used to complete construction of Sheldon Clark High School. These funds are in addition to those authorized in 2014 Ky. Acts ch. 117, Part I, C., 1., (19) for this purpose. If the school district subsequently, as the result of litigation or insurance, receives funds for the original facility, Martin County Schools shall reimburse the Commonwealth an amount equal to that received pursuant to this subsection. If the litigation or insurance receipts are less than the amount received pursuant to 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

	2016-17	2017-18
General Fund	779,248,000	744,837,200
Restricted Funds	12,934,000	13,515,000
TOTAL	792,182,000	758,352,200

(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) Additional Employer Contribution for Pension Fund: Included in the above General Fund appropriation is $453,869,600 in fiscal year 2016-2017 and $430,056,700 in fiscal year 2017-2018 to be applied to the unfunded pension liability of the Kentucky Teachers' Retirement System, of which $9,598,200 in fiscal year 2016-2017 and $19,288,600 in fiscal year 2017-2018 represent lesser debt service funding requirements for bonds previously issued for the Kentucky Teachers' Retirement System.

(3) Debt Service: Included in the above General Fund appropriation is $106,838,400 in fiscal year 2016-2017 and $97,148,000 in fiscal year 2017-2018 for debt service on previously issued bonds.

(4) State Annual Appropriations Deficit: Pursuant to KRS 161.550(6), the Kentucky Teachers' Retirement System has identified a $24,613,400 deficit for fiscal years 2013-2014 and 2014-2015. A portion of this deficit shall be funded from $11,624,800 from the state medical insurance fund stabilization contribution for fiscal year 2015-2016 within the General Fund appropriation specified in 2014 Ky. Acts ch. 117, Part I, A., 29., and identified as the excess amount of the state medical insurance fund stabilization contribution by the Kentucky Teachers' Retirement System. Included in the above General Fund appropriation is $12,988,600 in fiscal year 2016-2017 for the remaining portion of the deficit.

(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 $5,623,500 in fiscal year 2016-2017 and $11,660,200 in fiscal year 2017-2018 to provide the cost of amortizing the requirements of KRS 161.155, relating to sick leave, for members retiring during the 2016-2018 biennium.

(7) Contribution for Retiree Medical Insurance: Included in the above General Fund appropriation is $46,545,800 in fiscal year 2016-2017 and $53,948,400 in fiscal year 2017-2018 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.

(8) Direct Appropriation for Pension Liability: Included in the above General Fund appropriation is $44,668,000 in each fiscal year to be applied to the unfunded pension liability of the Kentucky Teachers' Retirement System.

30. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

	2016-17	2017-18
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

funded with 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 survivors of state and local police officers, firefighters, and active duty National Guard and Reserve members in accordance with KRS 61.315 and for the cost of insurance premiums for firefighters as provided in KRS 95A.070.

31. JUDGMENTS

	2016-17	2017-18
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 budget unit 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.

32. KENTUCKY COMMUNICATIONS NETWORK AUTHORITY

	2016-17	2017-18
Restricted Funds	18,469,200	27,941,900
Federal Funds	180,500	-0-
TOTAL	18,649,700	27,941,900

(1) Unexpended Debt Service to Support Availability Payments: If funding generated by the Kentucky Communications Network Authority is not sufficient to support availability payments required by the Authority's public-private partnership contract, then notwithstanding KRS 48.720 and any other provision of this Act, General Fund moneys appropriated to the Finance and Administration Cabinet for debt service in fiscal years 2016-2017 and 2017-2018 that are not needed to satisfy any debt service obligations may be used to support those availability payments. The Secretary of the Finance and Administration Cabinet shall certify the amount of debt service appropriations not needed to satisfy any debt service obligations and provide notification to the Capital Projects and Bond Oversight Committee before such moneys can be used for this purpose.

TOTAL - GENERAL GOVERNMENT

	2015-16	2016-17	2017-18
General Fund (Tobacco)	21,099,500	28,008,000	31,100,200
General Fund	-0-	1,256,693,100	1,221,637,800
Restricted Funds	9,901,200	294,703,400	330,484,100
Federal Funds	870,000	136,990,900	134,257,700
Road Fund	-0-	519,200	520,400
TOTAL	31,870,700	1,716,914,600	1,718,000,200

B. ECONOMIC DEVELOPMENT CABINET

Budget Units

1. ECONOMIC DEVELOPMENT

	2015-16	2016-17	2017-18
General Fund	-0-	17,963,600	18,953,200
Restricted Funds	975,000	2,994,300	3,013,300
Federal Funds	-0-	200,000	100,000
TOTAL	975,000	21,157,900	22,066,500

(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 $922,000 in fiscal year 2017-2018 for new 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 2015-2016 and fiscal year 2016-2017 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 2014-2015 combined with the additional training grant allotment amounts for each fiscal year of the 2016-2018 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 2016-2018 fiscal biennium. Included in the above General Fund appropriation are sufficient funds to support 13 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.~~

~~(6) Louisville Waterfront Development Corporation: Included in the above General Fund appropriation is $420,000 in each fiscal year for the Louisville Waterfront Development Corporation. These funds shall be expended for projects or activities related to the benefit of Louisville Waterfront Park. The park area is contained within an area of approximately 85 acres, along a geographic corridor of over a mile, 500 to 800 feet from shore to its land-ward boundary.]~~

(7) Funding for Aerospace/Aviation and Exomedicine Research and Development: Notwithstanding KRS 154.20-410, any unallotted or unencumbered balances in the Kentucky Alternative Fuel and Renewable Energy Fund may be used to support research and development and commercialization activities undertaken by or in partnership with companies or not-for-profit organizations at a four-year public postsecondary institution in the areas of aerospace/aviation, Exomedicine, and other related activities as approved by the Cabinet for Economic Development.

~~[(8) Waterfront Botanical Gardens: Included in the above General Fund appropriation is $225,000 in each fiscal year for Botanica, Incorporated. These funds shall be expended for the projects or activities related to the benefit of the Louisville Waterfront Botanical Gardens. The botanical gardens shall encompass an area of 23 acres bounded by Frankfort Avenue to the east, River Road to the north, Beargrass Creek to the west, and Interstate 71 to the south, within the city limits of Louisville.]~~

C. DEPARTMENT OF EDUCATION

Budget Units

1. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK)

PROGRAM

	2016-17	2017-18
General Fund	3,035,747,400	3,024,776,100

(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 appropriation to the base SEEK Program is intended to provide a base guarantee of $3,981 per student in average daily attendance in fiscal year 2016-2017 and $3,981 per student in average daily attendance in fiscal year 2017-2018 as well as to meet the other requirements of 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. 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 pension liability.

(3) Base SEEK Allotments: Notwithstanding KRS 157.420(2), included in the above General Fund appropriation is $2,101,558,200 in fiscal year 2016-2017 and $2,089,985,500 in fiscal year 2017-2018 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.

(4) Tier I Component: Included in the above General Fund appropriation is $174,548,800 in fiscal year 2016-2017 and $170,111,400 in fiscal year 2017-2018 for the Tier I component as established by KRS 157.440.

(5) Vocational Transportation: Included in the above General Fund appropriation is $2,416,900 in each fiscal year for vocational transportation.

(6) Secondary Vocational Education: Included in the above General Fund appropriation is $22,881,900 in fiscal year 2016-2017 and $22,881,900 in fiscal year 2017-2018 to provide secondary vocational education in state-operated vocational schools.

(7) Teachers' Retirement System Employer Match: Included in the above General Fund appropriation is $388,817,000 in fiscal year 2016-2017 and $397,482,500 in fiscal year 2017-2018 to enable local school districts to provide the employer match for qualified employees as provided for by KRS 161.550.

(8) 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.

(9) 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.

(10) 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.

(11) Facilities Support Program of Kentucky/Equalized Nickel Levies: Included in the above General Fund appropriation is $80,109,500 in fiscal year 2016-2017 and $78,002,400 in fiscal year 2017-2018 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620.

(12) Growth Levy Equalization Funding: Included in the above General Fund appropriation is $17,234,200 in fiscal year 2016-2017 and $16,414,200 in fiscal year 2017-2018 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).

(13) Retroactive Equalized Facility Funding: Included in the above General Fund appropriation is $16,377,200 in fiscal year 2016-2017 and $15,973,300 in fiscal year 2017-2018 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 2016-2018 fiscal biennium, school districts that levied the tax rate subject to recall prior to January 1, 2014, shall be equalized at 100 percent of the calculated equalization funding, and school districts that levied the tax rate subject to recall after January 1, 2014, and before January 1, 2016, and began collecting the tax by fiscal year 2016-2017, shall be equalized at 25 percent of the calculated equalization funding in each fiscal year. It is the intent of the 2016 General Assembly that any local school district receiving partial equalization under this subsection in the 2016-2018 fiscal biennium shall receive full calculated equalization in the 2018-2020 fiscal biennium and thereafter.

(14) Equalized Facility Funding: Included in the above General Fund appropriation is $6,829,600 in fiscal year 2016-2017 and $6,658,300 in fiscal year 2017-2018 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).

(15) BRAC Equalized Facility Funding: Included in the above General Fund appropriation is $1,832,000 in fiscal year 2016-2017 and $1,764,100 in fiscal year 2017-2018 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.

(16) Equalization Funding for Critical Construction Needs Schools: Included in the above General Fund appropriation is $5,639,300 in fiscal year 2016-2017 and $5,532,800 in fiscal year 2017-2018 to school districts in accordance with 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Part I, C., 4., (18).

(17) Hold-Harmless Guarantee: A modified hold-harmless guarantee is established in fiscal biennium 2016-2018 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.

(18) Residential Youth-at-Risk Programs: In accordance with KRS 157.360, no funds from the SEEK Program shall be distributed to the programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs. Notwithstanding KRS 157.350, 157.360, 157.410, and any other statute to the contrary, any nonresident school district providing educational services to students enrolled in programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs shall be paid for those services from the General Fund appropriation in Part I, A., 8. of this Act.

(19) Additional SEEK Funding: If the General Fund appropriation contained in 2014 Ky. Acts ch. 117, Part I, C., 1. is not sufficient to fully fund the SEEK Program, including any adjustments pursuant to KRS 157.360 in fiscal year 2015-2016, or if the above General Fund appropriation is not sufficient to fully fund the SEEK Program, including any adjustments pursuant to KRS 157.360 in fiscal year 2016-2017 or fiscal year 2017-2018, the Kentucky Department of Education may request up to $10,000,000 in each fiscal year, which 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. OPERATIONS AND SUPPORT SERVICES

	2016-17	**2017-18**
General Fund	58,148,800	58,849,300

Restricted Funds	7,390,000	7,401,500
Federal Funds	328,954,900	328,966,400
TOTAL	394,493,700	395,217,200

(1) 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.

~~[(2) School Technology in Coal Counties: Notwithstanding KRS 42.4582 and 42.4585, included in the above General Fund appropriation is $1,750,000 in each fiscal year 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.]~~

(3) Debt Service: Included in the above General Fund appropriation is $578,000 in fiscal year 2016-2017 and $1,220,500 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) Blind/Deaf Residential Travel Program: Included in the above General Fund appropriation is $525,100 in each fiscal year for the Blind/Deaf Residential Travel Program.

(5) School Food Services: Included in the above General Fund appropriation is $3,646,200 in each fiscal year for the School Food Services Program.

(6) Review of the Classification of Primary and Secondary School Buildings: Included in the above General Fund appropriation is $2,000,000 in each fiscal year to implement KRS 157.420(9) and (10). Notwithstanding KRS 45.229, any portion of the $2,000,000 that has not been expended by the end of fiscal year 2016-2017 shall not lapse and shall carry forward into fiscal year 2017-2018. Notwithstanding KRS 157.420(9) and (10), only schools classified as A1, A2, A3, A4, A5, A6, C2, and D1 shall be included in the evaluation process. Notwithstanding KRS 157.420(9) and (10), the Department of Education may limit the school buildings included in the evaluation process based on the time elapsed since the building's construction or last major renovation as defined in 702 KAR 4:160. The Department of Education shall provide an updated list of school buildings evaluated by the process pursuant to KRS 157.420(9) and (10) to the Legislative Research Commission by October 1, 2017. The Department of Education shall also maintain and update this list and provide an updated list to the Legislative Research Commission by October 1 of each odd-numbered year.

3. LEARNING AND RESULTS SERVICES

	2016-17	**2017-18**
General Fund	1,037,639,100	1,039,225,600
Restricted Funds	26,752,500	26,787,400
Federal Funds	559,520,200	559,526,700
TOTAL	1,623,911,800	1,625,539,700

(1) 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.

(2) 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.

(3) Family Resource and Youth Services Centers: Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in fiscal year 2016-2017 and in fiscal year 2017-2018 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.

(4) Health Insurance: Included in the above General Fund appropriation is $694,800,000 in fiscal year 2016-2017 and $696,247,500 in fiscal year 2017-2018 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage.

(5) 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.

~~[(6) 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.]~~

(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) Locally Operated Vocational Programs: Notwithstanding KRS 157.069, the supplemental funding distribution shall include Category II and III programs in districts established after June 21, 2001, with state assistance, if approved by the Commissioner of Education.

(9) 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 continue to implement entrance age requirements for preschool in the 2016-2017 school year to align with the new school entrance age requirements pursuant to KRS 158.030.

(10) 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.

(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 four 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(8), for fiscal years 2016-2017 and 2017-2018, 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 $6,741,400 in fiscal year 2016-2017 and $6,755,500 in fiscal year 2017-2018 for the Kentucky School for the Blind and $9,916,500 in fiscal year 2016-2017 and $9,937,100 in fiscal year 2017-2018 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 2016-2018 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) $1,358,800 in each fiscal year for the Commonwealth School Improvement Fund;

(d) $1,936,400 in each fiscal year for the Community Education Program;

(e) $1,225,600 in each fiscal year for the Collaborative Center for Literacy Development;

(f) $424,100 in each fiscal year for the Elementary Arts and Humanities Program;

~~[(g) $225,700 in each fiscal year for the Every1 Reads Program;]~~

(h) $25,510,700 in each fiscal year for the Extended School Services Program;

(i) $52,148,300 in each fiscal year for the Family Resource and Youth Services Centers Program;

(j) $227,900 in each fiscal year for the Georgia Chaffee Teenage Parent Program;

(k) $6,622,300 in each fiscal year for the Gifted and Talented Program;

(l) $328,800 in each fiscal year for the Leadership and Mentor Fund;

(m) $1,483,700 in each fiscal year for the Local School District Life Insurance;

(n) $5,353,600 in each fiscal year for the Mathematics Achievement Fund;

(o) $339,200 in each fiscal year for the Middle School Academic Center;

(p) $90,113,200 in each fiscal year for the Preschool Program;

(q) $11,927,700 in each fiscal year for the Professional Development Program;

(r) $720,300 in each fiscal year for the Teacher's Professional Growth Fund;

(s) $16,999,000 in each fiscal year for the Read to Achieve Program;

(t) $10,378,300 in each fiscal year for the Safe Schools Program;

(u) $941,400 in each fiscal year for the Save the Children/Rural Literacy Program;

(v) $10,096,500 in each fiscal year for the State Agency Children Program;

(w) $1,400,800 in each fiscal year for the Teacher Academies Program;

(x) $16,700,000 in each fiscal year for Instructional Resources;

(y) $1,338,200 in each fiscal year for the Teacher Recruitment and Retention Program-Educator Quality and Diversity;

(z) $700,300 in each fiscal year for the Virtual Learning Program;

(aa) $534,300 in each fiscal year for the Writing Program;

(ab) $100,000 in each fiscal year for the Lexington Hearing and Speech Center,

(ac) $100,000 in each fiscal year for the Heuser Hearing and Language Academy;

(ad) $100,000 in each fiscal year for the Visually Impaired Preschool Services program;

(ae) $1,200,000 in each fiscal year for AdvanceKentucky; and

(af) $250,000 in each fiscal year for Teach for America.

(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 2016-2018 fiscal biennium.

(17) Transfer of State-Operated Secondary Vocational Education and Technology Centers: (a) Notwithstanding KRS 156.808, 156.812, 156.814, 156.816, 156.820, and 156.826, effective at the beginning of fiscal year 2016-2017, 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 156, 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 156. 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 156 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 Kentucky 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 2016-

2017. 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 2016-2017, 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 156 when a 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 156.820. A principal may be granted continuing status as a teacher, but the provisions relating to demotion under KRS 156.820(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 (SEEK) Program funds from the Kentucky Department of Education that are generated from students enrolled in the career and technical center.

(19) Preschool Education Program:~~[Notwithstanding 704 KAR 3:410(2), a child shall be considered eligible for enrollment in the preschool program if he or she is a resident of the school district, has reached the age of four by August 1 of the school year, and his or her family income is less than 200 percent of the federal poverty level. It is the intent of the General Assembly that the increase of preschool enrollment eligibility to 200 percent or less of the federal poverty level is a pilot program for the 2016-2018 fiscal biennium. Income thresholds for preschool program eligibility in future years shall be determined based on future program enrollment growth and available funding.]~~

Notwithstanding KRS 157.3175, $7,500,000 of preschool funding in each fiscal year shall be used to develop a grant program to incentivize cooperative, public-private partnerships between school districts and child care providers to develop full-day, high quality programs for children eligible for assistance from the Child Care Assistance Program to be administered by the Kentucky Department of Education. The Board of Education, the Department of Education, the Early Childhood Advisory Council, the Child Care Advisory Council, and the Cabinet for Health and Family Services shall work collaboratively to develop the incentive grant program.

(20) 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 fiscal year 2016-2017 without forfeiting the district's eligibility to participate in the School Facilities Construction Commission Program. Prior to August 1, 2016, the Kentucky Board of Education shall approve guidelines to be followed in considering such requests from local boards of education. Prior to December 15, 2016, the Kentucky Board of Education shall approve a recommendation to the General Assembly on the local school district use of capital funds in fiscal year 2017-2018, which shall be provided to the Interim Joint Committee on Appropriations and Revenue.

(21) Learning and Results Services Reporting: The Kentucky Board of Education shall prepare and submit an annual report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year detailing the use of funding and performance outcomes for the following programs: Every1 Reads Program, Georgia Chaffee Teenage Parent Program, Lexington Hearing and Speech Center, Heuser Hearing and Language Academy, Visually Impaired Preschool Services Program, and Teach for America.

TOTAL - DEPARTMENT OF EDUCATION

	2016-17	2017-18
General Fund	4,131,535,300	4,122,851,000
Restricted Funds	34,142,500	34,188,900
Federal Funds	888,475,100	888,493,100
TOTAL	5,054,152,900	5,045,533,000

D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2016-17	2017-18
General Fund	4,893,100	13,470,600
Restricted Funds	5,720,900	5,770,900
Federal Funds	2,589,900	2,589,900
TOTAL	13,203,900	21,831,400

(1) Debt Service: Included in the above General Fund appropriation is $8,543,000 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Governor's Scholars Program: Included in the above General Fund appropriation is $1,875,000 in fiscal year 2016-2017 and $1,875,900 in fiscal year 2017-2018 for the Governor's Scholars Program.

(3) Kentucky Center for Education and Workforce Statistics: Included in the above General Fund appropriation is $765,200 in fiscal year 2016-2017 and $775,000 in fiscal year 2017-2018 to support the Kentucky Center for Education and Workforce Statistics (KCEWS).

(4) Governor's School for Entrepreneurs: Included in the above General Fund appropriation is $200,200 in each year for the Governor's School for Entrepreneurs.

2. PROPRIETARY EDUCATION

	2016-17	2017-18
Restricted Funds	286,500	288,600

3. DEAF AND HARD OF HEARING

	2016-17	2017-18
General Fund	862,900	873,900
Restricted Funds	1,109,600	1,109,600
TOTAL	1,972,500	1,983,500

4. KENTUCKY EDUCATIONAL TELEVISION

	2016-17	2017-18
General Fund	13,814,300	13,923,200
Restricted Funds	1,451,000	1,451,000
TOTAL	15,265,300	15,374,200

5. ENVIRONMENTAL EDUCATION COUNCIL

	2016-17	2017-18
Restricted Funds	211,900	188,700

(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

	2016-17	2017-18
General Fund	5,898,900	5,943,700
Restricted Funds	1,983,500	1,981,100
Federal Funds	1,447,300	1,460,300
TOTAL	9,329,700	9,385,100

b. Direct Local Aid

	2016-17	2017-18
General Fund	7,058,100	7,058,100
Restricted Funds	592,200	592,200
Federal Funds	139,900	139,900
TOTAL	7,790,200	7,790,200

(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) Public Libraries Facilities Construction: Included in the above General Fund appropriation is a total of $4,329,600 in each fiscal year for the Public Libraries Facilities Construction Fund. Of that amount, $1,000,000 in each fiscal year is additional funding to assist local libraries with debt service payments for new library facilities and library improvements. 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 2016-2018 fiscal biennium.

TOTAL - LIBRARIES AND ARCHIVES

	2016-17	2017-18
General Fund	12,957,000	13,001,800
Restricted Funds	2,575,700	2,573,300
Federal Funds	1,587,200	1,600,200
TOTAL	17,119,900	17,175,300

7. OFFICE FOR THE BLIND

	2015-16	2016-17	2017-18
General Fund	-0-	1,424,800	1,438,700

Restricted Funds	900,000	1,477,600	1,482,300
Federal Funds	-0-	7,627,700	7,674,200
TOTAL	900,000	10,530,100	10,595,200

(1) Accessible Electronic Information Service Program: Included in the above General Fund appropriation is $36,400 in each fiscal year for the Accessible Electronic Information Service Program.

8. EMPLOYMENT AND TRAINING

	2016-17	**2017-18**
Restricted Funds	18,002,300	22,037,500
Federal Funds	689,594,500	694,504,400
TOTAL	707,596,800	716,541,900

(1) Unemployment Compensation Administration Fund: Notwithstanding KRS 341.240 and 341.295, funds from the Unemployment Compensation Administration Fund may be used each fiscal year to support the Wagner-Peyser program.

9. VOCATIONAL REHABILITATION

	2016-17	**2017-18**
General Fund	11,849,300	11,872,700
Restricted Funds	3,307,100	3,308,800
Federal Funds	45,767,800	45,855,700
TOTAL	60,924,200	61,037,200

10. EDUCATION PROFESSIONAL STANDARDS BOARD

	2016-17	**2017-18**
General Fund	6,819,400	6,839,300
Restricted Funds	1,352,800	1,353,100
Federal Funds	205,000	205,000
TOTAL	8,377,200	8,397,400

~~[(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 161.028(1)(q), the Education Professional Standards Board may use the funds generated from professional school personnel certification fees to support the operations of the 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

	2015-16	**2016-17**	**2017-18**
General Fund	-0-	52,620,800	61,420,200
Restricted Funds	900,000	35,495,400	39,563,800
Federal Funds	-0-	747,372,100	752,429,400
TOTAL	900,000	835,488,300	853,413,400

E. ENERGY AND ENVIRONMENT CABINET

Budget Units

1. SECRETARY

	2016-17	2017-18
General Fund	3,029,300	3,059,400
Restricted Funds	2,021,000	1,967,900
Federal Funds	810,900	856,300
TOTAL	5,861,200	5,883,600

(1) Administrative Support: Notwithstanding KRS 224.60-130, 224.60-140, and 224.60-145, the Secretary may use Restricted Funds to support the Environmental Quality Commission. The use of these funds shall not exceed $225,100 in fiscal year 2016-2017 and $233,600 in fiscal year 2017-2018.

2. ENVIRONMENTAL PROTECTION

	2016-17	2017-18
General Fund	22,877,100	22,479,100
Restricted Funds	71,968,800	71,301,000
Federal Funds	24,331,900	24,052,900
Road Fund	320,900	320,900
TOTAL	119,498,700	118,153,900

(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 $9,000 in fiscal year 2016-2017 and $180,500 in fiscal year 2017-2018 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.

(4) Equipment and Maintenance: Included in the above General Fund appropriation is $350,000 in fiscal year 2016-2017 for the relocation of the Department for Environmental Protection's laboratory equipment to the new state office building on Sower Boulevard and $550,000 in fiscal year 2016-2017 for the construction of a maintenance and equipment garage on Sower Boulevard to house the Cabinet's machinery and equipment.

3. NATURAL RESOURCES

	2016-17	2017-18
General Fund (Tobacco)	5,000,000	5,000,000
General Fund	32,330,000	32,632,200
Restricted Funds	14,844,800	14,657,900
Federal Funds	48,521,700	45,758,500
TOTAL	100,696,500	98,048,600

(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 351.140, the number of mandatory mine safety inspections to be carried out by the Division of Mine Safety shall be equal to the number of mine safety inspections required annually by the Mine Safety and Health Administration, with one of these general inspections being a complete electrical

inspection. The Energy and Environment Cabinet shall take no action that would diminish the requirement that a trained mine rescue team be within 60 minutes of every underground mine licensed by the Department for Natural Resources as required by KRS 351.191.

(3) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is $5,000,000 in fiscal year 2016-2017 and $5,000,000 in fiscal year 2017-2018 for the Environmental Stewardship Program.

~~[(4) Conservation Districts: Included in the above General Fund appropriation is $907,300 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts.~~

~~(5) 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.]~~

4. ENERGY DEVELOPMENT AND INDEPENDENCE

	2016-17	**2017-18**
General Fund	1,241,200	1,249,200
Restricted Funds	1,412,400	1,103,600
Federal Funds	762,400	582,000
TOTAL	3,416,000	2,934,800

5. KENTUCKY NATURE PRESERVES COMMISSION

	2016-17	**2017-18**
General Fund	1,050,000	1,061,500
Restricted Funds	336,900	288,600
Federal Funds	39,000	39,000
TOTAL	1,425,900	1,389,100

6. PUBLIC SERVICE COMMISSION

	2016-17	**2017-18**
General Fund	16,498,900	16,582,600
Restricted Funds	200,000	200,000
Federal Funds	444,400	445,100
TOTAL	17,143,300	17,227,700

(1) Debt Service: Included in the above General Fund appropriation is $474,000 in each fiscal year for debt service for previously issued bonds.

(2) Lapse of General Fund Appropriation Balance: Notwithstanding KRS 278.150(3), $7,068,000 in fiscal year 2016-2017 and $7,068,000 in fiscal year 2017-2018 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

	2016-17	**2017-18**
General Fund (Tobacco)	5,000,000	5,000,000

General Fund	77,026,500	77,064,000
Restricted Funds	90,783,900	89,519,000
Federal Funds	74,910,300	71,733,800
Road Fund	320,900	320,900
TOTAL	248,041,600	243,637,700

F. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2016-17	2017-18
General Fund	9,405,200	13,575,300
Restricted Funds	32,431,600	32,638,200
Road Fund	445,100	448,100
TOTAL	42,281,900	46,661,600

(1) Debt Service: Included in the above General Fund appropriation is $2,563,500 in fiscal year 2016-2017 and $6,662,000 in fiscal year 2017-2018 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) Lexington Convention Center Project: Prior to any further investment by the General Assembly in the Lexington Convention Center project, the Lexington-Fayette Urban County Government shall remit to the Commonwealth a payment of $2,187,500 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 project.

(4) Performance Review of State Motor Vehicle Fleet: The Secretary of the Finance and Administration Cabinet shall conduct a performance review of the state motor vehicle fleet, which shall include evaluation of vehicle fleet demand, operations, maintenance, procurement, replacement rate, and utilization. The performance review shall be submitted to the Interim Joint Committee on Appropriations and Revenue by December 1, 2016.

2. CONTROLLER

	2016-17	2017-18
General Fund	5,848,700	5,893,900
Restricted Funds	11,342,200	11,521,200
TOTAL	17,190,900	17,415,100

(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

	2016-17	2017-18
General Fund (Tobacco)	26,985,300	26,667,700
General Fund	423,105,900	469,749,500
TOTAL	450,091,200	496,417,200

(1) General Fund (Tobacco) Debt Service Lapse: Notwithstanding Part X, (4) of this Act, $2,151,400 in fiscal year 2016-2017 and $2,218,000 in fiscal year 2017-2018 shall lapse.

4. FACILITIES AND SUPPORT SERVICES

	2016-17	2017-18
General Fund	5,396,200	6,072,800
Restricted Funds	47,577,600	45,547,000
TOTAL	52,973,800	51,619,800

(1) Debt Service: Included in the above General Fund appropriation is $151,000 in fiscal year 2016-2017 and $775,500 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. COUNTY COSTS

	2016-17	2017-18
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

	2016-17	2017-18
Restricted Funds	130,856,000	128,376,100
Federal Funds	1,262,800	1,262,800
TOTAL	132,118,800	129,638,900

(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

	2016-17	2017-18
General Fund (Tobacco)	250,000	250,000
General Fund	90,164,700	90,756,400
Restricted Funds	12,533,000	12,660,600
Road Fund	3,078,000	3,097,800
TOTAL	106,025,700	106,764,800

(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

	2016-17	2017-18
General Fund	46,644,700	47,600,200
Restricted Funds	4,690,000	4,690,000

TOTAL	51,334,700	52,290,200

(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

	2016-17	**2017-18**
General Fund (Tobacco)	27,235,300	26,917,700
General Fund	596,462,400	649,545,100
Restricted Funds	241,132,900	237,135,600
Federal Funds	1,262,800	1,262,800
Road Fund	3,523,100	3,545,900
TOTAL	869,616,500	918,407,100

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2016-17	**2017-18**
General Fund	30,506,000	31,052,200
Restricted Funds	16,961,500	16,550,400
Federal Funds	42,460,600	42,710,300
TOTAL	89,928,100	90,312,900

(1) Debt Service: Included in the above General Fund appropriation is $101,500 in fiscal year 2016-2017 and $304,500 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) Human Services Transportation Delivery: Notwithstanding KRS 281.010, the Kentucky Works Program shall not participate in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee.

(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, Family Resource Centers and Volunteer Services, Department for Aging and Independent Living, 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 2016-2017 and 2017-2018 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

	2016-17	**2017-18**
General Fund	5,711,100	5,824,800
Restricted Funds	9,587,500	9,864,900
Federal Funds	4,566,100	4,566,100
TOTAL	19,864,700	20,255,800

3. MEDICAID SERVICES

a. Medicaid Administration

	2016-17	2017-18
General Fund	41,085,800	40,549,800
Restricted Funds	16,012,300	16,012,300
Federal Funds	155,521,100	156,843,800
TOTAL	212,619,200	213,405,900

(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.

(3) Eligibility and Enrollment System Operation and Maintenance: Included in the above appropriation is $5,610,700 in Restricted Funds and $11,527,200 in Federal Funds in each fiscal year for the Medicaid Eligibility and Enrollment System operations and maintenance.

b. Medicaid Benefits

	2015-16	2016-17	2017-18
General Fund	-0-	1,745,721,900	1,945,430,200
Restricted Funds	109,379,600	532,959,500	547,620,200
Federal Funds	-0-	8,299,738,200	8,586,627,900
TOTAL	109,379,600	10,578,419,600	11,079,678,300

(1) Medicaid and KCHIP Premiums and Cost-Sharing: Notwithstanding KRS 205.6312 and 205.6485(1)(c), the Department for Medicaid Services may utilize premiums and cost-sharing for services rendered to Medicaid and KCHIP recipients not to exceed amounts permitted by federal law or waivers. KCHIP premiums are suspended for the 2016-2018 biennium.

(2) Disproportionate Share Hospital (DSH) 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 205.640 and 205.641, the disproportionate share factor for hospitals in fiscal years 2016-2017 and 2017-2018 shall be the same disproportionate share factor for hospitals that was established as the final fiscal year 2013-2014 disproportionate share factor. The final fiscal year 2013-2014 disproportionate share factor shall account for all corrected data submitted by a hospital by June 30, 2014. If a hospital's corrected data submitted by June 30,

2014, was not included in the final disproportionate share factor used to make disproportionate share hospital payments in fiscal years 2014-2015 and 2015-2016, a one-time catch-up payment shall be made in fiscal year 2016-2017 by:

(a) Calculating the dollar difference between the hospital's total disproportionate share hospital payments received in fiscal years 2014-2015 and 2015-2016 and the amount the hospital would have received if the corrected data had been included; and

(b) Reducing the final indigent care factor for all remaining hospitals in fiscal year 2016-2017 by a uniform percentage to yield the amount of the catch-up payment.

In the interim, the hospitals shall work with the Cabinet for Health and Family Services to develop or select a method for determining the hospital share factor based upon the Centers for Medicare and Medicaid Services' revised rules for the Disproportionate Share Hospital Program and data from the federal Medicaid DSH Audit Survey. The hospitals and the Cabinet for Health and Family Services shall provide a report to the Interim Joint Committee on Health and Welfare on the proposed new method for determining the hospital share factor on a quarterly basis beginning with the first quarter of fiscal year 2016-2017; and shall finalize the development and selection of a method for determining the hospital share factor and submit a final report to the Interim Joint Committee on Health and Welfare by December 31, 2017.

(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, 2018, 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, 2016, with the Kentucky State Office of Rural Health requesting funding for conducting a feasibility study.

(10) 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.

(11) 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.

(12) 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 - 41 additional slots in fiscal year 2016-2017 and 130 additional slots in fiscal year 2017-2018 for a total of 171 new slots added over the 2016-2018 fiscal biennium;

(b) Acquired Brain Injury - 8 additional long-term care slots in each fiscal year for a total of 16 new slots added over the 2016-2018 fiscal biennium; and

(c) Michelle P - 83 additional slots in fiscal year 2016-2017 and 166 additional slots in fiscal year 2017-2018 for a total of 249 new slots added over the 2016-2018 fiscal biennium.

(13) 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.

~~[(14) Evaluation of Indigent Care: The Cabinet for Health and Family Services shall 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 shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year. The report shall include but not be limited to the number of individuals served, demographic characteristics of the individuals served, the number of individuals served from Jefferson County and the surrounding counties including out-of-state locations, the health insurance status of the individuals served, the cost of the program, and the amount of financial support for the program provided by the Louisville Metro Government.]~~

(15) Adult Day Health Services Reimbursement Rates: Included in the above appropriation are the necessary funds to implement the reimbursement rates for adult day health services as prescribed in 907 KAR 7:015 effective July 1, 2016.

TOTAL - MEDICAID SERVICES

	2015-16	2016-17	2017-18
General Fund	-0-	1,786,807,700	1,985,980,000
Restricted Funds	109,379,600	548,971,800	563,632,500
Federal Funds	-0-	8,455,259,300	8,743,471,700
TOTAL	109,379,600	10,791,038,800	11,293,084,200

4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES

	2016-17	2017-18
General Fund (Tobacco)	891,400	891,400
General Fund	180,368,200	180,833,900
Restricted Funds	209,398,300	209,706,700
Federal Funds	40,215,900	40,232,000
TOTAL	430,873,800	431,664,000

(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 $11,257,800 in each fiscal year 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) Debt Service: Included in the above General Fund appropriation is $19,500 in fiscal year 2016-2017 and $228,000 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) 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. 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.

~~[(6) Arc of Kentucky: Included in the above General Fund appropriation is $200,000 in each fiscal year to support the operations of the Arc of Kentucky.]~~

5. PUBLIC HEALTH

	2016-17	2017-18
General Fund (Tobacco)	13,933,100	14,168,100
General Fund	73,703,400	74,548,200
Restricted Funds	85,262,900	85,680,900
Federal Funds	188,417,600	187,879,400
TOTAL	361,317,000	362,276,600

(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 the 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 $2,353,100 in fiscal year 2016-2017 and $2,588,100 in fiscal year 2017-2018 for Smoking Cessation.

(2) Local and District Health Department Retirement Cost Increase: Included in the above General Fund appropriation is a total of $26,390,900 in fiscal year 2016-2017 and $27,087,600 in fiscal year 2017-2018 for Local and District Health Departments to assist them with employer contributions for the Kentucky Employees Retirement System. 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) 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.

~~[(4) Kentucky Lung Cancer Education, Awareness, Detection, and Survivorship Collaborative (Kentucky LEADS): Included in the above General Fund appropriation is $10,000 in each fiscal year for the Kentucky LEADS Collaborative to support lung cancer care and control research.]~~

(5) Norton Kosair Children's Hospital Poison Control Center: Included in the above General Fund appropriation is $729,000 in each fiscal year to support the poison control center activities.

~~[(6) Kentucky Colon Cancer Screening Program: Included in the above General Fund appropriation is $500,000 in each fiscal year for the Kentucky Colon Cancer Screening Program. The Department for Public Health shall submit a report on the outcomes of the program including but not limited to the number of individuals screened, the demographic characteristics of the individuals screened, the health insurance status of the individuals screened, and the types of colon cancer screening tests performed under the program to the Interim Joint Committee on Health and Welfare by September 1 of each fiscal year.~~

~~(7) Breast and Cervical Cancer Screening Program: Included in the above General Fund appropriation is $1,000,000 in fiscal year 2017-2018 for the Kentucky Cancer Program to increase the number of women receiving breast and cervical cancer screenings. The Department for Public Health shall provide a report on the outcomes of the program including but not limited to the number of individuals screened, the demographic characteristics of the individuals screened, the health insurance status of the individuals screened, and the cost of the program to the Interim Joint Committee on Health and Welfare by September 1 of each fiscal year.]~~

6. HEALTH POLICY

	2016-17	**2017-18**
General Fund	437,400	441,500
Restricted Funds	818,600	818,600
Federal Funds	1,511,100	1,013,100
TOTAL	2,767,100	2,273,200

7. FAMILY RESOURCE CENTERS AND VOLUNTEER SERVICES

	2016-17	**2017-18**
General Fund	1,402,300	1,412,600
Federal Funds	4,869,100	4,869,100
TOTAL	6,271,400	6,281,700

8. INCOME SUPPORT

	2016-17	**2017-18**
General Fund	7,635,600	7,635,600
Restricted Funds	16,130,800	16,130,800

Federal Funds	83,226,700	84,968,900
TOTAL	106,993,100	108,735,300

9. COMMUNITY BASED SERVICES

	2015-16	2016-17	2017-18
General Fund (Tobacco)	2,046,600	6,668,400	8,894,700
General Fund	-0-	383,005,000	384,035,000
Restricted Funds	-0-	155,293,900	156,517,300
Federal Funds	-0-	514,443,900	519,023,000
TOTAL	2,046,600	1,059,411,200	1,068,470,000

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is $2,046,600 in fiscal year 2015-2016 for the Early Childhood Development Program. The $2,046,600 shall not be expended in fiscal year 2015-2016, and shall continue into fiscal year 2016-2017. Included in the above General Fund (Tobacco) appropriation is $6,668,400 in fiscal year 2016-2017 and $8,894,700 in fiscal year 2017-2018 for the Early Childhood Development Program.

(2) Contracted Entities Retirement Cost Increase: Included in the above General Fund appropriation is $1,536,200 in fiscal year 2016-2017 and $1,598,800 in fiscal year 2017-2018 for domestic violence shelters, rape crisis centers, and child advocacy centers to fully fund the increase in employer contribution rates for the Kentucky Employees Retirement System. In the interim, the contracted entities shall evaluate the feasibility of continued participation in the Kentucky Employees Retirement System as provided in KRS 61.522.

(3) 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.

(4) Domestic Violence Shelters: Included in the above General Fund appropriation is $250,000 in each fiscal year for operational costs.

(5) Rape Crisis Centers: Included in the above General Fund appropriation is $250,000 in each fiscal year for operational costs.

~~[(6) Dually-licensed Pediatric Facilities: Included in the above General Fund appropriation is $550,000 in each fiscal year to provide supplemental payments to dually-licensed pediatric facilities for emergency shelter services for children.]~~

(7) Child Care Assistance Program: Included in the above General Fund appropriation is $10,600,000 in each fiscal year to provide services to families at or below 160 percent of the federal poverty level as determined annually by the U.S. Department of Health and Human Services.

(8) Foster Home Rate Equity: Included in the above General Fund appropriation is $1,600,000 in each fiscal year to increase reimbursement rates for foster care family providers effective July 1, 2016.

(9) Family Dependent Exchange and Visitation Services: Included in the above General Fund appropriation is $50,000 in each fiscal year to continue family dependent exchange and visitation services primarily in Jefferson County and surrounding Kentucky counties.

~~[(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.]~~

(11) benefind Information Technology System Implementation: In order to comply with state and federal regulations and to deliver necessary services to eligible individuals, costs as may be necessary for the roll out, implementation, and operation of the benefind eligibility and enrollment system in fiscal years 2015-2016, 2016-2017, and 2017-2018 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).

10. AGING AND INDEPENDENT LIVING

	2016-17	2017-18
General Fund	42,583,200	42,716,800
Restricted Funds	3,184,400	3,184,400

Federal Funds	24,829,300	24,829,300
TOTAL	70,596,900	70,730,500

(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 2015-2016. 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 compliance.

(2) Home Health Services Presumptive Eligibility Pilot Program: Subject to the availability of funds, the Cabinet for Health and Family Services shall develop and implement a pilot program for the early assessment of a Medicaid applicant's functional and financial eligibility for home health services upon discharge from a hospital or institutional setting as provided in KRS 205.528. The Department for Aging and Independent Living shall submit a report containing the results of the pilot program including but not limited to the number of participants, average time for a participant to transition from an institutional setting to a home or community setting, and the cost of the pilot program to the Interim Joint Committee on Health and Welfare by June 1 of each fiscal year.

11. HEALTH BENEFIT AND INFORMATION EXCHANGE

	2016-17	**2017-18**
Restricted Funds	20,370,100	8,186,800
Federal Funds	22,658,500	9,227,000
TOTAL	43,028,600	17,413,800

(1) Kentucky Access Fund: Notwithstanding KRS 304.17B-021, excess Restricted Funds in the amount of $23,800,000 in fiscal year 2015-2016 shall be transferred to the Department for Medicaid Services from the Kentucky Access Fund. Any excess Restricted Funds not needed for the operations, maintenance, or transition cost for the Health Benefit Exchange in fiscal year 2016-2017 and fiscal year 2017-2018 shall be transferred from the Kentucky Access Fund to the Department for Medicaid Services.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	2,046,600	21,492,900	23,954,200
General Fund	-0-	2,512,159,900	2,714,480,600
Restricted Funds	109,379,600	1,065,979,800	1,070,273,300
Federal Funds	-0-	9,382,458,100	9,662,789,900
TOTAL	111,426,200	12,982,090,700	13,471,498,000

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. JUSTICE ADMINISTRATION

	2016-17	**2017-18**
General Fund (Tobacco)	1,609,100	1,769,800
General Fund	30,312,800	30,999,800
Restricted Funds	1,554,500	1,493,000
Federal Funds	21,172,100	21,178,700
TOTAL	54,648,500	55,441,300

(1) Operation Unite: Included in the above General Fund appropriation is $2,000,000 in each fiscal year from the Local Government Economic Development Fund for the Operation Unite program.

(2) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is $1,609,100 in fiscal year 2016-2017 and $1,769,800 in fiscal year 2017-2018 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 $297,800 in each fiscal year for the operation of the Madisonville Medical Examiner's Office.~~[The Office shall not be relocated or closed during the 2016-2018 fiscal biennium.]~~ The Justice and Public Safety Cabinet shall conduct a study to determine the feasibility of relocating the Madisonville Medical Examiner's Office to another location in western Kentucky. The basis of the study shall include analyzing a more efficient location that increases the likelihood of obtaining the necessary workforce to eliminate the need for using personnel from other medical examiner offices. The study shall take into consideration the new location's ability to meet the demands of western Kentucky without a reduction in services. The Cabinet shall finalize and report this study to the House and Senate Standing Committees on Appropriations and Revenue by January 15, 2017.

~~[(5) Public Safety First Programs: Included in the appropriations for the Justice and Public Safety Cabinet is $1,001,000 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.~~

~~(6) Access to Justice: Included in the above General Fund appropriation is $682,500 in each fiscal year to support the Access to Justice Program.]~~

(7) Court Appointed Special Advocate Funding: Included in the above General Fund appropriation is $1,500,000 in each fiscal year for grants to support Court Appointed Special Advocate Funding (CASA) programs.~~[~~ ~~The funds shall be distributed as follows:~~

~~(a) 80 percent of the funding provided shall be distributed to local CASA programs to expand services in existing programs and establish new programs in unserved counties. Existing programs shall provide a 20 percent match of non-grant funds. Newly formed programs shall provide a 10 percent match of non-grant funds;~~

~~(b) 10 percent of the funding provided shall be used to establish the grant application process; and~~

~~(c) 10 percent of the funding provided shall be provided to the Kentucky CASA Network to fulfill statutory duties as provided in KRS 620.500 to 620.550 and to assist the Office of the Attorney General with monitoring grant compliance.]~~

2. CRIMINAL JUSTICE TRAINING

	2015-16	2016-17	2017-18
Restricted Funds	-0-	72,721,600	69,149,600
Federal Funds	47,600	249,500	260,000
TOTAL	47,600	72,971,100	69,409,600

(1) Kentucky Law Enforcement Foundation Program Fund: Included in the above Restricted Funds appropriation is $68,278,500 in fiscal year 2016-2017 and $65,600,900 in fiscal year 2017-2018 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 $4,000 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), 15.460(1), and 15.470(2) and (4), included in the above Restricted Funds appropriation is sufficient funding for a $4,000 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, Kentucky vehicle enforcement officers, Horse Park mounted patrol officers, Parks rangers, Agriculture investigators, Charitable Gaming investigators, Alcoholic Beverage Control investigators, Insurance Fraud investigators, School Resource Officers, and Attorney General investigators from the Kentucky Law Enforcement Foundation Program Fund.

(4) Support for Statewide Law Enforcement Purposes: Notwithstanding KRS 15.470, included in the above Restricted Funds appropriation is $2,000,000 in fiscal year 2016-2017 and $2,350,000 in fiscal year 2017-2018 to be transferred to law enforcement capital projects for the State Police as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 15.470, included in the above Restricted Funds appropriation is $3,039,900 in fiscal

year 2016-2017 and $3,039,800 in fiscal year 2017-2018 to be transferred to the State Police for law enforcement purposes.

3. JUVENILE JUSTICE

	2015-16	2016-17	2017-18
General Fund	-0-	85,770,200	86,488,700
Restricted Funds	1,795,100	13,559,400	13,651,000
Federal Funds	-0-	12,226,500	12,323,400
TOTAL	1,795,100	111,556,100	112,463,100

4. STATE POLICE

	2015-16	2016-17	2017-18
General Fund	-0-	95,577,600	99,030,600
Restricted Funds	4,500,000	28,458,800	28,668,600
Federal Funds	-0-	11,764,400	11,801,000
Road Fund	-0-	87,676,700	88,596,700
TOTAL	4,500,000	223,477,500	228,096,900

(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 $4,000 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) Commercial Vehicle Enforcement Candidacy Study: The Kentucky State Police shall conduct a study to determine an efficient and direct method by which Commercial Vehicle Enforcement Officers may be commissioned as Kentucky state troopers who are recognized by all state government entities as having the same status held by any present and future State Police troopers. This study shall be accessible to all Commercial Vehicle Enforcement Officers and shall be made known to all present and future Commercial Vehicle Enforcement Officers. This study shall be submitted to the House and Senate Standing Committees on Judiciary by January 15, 2017.

5. CORRECTIONS

a. Corrections Management

	2016-17	2017-18
General Fund	9,335,300	9,404,900
Restricted Funds	300,000	300,000
Federal Funds	75,000	75,000
TOTAL	9,710,300	9,779,900

(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 with mental illness who reside in detention centers. 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 deemed mentally ill who are incarcerated or in detention.

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.

(3) Local Correctional Facilities, Reimbursement of Design Fees for Architectural and Engineering Services: In accordance with the provisions of KRS 441.420(3), the Department of Corrections shall pay unreimbursed fees and costs for architectural plans and engineering services associated with any new local correctional facility that was approved by the Local Correctional Facilities Construction Authority on or before January 1, 2016. A jurisdiction shall certify to the Department the amount of such fees and costs for which reimbursement is sought, and the amounts requested 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). Notwithstanding KRS 441.420, no county jail construction projects approved by the Local Correctional Facilities Construction Authority after January 1, 2016, shall qualify for reimbursement from the Department of Corrections.

b. Adult Correctional Institutions

	2015-16	2016-17	2017-18
General Fund	15,800,000	270,456,700	271,096,300
Restricted Funds	-0-	17,454,400	17,459,700
Federal Funds	-0-	521,500	521,500
TOTAL	15,800,000	288,432,600	289,077,500

(1) Debt Service: Included in the above General Fund appropriation is $252,500 in fiscal year 2016-2017 and $926,500 in fiscal year 2017-2018 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) 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

	2016-17	2017-18
General Fund	202,325,300	205,363,200
Restricted Funds	6,200,000	3,000,000
Federal Funds	695,500	695,500
TOTAL	209,220,800	209,058,700

(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 $5,333,200 in fiscal year 2016-2017 and $2,000,000 in fiscal year 2017-2018 shall be expended from the Kentucky Local Correctional Facilities Construction Authority for local correctional facility and operational support.

~~[(3) Parole for Infirm Inmates: (a) The Commissioner of the Department of Corrections shall certify and notify the Parole Board when a prisoner meets the requirements of paragraph (c) of this subsection for parole.~~

~~(b) Notwithstanding any statute to the contrary, within 30 days of receiving notification as prescribed by paragraph (a) of this subsection, the Parole Board shall grant parole.~~

~~(c) A prisoner who has been determined by the Department of Corrections to be physically or mentally debilitated, incapacitated, or infirm as a result of advanced age, chronic illness, disease, or any other qualifying criteria that constitutes an infirm prisoner shall be eligible for parole if:~~

~~1. The prisoner was not convicted of a capital offense and sentenced to death or was not convicted of a sex crime as defined in KRS 17.500;~~

~~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.~~

~~(d) Unless a new offense is committed that results in a new conviction subsequent to a prisoner being paroled, paroled prisoners shall not be considered to be under the custody of the state in any way.~~

~~(e) Prisoners paroled under this subsection shall be paroled to a licensed long-term care facility in the Commonwealth.~~

~~(f) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide all needed assistance and support in seeking and securing approval from the United States Department of Health and Human Services for federal assistance, including Medicaid funds, for the provision of long-term care services to those eligible for parole under paragraph (c) of this subsection.~~

~~(g) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall have the authority to contract with community providers that meet the requirements of paragraph (f) and that are willing to house any inmates deemed to meet the requirements of this section so long as contracted rates do not exceed current expenditures related to the provisions of this section.~~

~~(h) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet are encouraged to corroborate with other states that are engaged in similar efforts so as to achieve the mandates of this section.~~

~~(i) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide a report to the Interim Joint Committee on Appropriations and Revenue by December 15 of each fiscal year concerning these provisions. 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.]~~

(4) Participation in Transparent Governing - Full Disclosure of Inmate Population Forecasts and Related Materials: The Office of State Budget Director shall provide the methodology, assumptions, data, and all other related materials used to project biennial offender population forecasts conducted by the Office of State Budget Director, the Kentucky Department of Corrections, and any consulting firms, to the Interim Joint Committee on Appropriations and Revenue by November 1, 2017. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2018-2020 fiscal biennium and must coincide with the budgeted amount for these populations. This submission shall clearly divulge the methodology and reasoning behind the budgeted and projected offender population in a commitment to participate in transparent governing.

(5) Participation in Transparent Governing - Calculating Avoided Costs Relating to Legislative Action: The Office of State Budget Director shall provide the methodology, assumptions, data, and all other related materials used to calculate any avoided costs pursuant to the implementation of 2011 Ky. Acts ch. 2 by November 1,

2017. This submission shall clearly divulge the methodology and reasoning behind the projected costs avoided in a commitment to participate in transparent governing.

~~[(6) Management of the State Inmate Population: Pursuant to KRS 197.505(1), if upon review the Secretary of the Justice and Public Safety Cabinet finds that there is overpopulation of state inmates in county jails, and that overpopulation exposes the Commonwealth to litigation as a result, the Justice and Public Safety Cabinet may increase the number of beds available by recommissioning privately operated correctional facilities located in Wheelwright, St. Mary's, and Beattyville, which are currently being maintained and are on standby for use. The number of inmates transitioned to state privately operated facilities may be phased in over the 2016-2018 fiscal biennium. The Cabinet shall provide a written report to the Interim Joint Committee on Appropriations and Revenue by the end of each fiscal quarter that details the number of inmates transitioned to state privately operated facilities. In the event that any contractual payments exceed the amounts that would be provided to support state felons in county jails for each fiscal year, the payments shall be deemed a necessary government expense and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). The Commonwealth shall hold these privately operated facilities to the highest ethical standards, and any instances of abuse shall be reported to the Secretary of the Justice and Public Safety Cabinet.]~~

d. Local Jail Support

	2016-17	2017-18
General Fund	16,712,300	16,712,300

(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) In each fiscal year, 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: Notwithstanding KRS 196.288(5)(a), included in the above General Fund appropriation is $4,917,600 in each fiscal year for the Local Corrections Assistance Fund.

(3) Life Safety or Closed Jails: Included in the above General Fund appropriation is $873,600 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 $847,200 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 $873,600 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

	2015-16	2016-17	2017-18
General Fund	15,800,000	498,829,600	502,576,700
Restricted Funds	-0-	23,954,400	20,759,700
Federal Funds	-0-	1,292,000	1,292,000
TOTAL	15,800,000	524,076,000	524,628,400

6. PUBLIC ADVOCACY

	2015-16	2016-17	2017-18
General Fund	377,500	49,987,800	50,399,300
Restricted Funds	-0-	2,855,200	2,716,100

Federal Funds	937,100	2,004,800	1,962,900
TOTAL	1,314,600	54,847,800	55,078,300

(1) Compensatory Leave Conversion to Sick Leave: If the Department for 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.

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	-0-	1,609,100	1,769,800
General Fund	16,177,500	760,478,000	769,495,100
Restricted Funds	6,295,100	143,103,900	136,438,000
Federal Funds	984,700	48,709,300	48,818,000
Road Fund	-0-	87,676,700	88,596,700
TOTAL	23,457,300	1,041,577,000	1,045,117,600

I. LABOR CABINET

Budget Units

1. SECRETARY

	2016-17	**2017-18**
Restricted Funds	4,596,900	4,640,700
Federal Funds	139,800	139,800
TOTAL	4,736,700	4,780,500

2. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2016-17	**2017-18**
General Fund	3,193,600	3,219,000
Restricted Funds	3,106,100	3,111,000
Federal Funds	73,400	73,400
TOTAL	6,373,100	6,403,400

3. WORKPLACE STANDARDS

	2016-17	**2017-18**
General Fund	2,007,400	2,025,300
Restricted Funds	81,774,200	83,865,900
Federal Funds	3,436,300	3,436,300
TOTAL	87,217,900	89,327,500

(1) Apprenticeship Program: Included in the above General Fund appropriation is an additional $250,000 in each fiscal year for the Apprenticeship Program.

4. WORKERS' CLAIMS

	2016-17	**2017-18**
Restricted Funds	18,876,000	19,040,800

5. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	2016-17	**2017-18**

Restricted Funds	806,500	813,100

6. WORKERS' COMPENSATION FUNDING COMMISSION

	2016-17	**2017-18**
Restricted Funds	115,325,100	117,379,800

TOTAL - LABOR CABINET

	2016-17	**2017-18**
General Fund	5,201,000	5,244,300
Restricted Funds	224,484,800	228,851,300
Federal Funds	3,649,500	3,649,500
TOTAL	233,335,300	237,745,100

J. PERSONNEL CABINET

Budget Units

1. GENERAL OPERATIONS

	2016-17	**2017-18**
Restricted Funds	29,586,000	30,320,800

(1) Pro Rata Assessment: Included in the above Restricted Funds appropriation is $2,692,600 in each fiscal year are funds to be transferred to the General Fund to support debt service on bonds previously issued for the Kentucky Human Resources Information System.

~~[(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 projects 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, 2017.~~

~~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, 2016, 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, 2017.~~

~~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

	2016-17	2017-18
Restricted Funds	9,315,500	9,340,700

3. WORKERS' COMPENSATION BENEFITS AND RESERVE

	2016-17	2017-18
Restricted Funds	25,280,300	26,328,600

4. STATE GROUP HEALTH INSURANCE FUND

	2016-17	2017-18
General Fund	873,200	873,200

(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

	2016-17	2017-18
General Fund	873,200	873,200
Restricted Funds	64,181,800	65,990,100
TOTAL	65,055,000	66,863,300

K. POSTSECONDARY EDUCATION

Budget Units

1. COUNCIL ON POSTSECONDARY EDUCATION

	2016-17	2017-18
General Fund (Tobacco)	4,706,100	5,176,100
General Fund	41,226,200	41,268,000
Restricted Funds	5,041,000	5,045,100
Federal Funds	18,102,500	18,102,500
TOTAL	69,075,800	69,591,700

(1) Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2015-2016 and fiscal year 2016-2017 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 2015-2016 and fiscal year 2016-2017 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) Lung Cancer Research Fund: Included in the above General Fund (Tobacco) appropriation is $4,706,100 in fiscal year 2016-2017 and $5,176,100 in fiscal year 2017-2018 for the Lung Cancer Research Fund.

(4) Ovarian Cancer: Notwithstanding KRS 164.476(1), General Fund (Tobacco) moneys in the amount of $800,000 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.

(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) Adult Education: Included in the above General Fund appropriation are funds in each fiscal year for the Kentucky Adult Education Funding Program.

(7) Contract Spaces: Included in the above General Fund appropriation is $5,680,100 in each fiscal year for the Contract Spaces Program.

~~[(8) 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.]~~

(9) 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.]~~ Existing contract spaces awarded to students who entered a college of optometry in the 2015-2016 academic year or prior academic years shall be honored and renewed. For the 2016-2017 academic year, students that have been offered slots at colleges with existing contracts shall be permitted to attend that college. The Council on Postsecondary Education may contract the remaining slots for the 2016-2017 school year with the Kentucky College of Optometry for the same supplement available through the Southern Regional Education Board. By December 1, 2016, the Council, in conjunction with the Kentucky College of Optometry, shall develop and submit to the Legislative Research Commission, for distribution to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue, a recommendation concerning future funding of optometry slots for Kentucky students.

(10) 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

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	-0-	1,100,000	1,100,000
General Fund	1,400,000	240,244,000	245,244,000
Restricted Funds	754,500	32,328,200	34,151,700
Federal Funds	-0-	33,800	33,800
TOTAL	2,154,500	273,706,000	280,529,500

(1) College Access Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $66,691,700 in fiscal year 2016-2017 and $61,888,800 in fiscal year 2017-2018 for the College Access Program.

(2) Kentucky Tuition Grant Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $36,283,800 in fiscal year 2016-2017 and $33,697,600 in fiscal year 2017-2018 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 Award Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $1,400,000 in fiscal year 2015-2016 and $7,398,100 in each fiscal year of the 2016-2018 fiscal biennium for the National Guard Tuition Award Program. If the appropriated amounts are not sufficient to fully fund the program based on demand, then any excess costs 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).

(5) Kentucky Educational Excellence Scholarships (KEES): Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $105,320,100 in fiscal year 2016-2017 and $106,149,200 in fiscal

year 2017-2018 for the Kentucky Educational Excellence Scholarships (KEES). Included in the above Restricted Funds appropriation is $9,338,200 in fiscal year 2016-2017 and $11,123,100 in fiscal year 2017-2018 for KEES.

(6) Early Childhood Scholarships: Included in the above General Fund (Tobacco) appropriation is $1,100,000 in each fiscal year for Early Childhood Scholarships.

(7) Work Study: Included in the above General Fund appropriation is $400,000 in each fiscal year for the Work Study Program.

(8) 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), (5), (10), (11), and (14) 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.

(9) Contingent Appropriation of Excess Lottery Revenues: Based on the official estimates of the Consensus Forecasting Group, lottery receipts are estimated to be $232,000,000 in fiscal year 2015-2016, $236,000,000 in fiscal year 2016-2017, and $241,000,000 in fiscal year 2017-2018. If lottery receipts received by the Commonwealth, excluding any unclaimed lottery prize money received under Part III, Section 22. of this Act, exceed the official estimate in any fiscal year,~~[the first $5,000,000 in unanticipated lottery receipts during the 2016-2018 fiscal biennium shall be transferred to the General Fund, and]~~ any unanticipated lottery receipts~~[above $5,000,000]~~ during the 2016-2018 fiscal biennium shall be transferred to the Kentucky Higher Education Assistance Authority and appropriated in accordance with KRS 154A.130(4)(b).

(10) Work Ready Kentucky Scholarship Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is~~[$9,400,000 in fiscal year 2016-2017 and]~~ $15,900,000 in fiscal year 2017-2018 for the Work Ready Kentucky Scholarship Program.

(11) Kentucky Coal County College Completion Scholarships: Notwithstanding KRS 154A.130(4), 42.4582, and 42.4585, included in the above General Fund appropriation is $7,000,000 in each fiscal year for the Kentucky Coal County College Completion Scholarships.

(12) Pharmacy 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 Coal County Pharmacy Scholarship Program has been made pursuant to KRS 164.7890(11) in the amount of $540,000 in fiscal year 2016-2017 and $580,000 in fiscal year 2017-2018 within the Kentucky Higher Education Assistance Authority.

(13) 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 $306,000 in fiscal year 2016-2017 and $326,000 in fiscal year 2017-2018 within the Kentucky Higher Education Assistance Authority.

(14) Dual Credit Scholarships: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $5,000,000 in fiscal year 2016-2017 and $10,000,000 in fiscal year 2017-2018 for dual credit scholarships.

3. EASTERN KENTUCKY UNIVERSITY

	2016-17	**2017-18**
General Fund	64,972,300	61,723,700
Restricted Funds	201,038,500	207,018,900
Federal Funds	104,484,500	105,529,100
TOTAL	370,495,300	374,271,700

~~[(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

	2016-17	2017-18
General Fund	26,729,600	26,729,600
Restricted Funds	18,220,000	19,220,000
Federal Funds	19,000,000	19,000,000
TOTAL	63,949,600	64,949,600

(1) Land Grant Match: Included in the above General Fund appropriation is $3,300,000 in each fiscal year to fully fund the state match payments required of land-grant universities under federal law.

(2) Performance Plan: Kentucky State University shall be required to prepare a four-year management and improvement plan with annual goals and measurable metrics to meet those goals. The management and improvement plan and all goals shall include performance standards established in consultation with the Council on Postsecondary Education, and shall be subject to the approval of the Council. Kentucky State University shall prepare and submit an annual report to the Interim Joint Committee on Appropriations and Revenue detailing progress and implementation of the plan, to be submitted by December 1, 2016, and each December 1 thereafter.

5. MOREHEAD STATE UNIVERSITY

	2016-17	2017-18
General Fund	41,969,200	39,899,700
Restricted Funds	120,719,600	125,861,500
Federal Funds	102,084,900	103,930,500
TOTAL	264,773,700	269,691,700

(1) Conveyance of Property: Notwithstanding KRS 45.777 and 164A.575(7), Morehead State University may convey to the Morgan County Board of Education fee simple title to certain of its real property and improvements located in Morgan County. With the transition to online course delivery, the property has become surplus to Morehead State University. The conveyance shall be completed at a price that is acceptable to both parties. Morehead State University is specifically authorized to purchase from the Rowan County Board of Education real property and improvements located adjacent to the Morehead campus which has become surplus to the Board of Education. The proceeds from the conveyance of the Morgan County real property may be retained by Morehead State University and shall be used to purchase the Rowan County Board of Education property.

(2) Craft Academy: Included in the above General Fund appropriation is $2,880,000 in each fiscal year for the Craft Academy for Excellence in Science and Mathematics.

6. MURRAY STATE UNIVERSITY

	2016-17	2017-18
General Fund	45,864,000	43,570,800
Restricted Funds	129,754,600	135,149,500
Federal Funds	18,692,100	18,692,100
TOTAL	194,310,700	197,412,400

(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.

7. NORTHERN KENTUCKY UNIVERSITY

	2016-17	2017-18
General Fund	46,353,400	48,875,200

Restricted Funds	177,415,800	180,924,700
Federal Funds	16,849,400	16,849,400
TOTAL	240,618,600	246,649,300

(1) Conveyance of Property: Notwithstanding KRS 45.777 and 164A.575(7), Northern Kentucky University may dispose of real property and improvements~~[located in Covington, Kentucky]~~ that will become surplus to its needs and retain the proceeds from any sale~~[to be used in Covington, Kentucky]~~.

8. UNIVERSITY OF KENTUCKY

	2016-17	**2017-18**
General Fund	267,028,800	253,677,400
Restricted Funds	3,133,535,600	3,439,190,500
Federal Funds	241,824,500	255,681,300
TOTAL	3,642,388,900	3,948,549,200

(1) Mining Engineering Scholarship Program: 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 $300,000 in each fiscal year to the University of Kentucky budget unit for the Mining Engineering Scholarship Program.

(2) Robinson Scholars Program: 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 to the University of Kentucky budget unit 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.

9. UNIVERSITY OF LOUISVILLE

	2016-17	**2017-18**
General Fund	132,818,400	126,177,500
Restricted Funds	1,002,343,000	1,030,921,100
Federal Funds	113,548,100	114,333,600
TOTAL	1,248,709,500	1,271,432,200

~~[(1) Evaluation of Indigent Care: The Cabinet for Health and Family Services shall 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 shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year. The report shall include but not be limited to the number of individuals served, demographic characteristics of the individuals served, the number of individuals served from Jefferson County and the surrounding counties including out-of-state locations, the health insurance status of the individuals served, the cost of the program, and the amount of financial support for the program provided by the Louisville Metro Government.~~

~~(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 $2,500,000 in fiscal year 2016-2017 and $5,000,000 in fiscal year 2017-2018 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 $2,500,000 in fiscal year 2016-2017 and $5,000,000 in fiscal year 2017-2018 to the Quality and Charity Care Trust. Funds contributed by Louisville Metro Government shall be expended before drawing down any state funds as a necessary government expense.]~~

(3) Risperdal Settlement Funds: Included in the above Restricted Funds appropriation is $1,000,000 in each fiscal year for genomics research in conjunction with Medicaid.

10. WESTERN KENTUCKY UNIVERSITY

	2016-17	2017-18
General Fund	72,040,200	70,823,600
Restricted Funds	288,960,600	294,816,600
Federal Funds	38,811,000	38,811,000
TOTAL	399,811,800	404,451,200

(1) Kentucky Mesonet: Included in the above General Fund appropriation is $750,000 in each fiscal year for the Kentucky Mesonet.

11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

	2016-17	2017-18
General Fund	181,605,000	172,524,700
Restricted Funds	468,816,400	486,161,000
Federal Funds	257,392,000	270,270,700
TOTAL	907,813,400	928,956,400

(1) Firefighters Foundation Program Fund: Included in the above Restricted Funds appropriation is $47,300,300 in fiscal year 2016-2017 and $46,358,100 in fiscal year 2017-2018 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 $4,000 in each fiscal year. Notwithstanding KRS 95A.262(2), the aid payment for each qualified volunteer fire department shall be $11,000 in each fiscal year. Notwithstanding KRS 95A.200 to 95A.300, $1,500,000 in fiscal year 2016-2017 shall be transferred to support a project as set forth in Part II, Capital Projects Budget, of this Act.

(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 for Individual Locations: Notwithstanding KRS 45.777 and 164A.575(7), the sixteen colleges of the Kentucky Community and Technical College System may dispose of real property and improvements that have become surplus to the colleges' needs and retain the proceeds from any sale at that individual college location.

(4) Equity for Legacy Employees: It is the intent of the 2016 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) BuildSmart: Notwithstanding KRS 164.020(8), the Kentucky Community and Technical College System (KCTCS) may assess a mandatory student fee 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 projects cost of KCTCS agency bond projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.. The mandatory student fee shall only be used for debt service on agency bond projects. 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, KCTCS 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.

(8) Conveyance of Property: (a) Notwithstanding KRS 45.777 and 164A.575(7), the Kentucky Community and Technical College System and its colleges may dispose of real property and improvements that have become surplus to its needs and retain the proceeds from any sale.

(b) 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.

(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 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.

(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 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.

(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 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.

(f) 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.

12. POSTSECONDARY EDUCATION PERFORMANCE FUND

	2016-17	2017-18
General Fund	-0-	42,944,400

(1) Postsecondary Education Performance Fund: Included in the above General Fund appropriation is $42,944,400 in fiscal year 2017-2018 for the Postsecondary Education Performance Fund. This amount shall represent five percent of the fiscal year 2017-2018 General Fund appropriation of the affected postsecondary institutions, which shall be derived through a reduction to the fourth quarter allotments of those institutions. Funds shall be distributed to postsecondary institutions, excluding Kentucky State University, based on achievement of performance goals and metrics enacted by the General Assembly as recommended by the Postsecondary Education Working Group.

(2) Postsecondary Education Working Group: Having determined that there is a need for the development of a comprehensive funding model that aligns the Commonwealth's investments in postsecondary education with the Commonwealth's postsecondary education policy goals and objectives, the Kentucky Council on Postsecondary Education is hereby directed to establish a working group composed of the following:

(a) The President of the Council;

(b) The President, or his or her representative, of each public postsecondary institution, including the President of the Kentucky Community and Technical College System;

(c) The Governor or his representative;

(d) The Speaker of the House or his representative; and

(e) The President of the Senate or his representative.

The working group shall be established for the purpose of developing a comprehensive funding model for the allocation of state General Fund appropriations for institutional operations.

The funding model shall incorporate elements of campus performance, mission, and enrollment, as well as any other components as determined through the process. The model shall include metrics that align with the goals of the

Postsecondary Education Improvement Act of 1997 with appropriate differentiation that reflects the missions of the Commonwealth's research universities, comprehensive regional universities, and community and technical colleges.

The working group shall complete its work and provide to the Governor and the Interim Joint Committee on Education a report setting forth its recommendations no later than December 1, 2016.

TOTAL - POSTSECONDARY EDUCATION

	2015-16	2016-17	2017-18
General Fund (Tobacco)	-0-	5,806,100	6,276,100
General Fund	1,400,000	1,160,851,100	1,173,458,600
Restricted Funds	754,500	5,578,173,300	5,958,460,600
Federal Funds	-0-	930,822,800	961,234,000
TOTAL	2,154,500	7,675,653,300	8,099,429,300

L. PUBLIC PROTECTION CABINET

Budget Units

1. SECRETARY

	2016-17	2017-18
General Fund	276,400	279,700
Restricted Funds	6,297,700	6,346,000
TOTAL	6,574,100	6,625,700

2. BOXING AND WRESTLING AUTHORITY

	2016-17	2017-18
Restricted Funds	161,300	161,800

3. ALCOHOLIC BEVERAGE CONTROL

	2016-17	2017-18
General Fund	587,100	591,700
Restricted Funds	7,146,300	7,154,700
TOTAL	7,733,400	7,746,400

4. CHARITABLE GAMING

	2016-17	2017-18
Restricted Funds	3,714,300	3,742,200

5. BOARD OF CLAIMS/CRIME VICTIMS' COMPENSATION BOARD

	2016-17	2017-18
General Fund	773,400	785,400
Restricted Funds	957,700	967,900
Federal Funds	246,400	157,200
TOTAL	1,977,500	1,910,500

6. FINANCIAL INSTITUTIONS

	2016-17	2017-18
Restricted Funds	12,274,100	12,678,500

7. HORSE RACING COMMISSION

	2016-17	2017-18

General Fund	2,623,000	2,647,200
Restricted Funds	29,038,800	29,646,200
TOTAL	31,661,800	32,293,400

8. HOUSING, BUILDINGS AND CONSTRUCTION

	2016-17	**2017-18**
General Fund	2,392,800	2,414,500
Restricted Funds	21,000,000	20,783,000
TOTAL	23,392,800	23,197,500

(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 within the fiscal biennium.

9. INSURANCE

	2016-17	**2017-18**
Restricted Funds	18,375,200	18,422,200
Federal Funds	1,123,000	1,138,500
TOTAL	19,498,200	19,560,700

10. TAX APPEALS

	2016-17	**2017-18**
General Fund	450,000	453,800

TOTAL - PUBLIC PROTECTION CABINET

	2016-17	**2017-18**
General Fund	7,102,700	7,172,300
Restricted Funds	98,965,400	99,902,500
Federal Funds	1,369,400	1,295,700
TOTAL	107,437,500	108,370,500

M. TOURISM, ARTS AND HERITAGE CABINET

Budget Units

1. SECRETARY

	2016-17	**2017-18**
General Fund	2,531,500	2,561,000
Restricted Funds	13,299,900	14,303,200
TOTAL	15,831,400	16,864,200

(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, 2016.]~~

2. ARTISANS CENTER

	2016-17	**2017-18**
General Fund	399,000	404,400
Restricted Funds	1,585,400	1,585,400
Road Fund	439,800	445,200
TOTAL	2,424,200	2,435,000

3. TRAVEL

	2016-17	**2017-18**
General Fund	3,010,700	3,036,600
Restricted Funds	41,100	41,100
TOTAL	3,051,800	3,077,700

(1) Bluegrass State Games: Included in the above General Fund appropriation is $47,800 in each fiscal year for the Bluegrass State Games.

4. PARKS

	2015-16	**2016-17**	**2017-18**
General Fund	12,380,000	35,202,000	36,044,800
Restricted Funds	-0-	49,556,400	49,570,600
TOTAL	12,380,000	84,758,400	85,615,400

(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 $376,500 in fiscal year 2016-2017 and $915,500 in fiscal year 2017-2018 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. HORSE PARK COMMISSION

	2015-16	**2016-17**	**2017-18**
General Fund	-0-	2,395,800	2,417,600
Restricted Funds	1,200,000	12,026,600	12,062,000
TOTAL	1,200,000	14,422,400	14,479,600

6. STATE FAIR BOARD

	2015-16	**2016-17**	**2017-18**
General Fund	2,300,000	4,382,200	4,902,200
Restricted Funds	-0-	41,864,100	43,232,600
TOTAL	2,300,000	46,246,300	48,134,800

(1) Debt Service: Included in the above General Fund appropriation is $31,000 in fiscal year 2016-2017 and $373,000 in fiscal year 2017-2018 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 $8,900,000, 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 $8,900,000 shall be deposited in a Restricted Funds account for the benefit of the State Fair Board.

7. FISH AND WILDLIFE RESOURCES

	2016-17	2017-18
Restricted Funds	38,129,600	38,246,700
Federal Funds	17,310,200	17,207,500
TOTAL	55,439,800	55,454,200

(1) Fish and Wildlife Resources Peace Officers' Stipend: Included in the above Restricted Funds appropriation is sufficient funding for a $4,000 annual training incentive stipend for Fish and Wildlife Resources Conservation officers from the Fish and Game Fund.

(2) Fees-in-Lieu-of Stream Mitigation Projects: Fees-in-Lieu-of Stream Mitigation project resources shall be available statewide, to all 120 counties, subject to federal and state regulatory requirements.

8. HISTORICAL SOCIETY

	2016-17	2017-18
General Fund	5,557,200	5,596,500
Restricted Funds	457,800	457,800
Federal Funds	207,900	180,400
TOTAL	6,222,900	6,234,700

(1) Oral History Grants: Included in the above General Fund appropriation is $50,000 in each fiscal year for Oral History grants.

9. ARTS COUNCIL

	2016-17	2017-18
General Fund	2,625,700	2,640,700
Restricted Funds	151,600	151,600
Federal Funds	708,500	708,500
TOTAL	3,485,800	3,500,800

(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.

10. HERITAGE COUNCIL

	2016-17	2017-18
General Fund	711,300	717,100
Restricted Funds	276,800	278,700
Federal Funds	857,700	863,800
TOTAL	1,845,800	1,859,600

11. KENTUCKY CENTER FOR THE ARTS

	2016-17	2017-18
General Fund	913,100	915,100

TOTAL - TOURISM, ARTS AND HERITAGE CABINET

	2015-16	2016-17	2017-18
General Fund	14,680,000	57,728,500	59,236,000
Restricted Funds	1,200,000	157,389,300	159,929,700
Federal Funds	-0-	19,084,300	18,960,200
Road Fund	-0-	439,800	445,200
TOTAL	15,880,000	234,641,900	238,571,100

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 2016-2018 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, 2016, 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, 2016; (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, 2016. Notwithstanding the criteria set forth in this subsection, the disposition of 2016-2018 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 projects; Repair of State-Owned Dams; Guaranteed Energy Savings Performance Contract projects; Wetland and Stream Mitigation projects; Economic Development projects, which shall include authorization for the High-Tech Construction Pool and the High-Tech Investment Pool; Workforce Development Construction Pool; Flood Control projects; Bond-funded maintenance pools; Postsecondary Education pools; and Commonwealth Office of Technology Infrastructure Upgrades. Capital projects as defined by KRS 45.750(1)(f) shall be reported to the Capital Projects and Bond Oversight Committee.

(5) 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.

(6) 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.

(7) Expiring Debt: The following amount of previously appropriated bond funds shall expire upon passage of this Act: Maxey Flats Cap ($9,000,000) as set forth in 2012 Ky. Acts ch. 144, Part II, E., 2., 001..

(8) Debt Issued on Behalf of State Agencies: Notwithstanding any statute or regulation to the contrary, financings, including the issuance of bonds, executed on behalf of a state agency for capital projects shall be subject to the same statutory review and approval provisions as debt directly issued by a state agency.

A. GENERAL GOVERNMENT

Budget Units	2015-16	2016-17	2017-18
1. DEPARTMENT OF VETERANS' AFFAIRS			
001. Maintenance Pool - 2016-2018			
Investment Income	-0-	400,000	400,000

2. KENTUCKY INFRASTRUCTURE AUTHORITY

(1) Closed Kentucky Infrastructure Authority Water and Sewer Grant Projects: The recipient of a grant for a specified water and sewer project may certify to the Commissioner of the Department for Local Government that the specified project is no longer an active project and may request reallocation of the project funds to another project. Notwithstanding any other statute to the contrary, upon authorization by the State Budget Director and notification to the Interim Joint Committee on Appropriations and Revenue, the Commissioner of the Department for Local Government may approve the reallocation of funds. As specified by Part II, (3) of this Act, unexpended fund balances from inactive and/or closed Kentucky Infrastructure Authority Water and Sewer Grant Projects as of June 30, 2016, not reallocated in fiscal year 2016-2017 shall be transferred to the Finance and Administration Cabinet in fiscal year 2017-2018 to pay debt service.

001. KIA Fund A - Federally Assisted Wastewater Program - 2016-2018			
Federal Funds	-0-	17,870,000	17,870,000
Bond Funds	-0-	3,750,000	3,750,000
Agency Bonds	-0-	100,000,000	-0-
TOTAL	-0-	121,620,000	21,620,000

(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 - 2016-2018			
Federal Funds	-0-	13,770,000	13,770,000
Bond Funds	-0-	3,050,000	3,050,000
Agency Bonds	-0-	25,000,000	-0-
TOTAL	-0-	41,820,000	16,820,000

(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. KIA Fund A - Federally Assisted Wastewater Program - 2014-2016

Reauthorization ($100,000,000 Agency Bonds)

004. KIA Fund F - Drinking Water Revolving Loan Program - 2014-2016

Reauthorization ($25,000,000 Agency Bonds)

3. MILITARY AFFAIRS			
001. Construct Building 352 - Bluegrass Station			
Other Funds	-0-	7,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct Replacement Human Resources Office Building - Frankfort			
Restricted Funds	-0-	525,000	-0-
Federal Funds	-0-	1,575,000	-0-
TOTAL	-0-	2,100,000	-0-
003. Maintenance Pool - 2016-2018			
Investment Income	-0-	1,000,000	1,000,000

004. Renovation of Bay A in Building 3 at Bluegrass Station

Restricted Funds	2,000,000	-0-	-0-

005. Construct Structural Repairs Harrodsburg Armory

Restricted Funds	-0-	330,000	-0-
Federal Funds	-0-	330,000	-0-
TOTAL	-0-	660,000	-0-

006. Construct Structural Repairs Walton Armory

Restricted Funds	-0-	330,000	-0-
Federal Funds	-0-	330,000	-0-
TOTAL	-0-	660,000	-0-

007. Renovation Butler Building Property Phase 2 - Louisville

Reauthorization ($2,000,000 Restricted Funds)

4. DEPARTMENT FOR LOCAL GOVERNMENT

001. City of Covington - Times Star Commons - Planning Reauthorization

($750,000 Bond Funds and $250,000 General Fund)

(1) Reauthorization: The above project from 2006 Ky. Acts ch. 252, Part II, P., Kenton County, 002. and 2006 Ky. Acts ch. 252, Part II, P., Kenton County, 001. shall be reauthorized for the 2016-2018 fiscal biennium.

002. City of Covington - West Covington Fire Station - Property Acquisition

Reauthorization ($300,000 Bond Funds)

(1) Reauthorization: The above project from 2006 Ky. Acts ch. 252, Part II, P., Kenton County, 003. shall be reauthorized for the 2016-2018 fiscal biennium.

5. REGISTRY OF ELECTION FINANCE

001. System Modernization

General Fund	-0-	1,836,000	-0-

6. ATTORNEY GENERAL

001. Franklin County - Lease

7. UNIFIED PROSECUTORIAL SYSTEM

a. Commonwealth's Attorneys

001. Jefferson County - Lease

8. TREASURY

001. Lease-Purchase Check Printers

Investment Income	-0-	115,600	-0-

9. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Nursing

001. Jefferson County - Lease

10. KENTUCKY RIVER AUTHORITY

001. Construct Lock and Dam 10

Agency Bonds	-0-	34,000,000	-0-

002. Design and Repair Dam 7

Agency Bonds	-0-	292,000	2,789,000

003. Design and Repair Dam 6

Agency Bonds	-0-	197,000	2,102,000

11. SCHOOL FACILITIES CONSTRUCTION COMMISSION

001. Special Offers of Assistance - 2014-2016

Bond Funds	-0-	103,112,000	-0-

(1) Special Offers of Assistance: The Bond Funds shall be limited to those projects authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5) and 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b).

002. Offers of Assistance - 2014-2016

Bond Funds	-0-	100,000,000	-0-

003. School Facilities Construction Commission Reauthorization

($94,532,000 Bond Funds)

004. Special Offers of Assistance - 2016-2018

Bond Funds	-0-	93,745,000	-0-

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 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	**2016-17**	**2017-18**
1. ECONOMIC DEVELOPMENT		
001. Economic Development Bond Program - 2016-2018		
Bond Funds	-0-	7,000,000
002. High-Tech Construction/Investment Pool - 2016-2018		
Bond Funds	-0-	7,000,000
003. Kentucky Economic Development Finance Authority Loan Pool - 2016-2018		
Bond Funds	-0-	7,000,000

C. DEPARTMENT OF EDUCATION

Budget Units	**2016-17**	**2017-18**
1. OPERATIONS AND SUPPORT SERVICES		
001. Maintenance Pool - 2016-2018		
Bond Funds	1,500,000	1,500,000
Investment Income	675,000	675,000
TOTAL	2,175,000	2,175,000

002. KSB Howser Hall Renovation

Bond Funds	5,000,000	-0-
003. KSD New Elementary Building		
Bond Funds	6,000,000	-0-
004. KSB McDaniel/Scoggin Educational Building		
Bond Funds	1,000,000	-0-

D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Units	**2016-17**	**2017-18**
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Workforce Development Construction Pool		
Bond Funds	100,000,000	-0-
002. Maintenance Pool - 2016-2018		
Investment Income	400,000	400,000
2. KENTUCKY EDUCATIONAL TELEVISION		
001. Maintenance Pool - 2016-2018		
Investment Income	300,000	300,000
3. EMPLOYMENT AND TRAINING		
001. Hardin County - Lease		
002. Kenton County - Lease		
003. Hopkinsville HVAC Replacement Project		
Restricted Funds	1,000,000	-0-
4. VOCATIONAL REHABILITATION		
001. Fayette County - Lease		

E. ENERGY AND ENVIRONMENT CABINET

Budget Units	**2016-17**	**2017-18**
1. SECRETARY		
001. Maintenance Pool - 2016-2018		
Investment Income	200,000	200,000
2. ENVIRONMENTAL PROTECTION		
001. State-Owned Dam Repair - 2016-2018		
Bond Funds	4,000,000	-0-

F. FINANCE AND ADMINISTRATION CABINET

Budget Units	**2016-17**	**2017-18**
1. GENERAL ADMINISTRATION		
001. Business One-Stop Portal - Phase III		
Bond Funds	-0-	12,000,000
002. Lexington Convention Center		
Bond Funds	60,000,000	-0-
2. FACILITIES AND SUPPORT SERVICES		
001. Maintenance Pool - 2016-2018		

Bond Funds	2,850,000	2,850,000

002. HVAC Replacement - CHR Building

Bond Funds	4,500,000	-0-

003. Upgrade L&N Building

Bond Funds	4,375,000	-0-

004. Guaranteed Energy Savings Performance Contracts

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. Enterprise Infrastructure - 2016-2018

Restricted Funds	3,000,000	3,000,000

002. Enterprise Document Management

Restricted Funds	3,000,000	-0-

003. Boone County - Lease

004. Franklin County - Lease

4. KENTUCKY LOTTERY CORPORATION

001. Replace Sales Force Management Solution

Other Funds	700,000	-0-

002. Enterprise Resource Planning Upgrade

Other Funds	-0-	600,000

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units	**2016-17**	**2017-18**

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

001. Maintenance Pool - 2016-2018

Bond Funds	2,375,000	2,375,000

002. Fayette County - Lease

2. HEALTH BENEFIT AND INFORMATION EXCHANGE

001. Franklin County - Lease

3. COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

001. Jefferson County - Lease

4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES

001. Western State Hospital - Electrical Upgrade - Phase I

Bond Funds	4,867,500	-0-

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. Perry County - Lease

011. Shelby County - Lease

012. Warren County - Lease

013. Warren County - Lease - Suwannee Trail Court

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units	**2016-17**	**2017-18**
1. CRIMINAL JUSTICE TRAINING		
001. Bizzack Complex HVAC Repair/Replacement		
Restricted Funds	2,812,000	-0-
002. Funderburk Building HVAC Upgrade		
Restricted Funds	1,200,000	-0-
2. JUVENILE JUSTICE		
001. Maintenance Pool - 2016-2018		
Investment Income	750,000	750,000
3. STATE POLICE		
001. Replace/Upgrade Existing Kentucky AFIS Phase II		
Restricted Funds	2,000,000	600,000
002. Replace Gas Chromatograph/Mass Spectrometers		
Restricted Funds	-0-	1,500,000
003. Maintenance Pool - 2016-2018		
Investment Income	400,000	400,000
004. Ion Trap GC/MSD		
Restricted Funds	-0-	250,000
4. CORRECTIONS		
a. Adult Correctional Institutions		
001. Maintenance Pool - 2016-2018		
Bond Funds	2,612,500	2,612,500
002. Stabilization of Dorm 8 Kentucky State Reformatory		
Bond Funds	4,155,000	-0-
003. Repair and Stabilize Tower Kentucky State Reformatory		

Bond Funds 3,797,000 -0-

004. Kentucky Correctional Institution for Women - Sewer Plant/Line

Bond Funds 2,560,000 -0-

5. COMMUNITY SERVICES AND LOCAL FACILITIES

001. Fayette County - Lease

6. PUBLIC ADVOCACY

001. Franklin County - Lease

I. LABOR CABINET

Budget Units	2016-17	2017-18

1. SECRETARY

001. Franklin County - Lease

2. WORKERS' CLAIMS

001. Franklin County - Lease

J. POSTSECONDARY EDUCATION

(1) Awarding of Construction Contracts for Capital Projects: Postsecondary institutions electing to manage their own capital construction and procurement in accordance with KRS 164A.555 to 164A.630 shall, in addition to all other requirements, ensure that construction contracts are awarded in compliance with KRS Chapter 45A, including but not limited to public opening and inspection of bids and application of the reciprocal resident bidder preference.

(2) Operations and Maintenance Funding: It is the intent of the 2016 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 biennia.

Budget Units	2015-16	2016-17	2017-18

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. Replace and Renovate Student Housing

Other Funds -0- 50,000,000 -0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct Dining Facility

Other Funds -0- 35,000,000 -0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Construct Regional Health Facility

Federal Funds -0- 12,500,000 -0-

004. Construct Alumni and Welcome Center

Other Funds -0- 12,000,000 -0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

005. Construct EKU Scholar House

Restricted Funds	-0-	1,200,000	-0-
Other Funds	-0-	10,800,000	-0-
TOTAL	-0-	12,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

006. Miscellaneous Maintenance Pool - 2016-2018

Restricted Funds	-0-	5,000,000	5,000,000

007. Purchase Networked Education System Components

Restricted Funds	-0-	3,450,000	3,500,000

008. Upgrade and Improve Residence Halls Pool

Restricted Funds	-0-	3,000,000	3,000,000

009. Renovate HVAC Systems Pool

Restricted Funds	-0-	5,000,000	-0-

010. Upgrade Academic Computing

Restricted Funds	-0-	2,500,000	2,500,000

011. Construct Pedestrian Improvements

Restricted Funds	-0-	4,500,000	-0-

012. Upgrade and Improve Athletics Facilities Pool

Restricted Funds	-0-	1,750,000	-0-
Other Funds	-0-	1,750,000	-0-
TOTAL	-0-	3,500,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

013. Construct EKU Early Childhood Center

Restricted Funds	-0-	3,350,000	-0-

014. Expand Indoor Tennis Facility

Other Funds	-0-	3,225,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

015. Upgrade Administrative Computing System

Restricted Funds	-0-	1,650,000	1,500,000

016. Renovate Baseball Complex

Other Funds	-0-	3,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

017. Renovate Women's Softball and Soccer Complex

Other Funds	-0-	3,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

018. Construct Student Health Center

Other Funds	-0-	2,705,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

019. Pedestrian Bridge

Restricted Funds	-0-	2,000,000	-0-

020. Renovate Lancaster Center Building

Other Funds	-0-	1,472,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

021. Renovate Ambulance Building

Restricted Funds	-0-	980,000	-0-

022. Alumni Coliseum Sound System Upgrade

Restricted Funds	-0-	750,000	-0-

023. Guaranteed Energy Savings Performance Contracts

024. New Housing Space - Lease

025. Madison County - Student Housing - Lease

026. Construct Student Life Facilities

Agency Bonds	-0-	90,000,000	-0-
Other Funds	-0-	3,000,000	-0-
TOTAL	-0-	93,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

027. Expand/Upgrade Campus Data Network

Restricted Funds	-0-	1,000,000	-0-
Other Funds	-0-	11,212,000	-0-
TOTAL	-0-	12,212,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

028. Commonwealth Hall Partial Repurposing and Renovation

Restricted Funds	-0-	6,000,000	-0-

029. Construct Parking Deck

Agency Bonds	-0-	15,000,000	-0-

030. Construct Public Safety Training Facility - Additional

Other Funds	-0-	9,938,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

031. Purchase of Adjacent Property

Restricted Funds	-0-	3,000,000	-0-

032. Renovate Property

Other Funds	-0-	3,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

033. Honors College

Restricted Funds	-0-	8,000,000	-0-

034. Steam Line Upgrades

Other Funds	-0-	10,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

4. KENTUCKY STATE UNIVERSITY

001. Life Safety Upgrade Pool - 2016-2018

Restricted Funds	-0-	5,000,000	-0-

002. Expand Emergency Notification System

Restricted Funds	-0-	4,580,000	-0-

003. Construct Warehouse

Restricted Funds	-0-	3,642,000	-0-

004. Replace Enterprise Resource Planning System

Restricted Funds	1,750,000	-0-	-0-
Federal Funds	1,750,000	-0-	-0-
TOTAL	3,500,000	-0-	-0-

005. Improvements to Instructional Technology

Restricted Funds	-0-	2,500,000	-0-

006. Guaranteed Energy Savings Performance Contracts

007. School of Nursing

Federal Funds	-0-	13,014,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

008. Acquire Land/Campus Master Plan 2016

Restricted Funds	-0-	1,000,000	-0-
Federal Funds	-0-	1,000,000	-0-
TOTAL	-0-	2,000,000	-0-

009. Renovate Atwood Agricultural Research Building Reauthorization

($12,368,000 Federal Funds)

5. MOREHEAD STATE UNIVERSITY

001. Capital Renewal and Maintenance Pool

Restricted Funds	-0-	5,000,000	-0-

002. ADA Modifications Pool

Restricted Funds	-0-	5,000,000	-0-

003. Upgrade Administrative Office Systems

Restricted Funds	-0-	4,864,000	-0-

004. Construct New Volleyball Facility - Phase 2

Restricted Funds	-0-	3,300,000	-0-

005. Purchase Instructional Technology Initiatives

Restricted Funds	-0-	3,021,000	-0-

006. Enhance Network/Infrastructure Resources - Additional

Restricted Funds	-0-	3,000,000	-0-

007. Reconstruct Central Campus

Restricted Funds	-0-	3,000,000	-0-

008. Upgrade Campus Fire and Security Systems

Restricted Funds	-0-	2,670,000	-0-

009. Construct Classroom/Lab Building at Browning Orchard

Restricted Funds	-0-	1,942,000	-0-

010. Replace Electrical Switchgear B

Restricted Funds	-0-	1,800,000	-0-

011. Upgrade and Expand Distance Learning

Restricted Funds	-0-	1,700,000	-0-

012. Enhance Library Automation Resources

Restricted Funds	-0-	1,539,000	-0-

013. Water Plant Sediment Basin

Restricted Funds	-0-	1,500,000	-0-

014. Renovate Howell-McDowell

Restricted Funds	-0-	1,296,000	-0-

015. Purchase Equipment for Biochemistry Lab

Restricted Funds	-0-	548,000	-0-

016. Guaranteed Energy Savings Performance Contracts

017. Construct Food Service/Retail & Parking - Additional

Agency Bonds	-0-	6,600,000	-0-

018. Renovate Cartmell Residence Hall

Agency Bonds	-0-	15,200,000	-0-

019. Purchase of Rowan County Board of Education Building

Restricted Funds	-0-	2,000,000	-0-

6. MURRAY STATE UNIVERSITY

001. Construct Residential Suite-Style Housing

Other Funds	-0-	20,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct Sorority Suites

Other Funds	-0-	13,500,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Provide Bookstore

Other Funds	-0-	8,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

004. Renovate Winslow Cafeteria

Restricted Funds	-0-	4,550,000	-0-

005. Provide Alternate Dining Facility

Other Funds	-0-	4,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

006. College of Science Instructional/Research Equipment Pool

Restricted Funds	-0-	3,500,000	-0-

007. Upgrade Campus Network

Restricted Funds	-0-	3,162,000	-0-

008. Construct Livestock Instructional Laboratory			
Restricted Funds	-0-	2,824,000	-0-
009. Demolish Woods Hall			
Restricted Funds	-0-	2,301,000	-0-
010. Renovate White Hall HVAC System			
Restricted Funds	-0-	2,074,000	-0-
011. Install Solar Panels and/or Geothermal Power			
Restricted Funds	-0-	2,000,000	-0-
012. Renovate Wrather Hall			
Restricted Funds	-0-	2,000,000	-0-
013. Repairs of Biology Building			
Restricted Funds	-0-	2,000,000	-0-
014. Repairs of Chemistry Building			
Restricted Funds	-0-	2,000,000	-0-
015. Upgrade Campus Phone System			
Restricted Funds	-0-	1,781,000	-0-
016. Upgrade Applied Science Electrical System			
Restricted Funds	-0-	1,626,000	-0-
017. Install Sprinkler System - Blackburn Science Building			
Restricted Funds	-0-	1,599,000	-0-
018. Renovate White Hall Interior			
Restricted Funds	-0-	1,558,000	-0-
019. Renovate Pogue Library Electric and HVAC			
Restricted Funds	-0-	1,555,000	-0-
020. ITV Upgrades to Murray State University System			
Restricted Funds	-0-	1,547,000	-0-
021. Construct Open-Sided Stall Barn at Expo Center			
Restricted Funds	-0-	1,521,000	-0-
022. Install CFSB Center Generator			
Restricted Funds	-0-	1,500,000	-0-
023. Replace CFSB Center Seating			
Restricted Funds	-0-	1,500,000	-0-
024. Renovate Regents Hall Electrical System			
Restricted Funds	-0-	1,446,000	-0-
025. Renovate Curris Center			
Restricted Funds	-0-	1,400,000	-0-
026. Renovate White Hall Electrical System			
Restricted Funds	-0-	1,336,000	-0-
027. Renovate Hart Hall Electrical System			

Restricted Funds	-0-	1,286,000	-0-

028. Replace E&G Chiller/CFC Compliance

Restricted Funds	-0-	1,221,000	-0-

029. Replace Exposition Center Roof

Restricted Funds	-0-	1,201,000	-0-

030. Replace CFSB Center Scoreboard

Restricted Funds	-0-	1,200,000	-0-

031. Waterproof Stewart Stadium

Restricted Funds	-0-	1,116,000	-0-

032. Replace White Hall Domestic Water Piping

Restricted Funds	-0-	1,112,000	-0-

033. Renovate General Services

Restricted Funds	-0-	1,000,000	-0-

034. Agriculture Instructional Laboratory and Technology Equipment

Restricted Funds	-0-	800,000	-0-

035. Information Technology Infrastructure for TSM and IET

Restricted Funds	-0-	791,000	-0-

036. Replace Blackburn Science Roof

Restricted Funds	-0-	750,000	-0-

037. Broadcasting Education Laboratory Equipment

Restricted Funds	-0-	225,000	-0-

038. Guaranteed Energy Savings Performance Contracts

039. Renovate White Hall

Agency Bonds	-0-	16,299,000	-0-

040. Acquire Agriculture Research Farm Land

Restricted Funds	-0-	1,200,000	-0-

041. Acquire Property

Restricted Funds	-0-	4,000,000	-0-

042. Complete ADA Compliance Pool - H&D

Agency Bonds	-0-	1,957,000	-0-

043. Renovate Civic Center

Restricted Funds	-0-	1,000,000	-0-
Other Funds	-0-	3,600,000	-0-
TOTAL	-0-	4,600,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

7. NORTHERN KENTUCKY UNIVERSITY

001. Construct Mixed-Use Facility with Student Housing

Other Funds	-0-	125,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct Basketball Practice Facility

Other Funds	-0-	15,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Renew Electrical Distribution Systems Pool

Restricted Funds	-0-	5,000,000	-0-

004. Scientific/Technology Equipment Pool

Restricted Funds	-0-	5,000,000	-0-

005. Renovate Civic Center Building

Restricted Funds	-0-	4,600,000	-0-

006. Upgrade Instructional Technology Pool

Restricted Funds	-0-	3,500,000	-0-

007. Repair Norse/Woodcrest Exterior Stairs/Landings

Restricted Funds	-0-	3,000,000	-0-

008. Replace Underground Gas Mains

Restricted Funds	-0-	2,500,000	-0-

009. Campus Telecommunications Upgrade

Restricted Funds	-0-	1,500,000	-0-

010. Enhance/Upgrade Cyber Security System

Restricted Funds	-0-	1,500,000	-0-

011. Upgrade Infrastructure for Administrative Systems

Restricted Funds	-0-	1,500,000	-0-

012. Budget Planning System

Restricted Funds	-0-	1,400,000	-0-

013. Capital Equipment Lease Pool

Restricted Funds	-0-	2,000,000	-0-

014. Renew Kenton Garage

Restricted Funds	-0-	1,100,000	-0-

015. Purchase Large Format Color Press

Restricted Funds	-0-	700,000	-0-

016. Purchase Coach Bus

Restricted Funds	-0-	690,000	-0-

017. Construct Center for Applied Ecology Building Reauthorization ($1,000,000 Restricted, $1,000,000 Other Funds)

(1) Reauthorization: The above reauthorization is approved pursuant to KRS 45.763.

018. Renovate Brown Building Reauthorization ($3,000,000 Restricted Funds, $1,000,000 Other Funds)

(1) Reauthorization: The above reauthorization is approved pursuant to KRS 45.763.

019. Academic Space - Lease

020. Guaranteed Energy Savings Performance Contracts

021. Expand Herrmann Science Center

Restricted Funds	-0-	3,000,000	-0-

022. Repair Structural Heaving Landrum Hall/Fine Arts Center

Restricted Funds	-0-	7,000,000	-0-

023. Construct/Acquire New Residence Hall

Agency Bonds	-0-	28,500,000	-0-

024. Renovate Gateway/Highland Heights Campus

Other Funds	-0-	6,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

025. E1-Renew E&G Building Systems Projects Pool

Restricted Funds	-0-	10,000,000	-0-

026. Renovate Residence Halls 2016-2018

Restricted Funds	-0-	10,000,000	-0-

027. Renew HVAC Project Pool

Restricted Funds	-0-	6,500,000	-0-

028. Renovate/Expand Baseball Field - Additional Reauthorization

Restricted Funds	-0-	5,300,000	-0-

029. Acquire Land/Master Plan 2010-2012 - Additional Reauthorization

Restricted Funds	-0-	4,000,000	-0-
Other Funds	-0-	4,000,000	-0-
TOTAL	-0-	8,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

030. Construct Satellite Parking Lot

Agency Bonds	-0-	6,000,000	-0-
Other Funds	-0-	6,000,000	-0-
TOTAL	-0-	12,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

8. UNIVERSITY OF KENTUCKY

001. Construct Student Housing Pool - Additional Reauthorization

($202,000,000 Other Funds)

Restricted Funds	-0-	50,000,000	-0-
Other Funds	-0-	100,000,000	-0-
TOTAL	-0-	150,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct New Alumni Center

Other Funds	-0-	38,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Renovate/Expand Wildcat Coal Lodge

Other Funds	-0-	21,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

004. Upgrade Dining Facilities - Additional Reauthorization ($50,000,000 Other Funds)

Other Funds	-0-	20,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

005. Clinical Services Pool - UK HealthCare

Restricted Funds	-0-	15,000,000	-0-

006. Design Library - Knowledge Center

Restricted Funds	-0-	13,335,000	-0-

007. Disaster Recovery and Business Continuity IT Project

Restricted Funds	-0-	12,000,000	-0-

008. Fit-up Pool for New Housing and Dining Facilities

Restricted Funds	-0-	12,000,000	-0-

009. Construct Equine Campus - Phase 2

Restricted Funds	-0-	10,500,000	-0-

010. Renovate Chemistry/Physics Building

Restricted Funds	-0-	10,500,000	-0-

011. Renovate Taylor Education Building

Restricted Funds	-0-	10,500,000	-0-

012. Acquire Telemedicine/Virtual ICU

Restricted Funds	-0-	10,000,000	-0-

013. Acquire/Upgrade UK HealthCare IT Systems

Restricted Funds	-0-	10,000,000	-0-

014. Clinical Information System Pool

Restricted Funds	-0-	10,000,000	-0-

015. Fit-Up Academic/Administrative Space 2

Restricted Funds	-0-	10,000,000	-0-

016. Fit-Up Academic/Administrative Space 1

Restricted Funds	-0-	10,000,000	-0-

017. Implement Enterprise Security System - UK HealthCare

Restricted Funds	-0-	10,000,000	-0-

018. Implement Medication Bar Coding System - UK HealthCare

Restricted Funds	-0-	10,000,000	-0-

019. Implement Patient Communication System - UK HealthCare

Restricted Funds	-0-	10,000,000	-0-

020. Purchase Digital Medical Record Expansion

Restricted Funds	-0-	10,000,000	-0-

021. Purchase Document Scanning System

Restricted Funds	-0-	10,000,000	-0-

022. Purchase Document Scanning System - UK HealthCare

Restricted Funds	-0-	10,000,000	-0-

023. Renovate/Expand Cooper House

Restricted Funds	-0-	10,000,000	-0-

024. Renovate/Expand Patterson Hall

Restricted Funds	-0-	10,000,000	-0-

025. Renovate/Upgrade Academic/Administrative Space 1

Restricted Funds	-0-	10,000,000	-0-

026. Renovate/Upgrade Academic/Administrative Space 2

Restricted Funds	-0-	10,000,000	-0-

027. Expand Boone Tennis Center

Other Funds	-0-	9,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

028. Renovate Dentistry

Restricted Funds	-0-	9,500,000	-0-

029. Fit-Up Student Center

Restricted Funds	-0-	9,000,000	-0-

030. Improve DLAR Facilities Pool

Restricted Funds	-0-	9,000,000	-0-

031. Improve Vivarium Spaces Pool

Restricted Funds	-0-	9,000,000	-0-

032. Upgrade and Renovate Dining Facilities Pool

Restricted Funds	-0-	8,000,000	-0-

033. Renovate/Expand Terrell Civil Engineering Building

Restricted Funds	-0-	7,500,000	-0-

034. Construct and Fit-Up Retail Space Pool

Other Funds	-0-	6,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

035. Renovate Multi-Disciplinary Science Building

Restricted Funds	-0-	6,500,000	-0-

036. Renovate Nursing Units - UK HealthCare

Restricted Funds	-0-	6,500,000	-0-

037. Renovate/Upgrade Commonwealth Stadium

Other Funds	-0-	6,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

038. Upgrade Clinical Enterprise Network - UK HealthCare

Restricted Funds	-0-	6,500,000	-0-

039. Renovate and Upgrade Memorial Hall

Restricted Funds	-0-	6,000,000	-0-

040. Renovate Frazee Hall

Restricted Funds	-0-	6,000,000	-0-

041. Renovate Mineral Industries Building

Restricted Funds	-0-	6,000,000	-0-

042. Upgrade/Expand Campus Security Platform

Restricted Funds	-0-	6,000,000	-0-

043. Construct Transit Center

Restricted Funds	-0-	5,500,000	-0-

044. Construct University Storage Facility

Restricted Funds	-0-	5,500,000	-0-

045. Expand KGS Well Sample and Core Repository

Restricted Funds	-0-	5,500,000	-0-

046. Renovate/Upgrade Ecological Research Facility

Restricted Funds	-0-	5,500,000	-0-

047. Acquire Enterprise Resource Planning Phase V

Restricted Funds	-0-	5,350,000	-0-

048. Acquire Data Repository System

Restricted Funds	-0-	5,000,000	-0-

049. Acquire Data Repository System - UK HealthCare

Restricted Funds	-0-	5,000,000	-0-

050. Acquire Personal Electronic Health Records

Restricted Funds	-0-	5,000,000	-0-

051. ADA Compliance Pool

Restricted Funds	-0-	5,000,000	-0-

052. Construct or Renovate/Upgrade Athletic Facility 1

Other Funds	-0-	5,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

053. Improve Athletics Facility 1

Other Funds	-0-	5,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

054. Improve Building Electrical Systems Pool

Restricted Funds	-0-	5,000,000	-0-

055. Improve Building Shell Systems Pool

Restricted Funds	-0-	5,000,000	-0-

056. Improve Elevator Systems Pool

Restricted Funds	-0-	5,000,000	-0-

057. Improve Spindletop Hall Facilities Pool

Restricted Funds	-0-	5,000,000	-0-

058. Improve W.T. Young Facility

Restricted Funds	-0-	5,000,000	-0-

059. Purchase Oncology Information System - UK HealthCare

Restricted Funds	-0-	5,000,000	-0-

060. Purchase/Expand PACS System

Restricted Funds	-0-	5,000,000	-0-

061. Renovate Central Computing Facility

Restricted Funds	-0-	5,000,000	-0-

062. Renovate Fine Arts

Restricted Funds	-0-	5,000,000	-0-

063. Renovate Nutter Facility

Restricted Funds	-0-	5,000,000	-0-

064. Renovate/Upgrade Academic/Administrative Space 3

Restricted Funds	-0-	5,000,000	-0-

065. Renovate/Upgrade Academic/Administrative Space 4

Restricted Funds	-0-	5,000,000	-0-

066. Renovate/Upgrade Academic/Administrative Space 5

Restricted Funds	-0-	5,000,000	-0-

067. Surgical Services Pool - UK HealthCare

Restricted Funds	-0-	5,000,000	-0-

068. Construct and Fit-Up Retail Space

Other Funds	-0-	4,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

069. Construct Hall of Fame Plaza

Other Funds	-0-	4,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

070. Acquire/Renovate Golf Facility

Other Funds	-0-	4,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

071. Purchase Cardiology Information System - UK HealthCare

Restricted Funds	-0-	4,000,000	-0-

072. Renovate Anderson Tower

Restricted Funds	-0-	4,000,000	-0-

073. Expand/Renovate Sturgill Development Building

Restricted Funds	-0-	3,500,000	-0-

074. Install Artificial Turf on Pieratt Recreational Fields

Restricted Funds	-0-	3,500,000	-0-

075. Support Services Projects Pool - UK HealthCare

Restricted Funds	-0-	3,500,000	-0-

076. Acquire Mainframe Computer - UK HealthCare

Restricted Funds	-0-	3,000,000	-0-

077. Construct or Renovate/Upgrade Athletic Facility 2

Other Funds	-0-	3,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

078. Implement Unified Communication System - UK HealthCare

Restricted Funds	-0-	3,000,000	-0-

079. Improve UK Radio Communications System

Restricted Funds	-0-	3,000,000	-0-

080. Purchase Telephone System Replacement - UK HealthCare

Restricted Funds	-0-	3,000,000	-0-

081. Upgrade Perioperative Information System

Restricted Funds	-0-	3,000,000	-0-

082. Improve Parking Garage 1

Restricted Funds	-0-	2,500,000	-0-

083. Improve Parking Garage 2

Restricted Funds	-0-	2,500,000	-0-

084. Purchase Upgraded Communications Infrastructure 1

Restricted Funds	-0-	2,500,000	-0-

085. Purchase Upgraded Communications Infrastructure 2

Restricted Funds	-0-	2,500,000	-0-

086. Relocate/Replace Greenhouses

Restricted Funds	-0-	2,500,000	-0-

087. Emerging Technologies Academic Support

Restricted Funds	-0-	2,000,000	-0-

088. Healthcare Services Pool

Restricted Funds	-0-	2,000,000	-0-

089. Improve Athletics Facilities II

Other Funds	-0-	2,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

090. Purchase Transport Buses

Restricted Funds	-0-	2,000,000	-0-

091. Remote Site Fiber Infrastructure

Restricted Funds	-0-	2,000,000	-0-

092. Renovate Dickey Hall

Restricted Funds	-0-	2,000,000	-0-

093. Renovate/Upgrade Athletics Playing Fields 1

Other Funds	-0-	2,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

094. Renovate/Upgrade Athletics Playing Fields 2

Other Funds	-0-	2,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

095. Upgrade Financial Systems

Restricted Funds	-0-	2,000,000	-0-

096. Acquire Communications Equipment

Restricted Funds	-0-	1,500,000	-0-

097. Renovate and Upgrade Eagle Building

Restricted Funds	-0-	1,500,000	-0-

098. Purchase Allergy Information System - UK HealthCare

Restricted Funds	-0-	1,000,000	-0-

099. Renovate Nursing Building

Restricted Funds	-0-	1,000,000	-0-

100. UK Mobile Communication Center

Restricted Funds	-0-	200,000	-0-
Federal Funds	-0-	200,000	-0-
TOTAL	-0-	400,000	-0-

101. Guaranteed Energy Savings Performance Contracts

102. Fayette County - Lease - Administrative Office

103. Fayette County - Lease - Good Samaritan Hospital

104. Fayette County - Lease - Grant Project 2

105. Fayette County - Lease - Kentucky Utilities Building

106. Lease - Grant Project 1

107. Lease - Grant Project 3

108. Lease - Health Affairs Office

109. Lease - Health Affairs Office 10

110. Lease - Health Affairs Office 11

111. Lease - Health Affairs Office 12

112. Lease - Health Affairs Office 2

113. Lease - Health Affairs Office 3

114. Lease - Health Affairs Office 4

115. Lease - Health Affairs Office 5

116. Lease - Health Affairs Office 6

117. Lease - Health Affairs Office 7

118. Lease - Health Affairs Office 8

119. Lease - Health Affairs Office 9

120. Lease - Off Campus - Athletics

121. Lease - Off Campus 1

122. Lease - Off Campus 2

123. Lease - Off Campus 3

124. Lease - Off Campus 4

125. Lease - Off Campus 5

126. Lease - Off Campus 6

127. Lease - Off Campus 7

128. Lease - Off Campus 8

129. Lease - Off Campus 9

130. Lease - Off Campus Housing 1

131. Lease - Off Campus Housing 2

132. Lease - Off Campus Housing 3

133. Lease - Off Campus Housing 4

134. Lease - Rural Health Expansion - Perry County

135. Lease - UK HealthCare Off Campus Facility 5

136. Lease - UK HealthCare Grant Project 1

137. Lease - UK HealthCare Grant Project 2

138. Lease - UK HealthCare Off Campus Facility 1

139. Lease - UK HealthCare Off Campus Facility 2

140. Lease - UK HealthCare Off Campus Facility 3

141. Lease - UK HealthCare Off Campus Facility 4

142. Facilities Renewal, Modernization, and Deferred Maintenance

Agency Bonds	-0-	60,000,000	-0-

143. Renovate/Upgrade Healthcare Facilities

Agency Bonds	-0-	150,000,000	-0-

144. Fit-up Academic Science Bldg.

Restricted Funds	-0-	32,000,000	-0-

145. Improve Campus Parking and Transportation System

Restricted Funds	-0-	120,000,000	-0-

146. Construct Digital Village Building #3

Restricted Funds	-0-	54,000,000	-0-

147. Improve Civil/Site Infrastructure

Restricted Funds	-0-	25,000,000	-0-

148. Construct Baseball Facility

Restricted Funds	-0-	49,000,000	-0-

149. Research Equipment Replacement

Restricted Funds	-0-	30,000,000	-0-

150. Upgrade/Renovate/Expand Research Labs

Restricted Funds	-0-	33,500,000	-0-

151. Decommission Facilities

Restricted Funds	-0-	25,000,000	-0-

152. Upgrade Enterprise Information System

Restricted Funds	-0-	20,000,000	-0-

153. Renovate/Upgrade Academic Facility

Restricted Funds	-0-	16,000,000	-0-

154. Acquire High Performance Research Computer

Restricted Funds	-0-	6,500,000	-0-

155. Improve CAER Facilities

Restricted Funds	-0-	20,000,000	-0-

156. Acquire Land

Restricted Funds	-0-	50,000,000	-0-

157. Improve Coldstream Research Campus

Restricted Funds	-0-	20,000,000	-0-

158. Repair/Upgrade/Expand Central Plants

Restricted Funds	-0-	112,000,000	-0-

159. Improve Electrical Infrastructure

Restricted Funds	-0-	28,000,000	-0-

160. Improve Mechanical Infrastructure

Restricted Funds	-0-	26,000,000	-0-

161. Improve Building Mechanical Systems

Restricted Funds	-0-	25,000,000	-0-

162. Repair Emergency Infrastructure/Building Systems

Restricted Funds	-0-	25,000,000	-0-

163. Purchase/Upgrade Pollution Controls

Restricted Funds	-0-	22,000,000	-0-

164. Improve Life Safety, Project Pool

Restricted Funds	-0-	15,000,000	-0-

165. Acquire/Renovate Administrative Facility

Other Funds	-0-	10,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

166. Replace Greek Housing

Restricted Funds	-0-	24,000,000	-0-

167. Renovate/Upgrade Existing Housing

Restricted Funds	-0-	30,000,000	-0-

168. Improve Housing/Dining Facilities

Restricted Funds	-0-	30,000,000	-0-

169. Construct/Improve Dining Facilities-1

Restricted Funds	-0-	40,000,000	-0-

170. Construct Parking Structure (Lease-Purchase)

Other Funds	-0-	38,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

171. Renovate/Upgrade Academic/Administrative Space

Restricted Funds	-0-	25,000,000	-0-

172. Construct Housing

Restricted Funds	-0-	50,000,000	-0-

173. Acquire/Renovate Housing

Restricted Funds	-0-	50,000,000	-0-

174. Upgrade/Purchase IT Systems (Clinical and EMR)

Restricted Funds	-0-	200,000,000	-0-

175. Renovate/Upgrade HealthCare Facilities

Restricted Funds	-0-	150,000,000	-0-

176. Upgrade/Fit-up Hospital Facilities

Restricted Funds	-0-	35,000,000	-0-

177. Construct Good Samaritan Medical Office Building - UKHC

Restricted Funds	-0-	26,000,000	-0-

178. Construct/Expand/Renovate Ambulatory Care - UKHC

Restricted Funds	-0-	20,000,000	-0-

179. Implement Land Use Plan - UKHC

Restricted Funds	-0-	20,000,000	-0-

180. Improve Building Systems - UKHC

Restricted Funds	-0-	20,000,000	-0-

181. Upgrade Enterprise Information Systems - UKHC

Restricted Funds	-0-	20,000,000	-0-

182. Upgrade/Expand Cancer Treatment Facility - UKHC

Restricted Funds	-0-	20,000,000	-0-

183. Improve Hospital Facilities - Good Samaritan

Restricted Funds	-0-	20,000,000	-0-

184. Construct Office Tower - UKHC

Restricted Funds	-0-	100,000,000	-0-

185. Upgrade Administrative Systems

Restricted Funds	-0-	75,000,000	-0-

186. Expand/Construct Parking Structure - UKHC

Restricted Funds	-0-	43,000,000	-0-

187. Improve UKHC Facilities - UK Chandler Hospital

Restricted Funds	-0-	310,000,000	-0-

188. Improve Good Samaritan Hospital Facilities

Restricted Funds	-0-	25,000,000	-0-

189. Improve Clinical/Ambulatory Services

Restricted Funds	-0-	50,000,000	-0-

190. Improve Markey Cancer Center

Restricted Funds	-0-	20,000,000	-0-

191. Construct Tennis Facility

Restricted Funds	-0-	28,000,000	-0-

192. Lease/Purchase Campus Infrastructure

Restricted Funds	-0-	3,500,000	-0-

9. UNIVERSITY OF LOUISVILLE

001. Construct Institute for Product Realization

Other Funds	-0-	35,980,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

002. Construct Shelbyhurst Parking Garage

Other Funds	-0-	28,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

003. Construct Shelbyhurst Hotel/Conference Center

Other Funds	-0-	18,720,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

004. Improve Life Safety Projects Pool

Restricted Funds	-0-	15,000,000	-0-

005. Renovate Health Science Center Simulation Center

Restricted Funds	-0-	15,000,000	-0-

006. Renovate J. B. Speed Building

Restricted Funds	-0-	13,260,000	-0-

007. Improve/Expand Parking

Restricted Funds	-0-	13,000,000	-0-

008. Construct Executive MBA/Business Facility

Restricted Funds	-0-	12,000,000	-0-

009. Purchase Storage System

Restricted Funds	-0-	12,000,000	-0-

010. Expand School of Public Health and Information Sciences

Restricted Funds	-0-	11,610,000	-0-

011. Construct Center for Creative Studies

Restricted Funds	-0-	10,193,000	-0-

012. Improve Housing Facilities Pool

Restricted Funds	-0-	8,000,000	-0-

013. IT Data Center Power Upgrade

Restricted Funds	-0-	8,000,000	-0-

014. Purchase Computer Processing System

Restricted Funds	-0-	8,000,000	-0-

015. Purchase Networking System

Restricted Funds	-0-	8,000,000	-0-

016. Purchase Security and Firewall Infrastructure

Restricted Funds	-0-	8,000,000	-0-

017. Purchase Research Computing Infrastructure

Restricted Funds	-0-	7,000,000	-0-

018. Purchase Next Generation/ERP Support System

Restricted Funds	-0-	6,000,000	-0-

019. Accessibility Improvement Pool

Restricted Funds	-0-	5,000,000	-0-

020. Improve Elevator Systems Pool

Restricted Funds	-0-	5,000,000	-0-

021. Purchase Content Management System

Restricted Funds	-0-	4,000,000	-0-

022. Lease Digital Output System

Restricted Funds	-0-	2,500,000	-0-

023. Construct Physical Plant Space in Health Science Center Garage

Restricted Funds	-0-	2,440,000	-0-

024. Construct Soccer Stadium Practice Field

Restricted Funds	-0-	2,000,000	-0-

025. Construct Visitors Center

Restricted Funds	-0-	2,000,000	-0-

026. Purchase Electronic Video Boards

Other Funds	-0-	2,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

027. Construct Athletic Grounds Building

Other Funds	-0-	1,550,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

028. Resurface Track and Cardio Path

Other Funds	-0-	1,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

029. Purchase Artificial Turf Field I

Other Funds	-0-	1,250,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

030. Purchase Artificial Turf Field II

Other Funds	-0-	1,250,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

031. Renovate Football Practice Field Lighting

Other Funds	-0-	780,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

032. Guaranteed Energy Savings Performance Contracts

033. Jefferson County - Clinic Space 1 - Lease

034. Jefferson County - Clinic Space 2 - Lease

035. Jefferson County - Clinic Space 3 - Lease

036. Jefferson County - Clinic Space -State of Kentucky - Lease

037. Master of Fine Arts - Lease

038. Med Center One - Lease

039. Med Center One - 2 - Lease

040. Nucleus 1 Building - Lease

041. Nucleus 1 Building - 2 - Lease

042. Jefferson County - Office Space 1 - Lease

043. Jefferson County - Office Space 2 - Lease

044. Jefferson County - Office Space 3 - Lease

045. Jefferson County - Office Space 4 - Lease

046. Academic Space 1 - Lease

047. Academic Space 2 - Lease

048. Research Space - State of Kentucky - Lease

049. Purchase Fiber Infrastructure

Restricted Funds	-0-	7,000,000	-0-

050. Renovate - Capital Renewal Pool (2016-2018)

Restricted Funds	-0-	35,000,000	-0-

051. Construct Residence Hall

Other Funds	-0-	44,450,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

052. Renovate Residence Halls

Agency Bonds	-0-	46,320,000	-0-

053. Construct Administrative Office Building

Restricted Funds	-0-	52,560,000	-0-

054. Expand - Papa John's Stadium/Football Complex

Agency Bonds	-0-	55,000,000	-0-

055. Renovate - Papa John's Stadium Seat Replacement

Other Funds	-0-	5,460,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

10. WESTERN KENTUCKY UNIVERSITY

001. Renovate Garrett Conference Center

Agency Bonds	-0-	12,000,000	-0-

002. Construct Football Pressbox

Other Funds	-0-	5,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

003. Renovate Center for Research and Development Phase I

Restricted Funds	-0-	6,000,000	-0-

004. Renovate Central Heat Plant

Restricted Funds	-0-	5,000,000	-0-

005. Upgrade IT Infrastructure

Restricted Funds	-0-	5,000,000	-0-

006. Construct Baseball Grandstand

Other Funds	-0-	4,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

007. Renovate Art Lab/Museum

Restricted Funds	-0-	4,200,000	-0-

008. Construct Track and Field Facilities Phase I

Other Funds	-0-	4,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

009. Renovate Gordon Wilson Hall

Restricted Funds	-0-	4,000,000	-0-

010. Acquire Equipment Diddle Arena

Other Funds	-0-	3,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

011. Renovate Thompson Complex Center Wing

Restricted Funds	-0-	3,000,000	-0-

012. Construct Science Gallery

Other Funds	-0-	2,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

013. Construct South Plaza

Other Funds	-0-	2,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

014. Major Items of Equipment Pool - 2016-2018

Restricted Funds	-0-	2,500,000	-0-

015. Add Club Seating at Diddle Arena

Other Funds	-0-	2,200,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

016. Construct Academic/Retail Space

Restricted Funds	-0-	2,000,000	-0-

017. Design Environmental Science and Technology Hall Renovation

Restricted Funds	-0-	2,000,000	-0-

018. Renovate International Center to Multicultural Center

Restricted Funds	-0-	1,500,000	-0-

019. Renovate Foundation Building

Restricted Funds	-0-	1,200,000	-0-

020. Renovate Tate Page Hall

Restricted Funds	-0-	1,200,000	-0-

021. Design Agriculture Expo Center Renovation

Restricted Funds	-0-	1,000,000	-0-

022. Renovate Jones Jaggers Interior

Restricted Funds	-0-	1,000,000	-0-

023. Renovate Grise Hall Restrooms (ADA)

Restricted Funds	-0-	930,000	-0-

024. Remove and Replace Student Housing at Farm

Restricted Funds	-0-	800,000	-0-

025. Alumni Center - Lease

026. Guaranteed Energy Savings Performance Contracts

027. Nursing and Physical Therapy - Lease

028. Parking Garage - Lease

029. Construct Parking Structure III

Agency Bonds	-0-	10,000,000	-0-

030. Purchase Property/Parking & Street Improvements 2016-18

Restricted Funds	-0-	3,000,000	-0-

031. Purchase Property for Campus Expansion 2016-18

Restricted Funds	-0-	3,000,000	-0-

032. Construct Parking Structure

Restricted Funds	-0-	10,000,000	-0-

033. Renovate State/Normal Street Properties

Restricted Funds	-0-	1,500,000	-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 3rd Floor Addition to Learning Resource Center - Madisonville CC

Restricted Funds	-0-	5,000,000	-0-

002. KCTCS Equipment Pool - 2016-2018

Restricted Funds	-0-	5,000,000	-0-

003. Renovate Learning Resource Center Building - Hopkinsville CC

Restricted Funds	-0-	4,900,000	-0-

004. Renovate Sullivan Technology Center - Henderson CC

Restricted Funds	-0-	4,900,000	-0-

005. Expansion of Fine Arts Center - Henderson CC

Restricted Funds	-0-	4,400,000	-0-

006. Renovate Student Center Building - Elizabethtown CTC

Restricted Funds	-0-	4,300,000	-0-

007. Renovate Administration Building Newtown Campus - Bluegrass CTC

Restricted Funds	-0-	3,800,000	-0-

008. Renovate Administration Building - Whitesburg - Southeast Kentucky CTC

Restricted Funds	-0-	3,800,000	-0-

009. Replace HVAC System Phase I - Owensboro CTC

Restricted Funds	-0-	3,500,000	-0-

010. Renovate Owensboro Downtown Campus - Owensboro CTC

Restricted Funds	-0-	3,000,000	-0-

011. Renovate Southeastern Campus - Owensboro CTC

Restricted Funds	-0-	3,000,000	-0-

012. Replace HVAC Units - Somerset CC South

Restricted Funds	-0-	2,200,000	-0-

013. KCTCS CEMCS Upgrades Pool

Restricted Funds	-0-	2,000,000	-0-

014. Renovations Main Campus - West Kentucky CTC

Restricted Funds	-0-	2,000,000	-0-

015. Renovate Building for Skilled Crafts Training Center, Phase III - West Kentucky CTC

Restricted Funds	-0-	1,800,000	-0-

016. Expansion of Welding Facility - Hopkinsville CC

Restricted Funds	-0-	1,600,000	-0-

017. Acquire CPAT Center - Fire Commission Reauthorization ($1,500,000 Restricted Funds)

018. Install Sprinkler Systems - West Kentucky CTC

Restricted Funds	-0-	1,500,000	-0-

019. Upgrade Welding Shop - Big Sandy CTC - Mayo Campus

Restricted Funds	-0-	1,500,000	-0-

020. Construct Parking Lot and Lighting - Madisonville CC

Restricted Funds	-0-	1,300,000	-0-

021. Construct New Entrance - Leestown - Bluegrass CTC

Restricted Funds	-0-	1,000,000	-0-

022. Construct Second Entrance - Main - Madisonville CC

Restricted Funds	-0-	1,000,000	-0-

023. Renovate Welding Lab - Maysville CTC

Restricted Funds	-0-	1,000,000	-0-

024. Renovate Auditorium Building Roof - Hopkinsville CC

Restricted Funds	-0-	1,000,000	-0-

025. Replace Fire Alarm and Security System - Maysville CTC

Restricted Funds	-0-	1,000,000	-0-

026. Upgrade Safety and Security Systems - Hazard CTC

Restricted Funds	-0-	1,000,000	-0-

027. Soil Stabilization Industrial Education Building - Hazard CTC - Additional Reauthorization ($1,650,000 Restricted Funds)

Restricted Funds	-0-	250,000	-0-

028. Guaranteed Energy Savings Performance Contracts

029. Gateway CTC - Urban Campus - Lease

030. Jefferson CTC - Bullitt County Campus - Lease

031. Jefferson CTC - Jefferson Education Center - Lease

032. KCTCS System Office - Lease

033. Maysville CTC - Rowan Campus - Lease

034. Maysville CTC - Rowan County - Lease

035. Construct State Fire Rescue Training Area 7 Building

Restricted Funds	-0-	1,500,000	-0-

036. Renovate Leestown Campus - Bluegrass CTC

Restricted Funds	-0-	6,000,000	-0-

037. Upgrade Newtown Campus Buildings and Infrastructure - Bluegrass CTC

Restricted Funds	-0-	10,000,000	-0-

038. Construct and/or Procure Fire Commission System Office Building

Restricted Funds	-0-	5,527,000	-0-

039. KCTCS Property Acquisition Pool

Restricted Funds	-0-	10,000,000	-0-

040. Acquisition of KCTCS System Office Building

Restricted Funds	-0-	5,500,000	-0-

041. Pikeville Technology Center - Big Sandy CTC Reauthorization ($3,278,000 Federal Funds, $1,222,000 Restricted Funds)

K. PUBLIC PROTECTION CABINET

Budget Units	**2016-17**	**2017-18**

1. ALCOHOLIC BEVERAGE CONTROL

001. Franklin County - Lease

2. FINANCIAL INSTITUTIONS

001. Franklin County - Lease

3. HOUSING, BUILDINGS AND CONSTRUCTION

001. Franklin County - Lease

4. INSURANCE

001. Franklin County - Lease

L. TOURISM, ARTS AND HERITAGE CABINET

Budget Units	2015-16	2016-17	2017-18
1. PARKS			
001. Maintenance Pool - 2016-2018			
Bond Funds	-0-	3,800,000	3,800,000
002. Life Safety Maintenance Pool			
Bond Funds	-0-	5,000,000	-0-

(1) Permitted Use of Funds: The Bond Funds appropriation for the above project shall be used exclusively for electrical, safety, and emergency maintenance upgrades in state parks.

2. HORSE PARK COMMISSION			
001. Maintenance Pool - 2016-2018			
Investment Income	-0-	575,000	575,000
3. STATE FAIR BOARD			
001. Kentucky Exposition Center Roof Repair			
Restricted Funds	-0-	4,322,000	-0-
Bond Funds	-0-	8,000,000	-0-
TOTAL	-0-	12,322,000	-0-
4. FISH AND WILDLIFE RESOURCES			
001. Fees-in-Lieu-of Stream Mitigation Projects Pool			
Restricted Funds	-0-	20,000,000	20,000,000
002. Camp Currie Dining Hall Construction			
Restricted Funds	-0-	1,400,000	-0-
Federal Funds	-0-	855,000	-0-
Other Funds	-0-	1,245,000	-0-
TOTAL	-0-	3,500,000	-0-
003. FILO Office Space			
Restricted Funds	1,050,000	-0-	-0-
5. KENTUCKY CENTER FOR THE ARTS			
001. Maintenance Pool - 2016-2018			
Investment Income	-0-	160,000	160,000

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 2016-2017 or fiscal year 2017-2018, 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 2016-2017 or fiscal year 2017-2018, 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 2016-2018 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 Road Fund Excess Debt Service Appropriations: Pursuant to KRS 48.720, any excess Road Fund debt service shall lapse to the Road Fund 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 2016 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 2016 Regular Session, as well as other Acts which contain appropriation provisions for the 2016-2018 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2016 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 2016 Regular Session of the General Assembly.

17. Budget Planning Report: By August 15, 2017, 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, 2017, 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 2016 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 2016-2017 and fiscal year 2017-2018, 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 2016-2017 and fiscal year 2017-2018 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 2015-2016 and fiscal year 2016-2017, 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 2015-2016 and fiscal year 2016-2017 General Fund and Road Fund balances that are designated and carried forward for budgeted purposes in the 2016-2018 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.

26. Reallocation of Appropriations Among Budget Units: The Executive Branch shall operate within the appropriations authorized in this Act for each budget unit as prescribed by KRS 48.400 to 48.730, subject to the conditions and procedures stated in this section or other Parts of this Act.

The Secretary of a Cabinet, the Commissioner of the Department of Education, and other agency heads may request a reallocation among budget units under his or her administrative authority of~~[up to ten percent of]~~ General Fund appropriations contained in Part I, Operating Budget, of this Act for fiscal years 2016-2017 and 2017-2018 for approval by the State Budget Director. A request shall explain the need and use for the transfer authority under this section.

The amount of transfer of General Fund appropriations shall be separately recorded and reported in the system of financial accounts and reports provided in KRS Chapter 45.

The State Budget Director shall report a transfer made under this section, in writing, to the Interim Joint Committee on Appropriations and Revenue at least 30 days prior to the proposed transfer. The Committee shall review the transfer in the same manner and procedure as provided for an interim unbudgeted appropriation action under KRS 48.630.

27. Kentucky Permanent Pension Fund: Notwithstanding KRS 18A.2254(3), $125,000,000 in fiscal year 2017-2018 shall be transferred to the Kentucky Permanent Pension Fund from the Public Employee Health Insurance Trust Fund. These funds represent a portion of excess prior health insurance plan years and are not needed to fulfill health insurance claims payments for any prior plan year. These funds shall not be expended or appropriated without the express authority within an enacted biennial budget. Expenditures, up to $3,000,000, for a performance audit of state-administered retirement systems during the 2016-2018 fiscal biennium shall be paid from the Kentucky Permanent Pension Fund.

28. 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.]~~

29. Information Technology: All authorized computer information technology projects shall submit a semiannual progress report to the Capital Projects and Bond Oversight Committee. 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.

30. 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.

31. 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 2016-2018 fiscal biennium.

32. Unexpended Debt Service: Notwithstanding KRS 48.720, any General Fund moneys appropriated for debt service in fiscal years 2016-2017 and 2017-2018 that are not expended specifically for debt service shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

33. Effects of Subsequent Legislation: If any measure enacted during the 2016 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 2016 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.

34. Permitted Use of Water and Sewer Bond Funds: Notwithstanding Part II, (3) of this Act and any statute to the contrary, any balances remaining for either closed or open project grant agreements authorized pursuant to bond pools set forth in 2003 Ky. Acts ch. 156, Part II, A., 3., d. Water and Sewer Resources Development Fund for Tobacco Counties and e. Water and Sewer Resources Development Fund For Coal Producing Counties, 2005 Ky. Acts ch. 173, Part II, A., 3., 003. Infrastructure for Economic Development Fund for Coal-Producing Counties and 004. Infrastructure for Economic Development Fund for Tobacco Counties, 2006 Ky. Acts ch. 252, Part II, A., 2., 003. Infrastructure for Economic Development Fund for Non-Coal Producing Counties and 004. Infrastructure for Economic Development Fund for Coal-Producing Counties, 2008 Ky. Acts ch. 123, Section 3., 004. Infrastructure for Economic Development

Fund for Coal-Producing Counties and 005. Infrastructure for Economic Development Fund for Non-Coal Producing Counties, and 2008 Ky. Acts ch. 174, Section 2. and 2009 Ky. Acts ch. 87, Section 2. shall not lapse and shall remain to the credit of projects previously authorized by the General Assembly unless expressly reauthorized and reallocated by action of the General Assembly.

35. Contingent Appropriation of Excess Lottery Revenues: Based on the official estimates of the Consensus Forecasting Group, lottery receipts are estimated to be $232,000,000 in fiscal year 2015-2016, $236,000,000 in fiscal year 2016-2017, and $241,000,000 in fiscal year 2017-2018. If lottery receipts received by the Commonwealth, excluding any unclaimed lottery prize money received under Section 22. of this Part, exceed the official estimate in any fiscal year, the first $5,000,000 in unanticipated lottery receipts during the 2016-2018 fiscal biennium shall be transferred to the General Fund, and any unanticipated lottery receipts above $5,000,000 during the 2016-2018 fiscal biennium shall be transferred to the Kentucky Higher Education Assistance Authority and appropriated in accordance with KRS 154A.130(4)(b).

36. 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.

PART IV

STATE SALARY/COMPENSATION, BENEFIT, AND EMPLOYMENT POLICY

1. Authorized Personnel Complement: On July 1, 2016, 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 156.808(6)(e) and (12), no increment is provided in either fiscal year on the base salary or wages of each eligible state employee on their 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. 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.

6. Employer Retirement Contribution Rates: Notwithstanding KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement Systems from July 1, 2016, through June 30, 2017, shall be 48.59 percent, consisting of 40.24 percent for pension and 8.35 percent for insurance for nonhazardous duty employees and 23.82 percent, consisting of 21.08 percent for pension and 2.74 percent for insurance for hazardous duty employees; for the same period the employer contribution for employees of the State Police Retirement System shall be 89.21 percent, consisting of 70.34 percent for pension and 18.87 percent for insurance. Notwithstanding KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement Systems from July 1, 2017, through June 30, 2018, shall be 49.47 percent, consisting of 41.06 percent for pension and 8.41 percent for insurance for nonhazardous duty employees and 23.70 percent, consisting of 21.44 percent for pension and 2.26 percent for insurance for hazardous duty employees; for the same period the employer contribution for employees of the State Police Retirement System shall be 91.24 percent, consisting of 72.47 percent for pension and 18.77 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.

7. 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, 2017, and June 30, 2018, shall not be issued prior to July 1, 2017, and July 1, 2018.

8. 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 $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 2016-2017 and fiscal year 2017-2018:

	2015-16	2016-17	2017-18
A. GENERAL GOVERNMENT			
1. Secretary of State			
Agency Revenue Fund	-0-	1,000,000	1,000,000
2. Agriculture			
Agency Revenue Fund	-0-	1,500,000	-0-
(KRS 217.570)			
3. School Facilities Construction Commission			
Agency Revenue Fund	-0-	2,396,400	-0-
(KRS 157.618)			
B. ECONOMIC DEVELOPMENT CABINET			
1. Economic Development			
Other Special Revenue Fund	-0-	200,000	200,000
C. ENERGY AND ENVIRONMENT CABINET			
1. Secretary			
Kentucky Heritage Land			
Conservation Fund	-0-	2,500,000	2,500,000
(KRS 146.570)			

These funds transfers to the General Fund shall not include any receipts derived from the sale of the Nature License Plate.

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-	8,900,000	8,000,000
(KRS 224.60-130, 224.60-140, 224.60-145, and 224.60-150)			
D. FINANCE AND ADMINISTRATION CABINET			
1. General Administration			
Agency Revenue Fund	-0-	1,000,000	-0-

2.	**General Administration**			
	Fleet Management Fund	-0-	6,000,000	6,000,000
3.	**Facilities and Support Services**			
	Agency Revenue Fund	-0-	300,000	-0-
4.	**Facilities and Support Services**			
	Property Management Fund	-0-	208,100	208,100
5.	**Commonwealth Office of Technology**			
	Computer Services Fund	1,960,000	8,000,000	8,000,000

E. HEALTH AND FAMILY SERVICES CABINET

1.	**General Administration and Program Support**			
	Malt Beverage Education Fund	-0-	500,000	500,000
2.	**Commission for Children with Special Health Care Needs**			
	Agency Revenue Fund	-0-	1,000,000	-0-

F. JUSTICE AND PUBLIC SAFETY CABINET

1.	**Juvenile Justice**			
	Program Operations Fund	-0-	1,500,000	1,500,000

G. PERSONNEL CABINET

1.	**General Operations**			
	Agency Revenue Fund	-0-	2,692,600	2,692,600

These fund transfers to the General Fund support General Fund debt service on bonds sold for the new Personnel/Payroll system.

2.	**General Operations**			
	Enterprise Fund	-0-	187,500,000	187,500,000
	KRS 18A.2254(3)			

The funds transfers of $187,500,000 in fiscal year 2016-2017 and $187,500,000 in fiscal year 2017-2018 partially support employer retirement contributions.

~~[3. Workers' Compensation Benefits and Reserve~~
~~Workers' Compensation Benefits~~
~~and Reserve 0 0 1,250,000~~
~~KRS 18A.375(3)~~
~~Agency Revenue Fund]~~

H. PUBLIC PROTECTION CABINET

1.	**Alcoholic Beverage Control**			
	Agency Revenue Fund	-0-	300,000	300,000
	(KRS 243.025(3))			
2.	**Financial Institutions**			
	Agency Revenue Fund	-0-	5,500,000	5,500,000
	(KRS 286.1-485)			
3.	**Insurance**			

Agency Revenue Fund	-0-	25,050,000	25,050,000
(KRS 304.2-300 and 304.2-400)			
TOTAL - FUNDS TRANSFER	1,960,000	258,053,400	252,207,000

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 $10,616,375,000 in fiscal year 2016-2017 and $10,874,400,000 in fiscal year 2017-2018, as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session. Notwithstanding KRS 48.130, 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 the 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 biennial 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, including but not limited to unexpended debt service and the Tobacco Unbudgeted Interest Income-Rural Development Trust Fund, 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 2016-2017 and 50 percent in fiscal year 2017-2018; and

(10) Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to (6) 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 2016-2017 and 2017-2018. 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 24, 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;

(b) For fiscal year 2016-2017:

1. Half of the remaining amount to the Budget Reserve Trust Fund; and

2. Half of the remaining amount to the Kentucky Permanent Pension Fund; and

(c) For fiscal year 2017-2018:

1. Half of the remaining amount to the Budget Reserve Trust Fund;

2. 25 percent of the remaining amount to the Kentucky Teachers' Retirement System's unfunded pension liability; and

3. 25 percent of the remaining amount to the Kentucky Employees Retirement System nonhazardous pension fund.

(2) The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of fiscal year 2015-2016, and the close of fiscal year 2016-2017, 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 2016-2017 and fiscal year 2017-2018. The Secretary of the Finance and Administration Cabinet shall certify to the Legislative Research Commission the amount of actual General Fund undesignated fund balance available for expenditure.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal year 2016-2017 and fiscal year 2017-2018. Notwithstanding KRS 48.130(1) and (3) relating to statutory appropriation adjustments related to the revenue sharing of motor fuels taxes, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of $1,456,900,000 in fiscal year 2016-2017 and $1,478,200,000 in fiscal year 2017-2018 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 2016-2018 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 official estimates of the Consensus Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2015-2016 is $88,100,000 and in fiscal year 2016-2017 is $87,000,000 and in fiscal year 2017-2018 is $92,800,000. It is recognized that MSA payments to be received by the Commonwealth are estimated and are subject to change. If MSA payments received are less than the official estimates, appropriation reductions shall be applied as follows: after exempting appropriations for debt service and the Department of Revenue, 50 percent to the Agricultural Development Fund, 36 percent to the Early Childhood Development Fund, and 14 percent to the Health Care Improvement Fund. If MSA payments received exceed the official estimates, appropriation increases shall be applied as follows: after exempting appropriations for debt service and the Department of Revenue, 50 percent to the Agricultural Development Fund, 36 percent to the Early Childhood Development Fund, and 14 percent to the Health Care Improvement Fund.

a. State Enforcement: Notwithstanding KRS 248.654, a total of $250,000 in 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), $26,985,300 in MSA payments in fiscal year 2016-2017 and $26,667,700 in MSA payments in fiscal year 2017-2018 are appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

c. Agricultural Development Initiatives: Notwithstanding KRS 248.654 and 248.703(4), $30,958,000 in MSA payments in fiscal year 2016-2017 and $34,050,200 in MSA payments in fiscal year 2017-2018 are appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified in this Part.

d. Early Childhood Development Initiatives: Notwithstanding KRS 248.654, $22,289,800 in MSA payments in fiscal year 2016-2017 and $24,516,100 in MSA payments in fiscal year 2017-2018 are appropriated to the Early Childhood Development Initiatives as specified in this Part.

e. Health Care Initiatives: Notwithstanding KRS 248.654 and 304.17B-003(5), $8,668,300 in MSA payments in fiscal year 2016-2017 and $9,534,000 in MSA payments in fiscal year 2017-2018 are appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

(6) MSA Appropriation Adjustments – Fiscal Year 2015-2016: The Consensus Forecasting Group increased the fiscal year 2015-2016 Phase I Master Settlement Agreement revenues by $15,700,000 to $88,100,000. There is $7,446,100 in actual receipts from fiscal year 2013-2014 that remain unappropriated. The total of $23,146,100 is appropriated in fiscal year 2015-2016.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654, appropriations for state enforcement shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit		2016-17	2017-18
a.	Revenue	250,000	250,000

B. DEBT SERVICE

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for debt service shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit		2016-17	2017-18
a.	Debt Service	26,985,300	26,667,700

(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. 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, $2,151,400 in fiscal year 2016-2017 and $2,218,000 in fiscal year 2017-2018 shall lapse.

(3) Appropriation of Unexpended Tobacco Debt Service: Any unexpended balance from the fiscal year 2016-2017 or the fiscal year 2017-2018 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 of Agricultural Policy.

C. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for Agricultural Development shall be as follows:

1. GENERAL GOVERNMENT

Budget Unit		2015-16	2016-17	2017-18
a.	Governor's Office of Agricultural Policy	21,099,500	25,358,000	28,450,200

(1) Administrative Costs: 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) Counties Account: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is $10,835,300 in fiscal year 2016-2017 and $11,917,600 in fiscal year 2017-2018, for the counties account as specified in KRS 248.703(1)(a).

(3) Directive for Fiscal Year 2015-2016 General Fund (Tobacco) Appropriations: Notwithstanding KRS 248.703, 248.711, and 248.727, the General Fund (Tobacco) appropriation of $21,099,500 to the Governor's Office of Agricultural Policy in fiscal year 2015-2016 shall be used solely for~~[special]~~ agricultural development initiatives.~~[These special initiatives shall be limited to those which support regional centers of excellence associated with a state university, to regional initiatives that support local food aggregators, processors, or distributors, to statewide initiatives that foster the maintenance, preservation, or enhancement of a natural resource which is important to the future development of the agricultural economy in the Commonwealth, or to regional initiatives that provide a public service which can be used to evaluate the marketability of livestock.]~~ The grant process for each~~[special]~~ agricultural development initiative shall be subject to the application process and approval of the Agricultural Development Board created under KRS 248.707.~~[The Board shall not approve an individual grant for an amount that exceeds $12,800,000.]~~

2. DEPARTMENT OF AGRICULTURE

Budget Unit		2016-17	2017-18
a.	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. The appropriations to the Farm to Food Banks Program may be used to purchase USDA-inspected meat to be distributed to local food pantries in Kentucky.

3. ENERGY AND ENVIRONMENT CABINET

Budget Unit	**2016-17**	**2017-18**
a. Natural Resources	5,000,000	5,000,000

(1) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is $5,000,000 in fiscal year 2016-2017 and $5,000,000 in fiscal year 2017-2018 for the Environmental Stewardship Program.

TOTAL - AGRICULTURAL APPROPRIATIONS	21,099,500	30,958,000	34,050,200

D. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654, appropriations for Early Childhood Development shall be as follows:

1. GENERAL GOVERNMENT

Budget Unit	**2016-17**	**2017-18**
a. Office of the Governor	2,050,000	2,050,000

(1) Governor's Office for Early Childhood Development: Included in the above General Fund (Tobacco) appropriation is $2,050,000 in each fiscal year of the biennium for the Early Childhood Advisory Council.

2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	**2015-16**	**2016-17**	**2017-18**
a. Community Based Services	2,046,600	6,668,400	8,894,700

(1) Early Childhood Development Program: Included in the above General Fund (Tobacco) appropriation is $2,046,600 in fiscal year 2015-2016 for the Early Childhood Development Program. The $2,046,600 shall not be expended in fiscal year 2015-2016 and shall continue into fiscal year 2016-2017. Included in the above General Fund (Tobacco) appropriation is $6,668,400 in fiscal year 2016-2017 and $8,894,700 in fiscal year 2017-2018 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 for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems.

3. POSTSECONDARY EDUCATION

Budget Unit	**2016-17**	**2017-18**
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	2,046,600	22,289,800	24,516,100

E. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Unit		**2016-17**	**2017-18**
a.	Public Health	2,353,100	2,588,100

(1) Smoking Cessation Program: Included in the above General Fund (Tobacco) appropriation is $2,353,100 in fiscal year 2016-2017 and $2,588,100 in fiscal year 2017-2018 for the Smoking Cessation Program.

2. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit		**2016-17**	**2017-18**
a.	Justice Administration	1,609,100	1,769,800

(1) Office of Drug Control Policy: Included in the above General Fund (Tobacco) appropriation is $1,609,100 in fiscal year 2016-2017 and $1,769,800 in fiscal year 2017-2018 for the Office of Drug Control Policy.

3. POSTSECONDARY EDUCATION

Budget Unit		**2016-17**	**2017-18**
a.	Council on Postsecondary Education	4,706,100	5,176,100

(1) Ovarian Cancer Screening: Notwithstanding KRS 164.476, General Fund (Tobacco) moneys in the amount of $800,000 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.

(2) Lung Cancer Research Fund: Included in the above General Fund (Tobacco) appropriation is $4,706,100 in fiscal year 2016-2017 and $5,176,100 in fiscal year 2017-2018 for the Lung Cancer Research Fund.

TOTAL - HEALTH CARE APPROPRIATIONS		8,668,300	9,534,000
TOTAL - PHASE I TOBACCO SETTLEMENT FUNDING PROGRAM	23,146,100	89,151,400	95,018,000

PART XI

STATE/EXECUTIVE BRANCH BUDGET SUMMARY

OPERATING BUDGET

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	23,146,100	89,151,400	95,018,000
General Fund	32,257,500	10,636,696,100	10,881,431,400
Restricted Funds	129,405,400	8,031,530,700	8,453,750,200
Federal Funds	1,854,700	12,235,304,600	12,545,024,100
Road Fund	-0-	92,479,700	93,429,100
SUBTOTAL	186,663,700	31,085,162,500	32,068,652,800

CAPITAL PROJECTS BUDGET

	2015-16	**2016-17**	**2017-18**
General Fund	-0-	1,836,000	-0-
Restricted Funds	4,800,000	3,477,478,000	40,850,000

Federal Funds	1,750,000	61,444,000	31,640,000
Bond Funds	-0-	530,049,000	52,937,500
Agency Bonds	-0-	672,365,000	4,891,000
Investment Income	-0-	4,975,600	4,860,000
Other Funds	-0-	820,287,000	600,000
SUBTOTAL	6,550,000	5,568,434,600	135,778,500

TOTAL - STATE/EXECUTIVE BUDGET

	2015-16	**2016-17**	**2017-18**
General Fund (Tobacco)	23,146,100	89,151,400	95,018,000
General Fund	32,257,500	10,638,532,100	10,881,431,400
Restricted Funds	134,205,400	11,509,008,700	8,494,600,200
Federal Funds	3,604,700	12,296,748,600	12,576,664,100
Road Fund	-0-	92,479,700	93,429,100
Bond Funds	-0-	530,049,000	52,937,500
Agency Bonds	-0-	672,365,000	4,891,000
Investment Income	-0-	4,975,600	4,860,000
Other Funds	-0-	820,287,000	600,000
TOTAL FUNDS	193,213,700	36,653,597,100	32,204,431,300

➔Section 5. It is the intent of the 2016 General Assembly to provide the Judicial Branch a supplemental General Fund appropriation of $15,337,400 in fiscal year 2016-2017 and $18,913,700 in fiscal year 2017-2018. This appropriation is not to be deemed an expression of intent by the General Assembly as to the ability of the courts to implement salary increases.

➔Section 6. On page 1 of 2016 Regular Session HB 306/GA, on line 21, delete "219,548,200" and insert in lieu thereof "234,885,600"; adjust subsequent subtotals and totals accordingly.

➔Section 7. On page 1 of 2016 Regular Session HB 306/GA, on line 21, delete "217,113,500" and insert in lieu thereof "236,027,200"; adjust subsequent subtotals and totals accordingly.

➔Section 8. (1) Notwithstanding KRS 68.197 or any other statute to the contrary, the provisions of this section shall 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, 2016, through June 30, 2017, the credit established by KRS 68.197(7) shall only apply to the first one-tenth of one percent (0.1%) of the tax rate imposed by the county within the corporate limits of the city.

(3) From July 1, 2017, through June 30, 2018, the credit established by KRS 68.197(7) shall only apply to the first two-tenths of one percent (0.2%) 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 9. 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, 2018:

(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, 2018; 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 10. 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 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 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 in part April 27, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 28, 2016.

CHAPTER 150

(SB 296)

AN ACT relating to the establishment of the Governor's School for Entrepreneurs 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 158 IS CREATED TO READ AS FOLLOWS:

(1) The Governor's School for Entrepreneurs Program is established as a statewide summer experiential education program for creative and enterprising students to enhance the next generation of business and economic leaders and enrich future economic development across the Commonwealth. The Governor's School for Entrepreneurs Program shall be attached to the Office of the Secretary in the Education and Workforce Development Cabinet for administrative purposes.

(2) As used in this section, "entrepreneurship education organization" means a not-for-profit organization that has:

(a) Received tax exempt status from the United States Internal Revenue Service;

(b) Registered with the Office of the Kentucky Secretary of State;

(c) A statewide mission to generate interest and knowledge in entrepreneurship; and

(d) A history of operating education programs focused on entrepreneurship.

(3) (a) The Governor or the Governor's designee from the executive cabinet, the commissioner of education, the president of the Council on Postsecondary Education, and the secretary of the Education and Workforce Development Cabinet shall serve as ex officio members of an advisory board to the Governor's School for Entrepreneurs Program. In addition, the Governor shall appoint five (5) members to the advisory board as provided in paragraph (b) of this subsection.

(b) By July 31, 2016, the Governor shall appoint five (5) initial members of the advisory board to serve as follows:

1. One (1) shall be appointed to serve a three (3) year term;

2. Two (2) shall be appointed to serve a (2) year term; and

3. Two (2) shall be appointed to serve a (1) year term.

Members appointed by the Governor may be reappointed by the Governor to serve successive terms. In making gubernatorial appointments, the Governor shall consider recommendations and information on business and

entrepreneurial experience provided by a nominating committee of the board and shall attempt to promote geographic balance on the board. The Governor shall make appointments to fill gubernatorial vacancies as they occur. Each appointment after the initial appointment shall be for a three (3) year term unless the appointment is to fill the unexpired portion of a term.

(4) The Education and Workforce Development Cabinet shall contract with an entrepreneurship education organization to administer and operate the statewide Governor's School for Entrepreneurs Program created in this section. The Education and Workforce Development Cabinet shall approve the contract application criteria, the process for submission of a contract application, and the structure and type of evaluation criteria used in the contract application review process.

(5) The annual appropriation for the statewide Governor's School for Entrepreneurs Program from the general fund shall be transmitted to an entrepreneurship education organization on July 1 of each year to facilitate the operation of the summer program. Funds shall be used only for the purposes of the statewide Governor's School for Entrepreneurs Program and, notwithstanding KRS 45.229, shall not lapse at the end of the fiscal year.

(6) (a) The entrepreneurship education organization shall follow standard accounting practices and shall submit the following financial reports to the Office of the Secretary of the Education and Workforce Development Cabinet, the Finance and Administration Cabinet, and the Legislative Research Commission:

1. Quarterly reports of expenditures of state funds for the Governor's School for Entrepreneurs Program, submitted on or before the thirtieth day after the end of each quarter in the organization's fiscal year;

2. Annual reports of receipts and expenditures for the Governor's School for Entrepreneurs Program, submitted on or before the sixtieth day after the end of the fiscal year of the organization; and

3. The report of an annual financial compilation or review conducted by an independent accounting firm, submitted on or before September 1 of each year.

(b) On or before March 1 of each year, the entrepreneurship education organization shall file a report detailing the operations of the Governor's School for Entrepreneurs Program for the preceding year with the Office of the Secretary of the Education and Workforce Development Cabinet, the Finance and Administration Cabinet, and the Legislative Research Commission. The report shall include information concerning the program, student and faculty demographics, and program outcomes according to such measures of success as the advisory board to the statewide Governor's School for Entrepreneurs Program, in collaboration with the entrepreneurship education organization, may develop.

(c) Nothing in this section shall prevent the entrepreneurship education organization from soliciting program support, cooperation, and funds from private businesses, foundations, industries, and government agencies with an interest in technological innovations, economic development, and entrepreneurial education. Funds may be solicited, accepted, received, and expended from public and private sources for the purpose of implementing this section.

(7) The entrepreneurship education organization may perform other programs and initiatives pertaining to its mission so long as all funds appropriated for the statewide Governor's School for Entrepreneurs Program are restricted solely for the design, development, and operation of the statewide Governor's School for Entrepreneurs Program.

➔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.

2. Governor's School for Entrepreneurs 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.

(e) Office of Technology Services.

(f) Office of Educational Programs.

(g) Office for Education and Workforce Statistics.

(h) Board of the Kentucky Center for Education and Workforce Statistics.

(i) Board of Directors for the Center for School Safety.

(j) Department of Education.

1. Kentucky Board of Education.

2. Kentucky Technical Education Personnel Board.

(k) Department for Libraries and Archives.

(l) 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) Foundation for Workforce Development.

(n) Kentucky Office for the Blind State Rehabilitation Council.

(o) Kentucky Workforce Investment Board.

(p) Statewide Council for Vocational Rehabilitation.

(q) Statewide Independent Living Council.

(r) Unemployment Insurance Commission.

(s) 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) Kentucky Commission on the Deaf and Hard of Hearing.

(u) Kentucky Educational Television.

(v) 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.

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. Division of Mine Safety.
8. Division of Forestry.
9. Division of Conservation.
10. Office of the Reclamation Guaranty Fund.
11. Kentucky Mining Board.

(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.
1. Office of Legal Services.
2. Department for 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.

(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 158.648 is amended to read as follows:

(1) The State Advisory Council for Gifted and Talented Education is hereby created and attached to the Kentucky Department of Education. The council's purpose is to make recommendations regarding the provisions of services for gifted and talented students in Kentucky's education system.

(a) The council shall be composed of nineteen (19) voting members who shall be appointed by the Governor and three (3) nonvoting, ex officio members. The members shall be appointed representing various constituencies as follows:

1. Four (4) members shall be teachers within local school districts representing elementary, middle, and high school levels with at least one (1) full-time teacher of gifted and talented students and one (1) full-time teacher who teaches in a regular classroom;

2. Four (4) members shall be parents of students in local school districts, including two (2) parents of students identified as gifted and talented and at least one (1) who serves or has served on a school council;

3. Three (3) members shall be from postsecondary education institutions, including one (1) from an independent college or university;

4. One (1) member shall be a superintendent of a local school district;

5. Two (2) members shall be principals, including one (1) from an elementary or middle school and one (1) from a high school;

6. Two (2) members shall be coordinators of gifted and talented programs and services in local school districts;

7. One (1) member shall be a local board of education member;

8. One (1) member shall represent the visual and performing arts; and

9. One (1) member shall be appointed from the private business sector.

(b) The three (3) nonvoting ex officio members shall be: the state consultant for gifted and talented education in the Kentucky Department of Education, a staff person designated by the executive secretary of the Education Professional Standards Board, and a staff person designated by the president of the Council on Postsecondary Education. Vacancies shall be filled by the Governor as they occur in a manner consistent with the provisions for initial appointment.

(c) Each board member shall serve a three (3) year term or until a successor is appointed, except that for initial appointments to the board, three (3) of the members shall be appointed to serve a one (1) year term, eight (8) of the members shall be appointed to serve a two (2) year term, and eight (8) of the members shall be appointed to serve a three (3) year term. A member may be reappointed but may not serve more than two (2) consecutive terms.

(2) The council shall advise the commissioner of education, the Kentucky Board of Education, and the Education Professional Standards Board concerning the development of administrative regulations and education policy regarding gifted and talented students. The commissioner of education and the executive secretary for the Education Professional Standards Board shall submit proposed administrative regulations and educational policies relating to gifted and talented education and other administrative regulations that impact gifted and talented students for review by the advisory council prior to seeking approval of the appropriate board.

(3) As the advisory council considers issues relating to gifted and talented students, it shall seek dialogue with other agencies and organizations, including the Parent Teachers Association, the Governor's Scholars Program, the Governor's School for the Arts, ***the Governor's School for Entrepreneurs Program,*** the Kentucky Association of School Councils, the Kentucky Association for Gifted Education, the Kentucky School Boards Association, the Kentucky Association of School Administrators, and the Kentucky Council for Exceptional Children.

(4) The advisory council shall annually elect a chair from its membership, establish meeting operational procedures, and meet at least two (2) times annually.

(5) The Department of Education shall provide staff and administrative support and shall administer the funds appropriated to support the expenses of the council.

(6) The members of the advisory council shall serve without compensation but shall be reimbursed for necessary expenses in the same manner as state employees.

➔Section 4. KRS 161.220 is amended to read as follows:

As used in KRS 161.220 to 161.716 and 161.990:

(1) "Retirement system" means the arrangement provided for in KRS 161.220 to 161.716 and 161.990 for payment of allowances to members;

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service;

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability;

(4) "Member" means the commissioner of education, deputy commissioners, associate commissioners, and all division directors in the State Department of Education, employees participating in the system pursuant to KRS 196.167(3)(b)1., and any full-time teacher or professional occupying a position requiring certification or graduation from a four (4) year college or university, as a condition of employment, and who is employed by public boards, institutions, or agencies as follows:

(a) Local boards of education;

(b) Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and any community colleges established under the control of these universities;

(c) State-operated secondary area vocational education or area technology centers, Kentucky School for the Blind, and Kentucky School for the Deaf;

(d) The Education Professional Standards Board, other public education agencies as created by the General Assembly, and those members of the administrative staff of the Teachers' Retirement System of the State of Kentucky whom the board of trustees may designate by administrative regulation;

(e) Regional cooperative organizations formed by local boards of education or other public educational institutions listed in this subsection, for the purpose of providing educational services to the participating organizations;

(f) All full-time members of the staffs of the Kentucky Association of School Administrators, Kentucky Education Association, Kentucky Vocational Association, Kentucky High School Athletic Association, Kentucky Academic Association, and the Kentucky School Boards Association who were members of the Kentucky Teachers' Retirement System or were qualified for a position covered by the system at the time of employment by the association in the event that the board of directors of the respective association petitions to be included. The board of trustees of the Kentucky Teachers' Retirement System may designate by resolution whether part-time employees of the petitioning association are to be included. The state shall make no contributions on account of these employees, either full-time or part-time. The association shall make the employer's contributions, including any contribution that is specified under KRS 161.550. The provisions of this paragraph shall be applicable to persons in the employ of the associations on or subsequent to July 1, 1972;

(g) Employees of the Council on Postsecondary Education who were employees of the Department for Adult Education and Literacy and who were members of the Kentucky Teachers' Retirement System at the time the department was transferred to the council pursuant to Executive Order 2003-600;

(h) The Office of Career and Technical Education, except that the executive director shall not be a member;

(i) The Office of Vocational Rehabilitation;

(j) The Kentucky Educational Collaborative for State Agency Children;

(k) The Governor's Scholars Program;

(l) Any person who is retired for service from the retirement system and is reemployed by an employer identified in this subsection in a position that the board of trustees deems to be a member;

(m) Employees of the former Cabinet for Workforce Development who are transferred to the Kentucky Community and Technical College System and who occupy positions covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System. New employees occupying these positions, as well as newly created positions qualifying for Teachers' Retirement System coverage that would have previously been included in the former Cabinet for Workforce Development, shall be members of the Teachers' Retirement System;

(n) Effective January 1, 1998, employees of state community colleges who are transferred to the Kentucky Community and Technical College System shall continue to participate in federal old age, survivors, disability, and hospital insurance, and a retirement plan other than the Kentucky Teachers' Retirement System offered by Kentucky Community and Technical College System. New employees occupying positions in the Kentucky Community and Technical College System as referenced in KRS 164.5807(5) that would not have previously been included in the former Cabinet for Workforce Development, shall participate in federal old age, survivors, disability, and hospital insurance and have a choice at the time of employment of participating in a retirement plan provided by the Kentucky Community and Technical College System, including participation in the Kentucky Teachers' Retirement System, on the same basis as faculty of the state universities as provided in KRS 161.540 and 161.620;

(o) Employees of the Office of General Counsel, the Office of Budget and Administrative Services, and the Office of Quality and Human Resources within the Office of the Secretary of the former Cabinet for Workforce Development and the commissioners of the former Department for Adult Education and Literacy and the former Department for Technical Education who were contributing to the Kentucky Teachers' Retirement System as of July 15, 2000;~~[and]~~

(p) Employees of the Kentucky Department of Education only who are graduates of a four (4) year college or university, notwithstanding a substitution clause within a job classification, and who are serving in a professional job classification as defined by the department***; and***

(q) The Governor's School for Entrepreneurs Program.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by 1938 (1st Extra. Sess.) Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of the system until he, with the membership of the local retirement system, became a member of the state Teachers' Retirement System or who becomes a member under the provisions of KRS 161.470(4);

(6) "New teacher" means any member not a present teacher;

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior service shall be allowed or credited to any teacher;

(8) "Subsequent service" means the number of years during which the teacher is a member of the Teachers' Retirement System after July 1, 1941;

(9) "Final average salary" means the average of the five (5) highest annual salaries which the member has received for service in a covered position and on which the member has made contributions, or on which the public board, institution, or agency has picked-up member contributions pursuant to KRS 161.540(2), or the average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a), which shall include picked-up member contributions. Additionally, the board of trustees may approve a final average salary based upon the average of the three (3) highest salaries for members who are at least fifty-five (55) years of age and have a minimum of twenty-seven (27) years of Kentucky service credit. However, if any of the five (5) or three (3) highest annual salaries used to calculate the final average salary was paid within the three (3) years immediately prior to the date of the member's retirement, the amount of salary to be included for each of those three (3) years for the purpose of calculating the final average salary shall be limited to the lesser of:

(a) The member's actual salary; or

(b) The member's annual salary that was used for retirement purposes during each of the prior three (3) years, plus a percentage increase equal to the percentage increase received by all other members employed by the public board, institution, or agency, or for members of school districts, the highest percentage increase received by members on any one (1) rank and step of the salary schedule of the school district. The increase shall be computed on the salary that was used for retirement purposes.

This limitation shall not apply if the member receives an increase in salary in a percentage exceeding that received by the other members, and this increase was accompanied by a corresponding change in position or in length of employment. This limitation shall also not apply to the payment to a member for accrued annual leave if the individual becomes a member before July 1, 2008, or accrued sick leave which is authorized by statute and which shall be included as part of a retiring member's annual compensation for the member's last year of active service;

(10) "Annual compensation" means the total salary received by a member as compensation for all services performed in employment covered by the retirement system during a fiscal year. Annual compensation shall not include payment for any benefit or salary adjustments made by the public board, institution, or agency to the member or on behalf of the member which is not available as a benefit or salary adjustment to other members employed by that public board, institution, or agency. Annual compensation shall not include the salary supplement received by a member under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no circumstances shall annual compensation include compensation that is earned by a member while on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section. In the event that federal law requires that a member continue membership in the retirement system even though the member is on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section, the member's annual compensation for retirement purposes shall be deemed to be the annual compensation, as limited by subsection (9) of this section, last earned by the member while still employed solely by and providing services directly to a public board, institution, or agency listed in subsection (4) of this section. The board of trustees shall determine if any benefit or salary adjustment qualifies as annual compensation. For an individual who becomes a member on or after July 1, 2008, annual compensation shall not include lump-sum payments upon termination of employment for accumulated annual or compensatory leave;

(11) "Age of member" means the age attained on the first day of the month immediately following the birthdate of the member. This definition is limited to retirement eligibility and does not apply to tenure of members;

(12) "Employ," and derivatives thereof, means relationships under which an individual provides services to an employer as an employee, as an independent contractor, as an employee of a third party, or under any other arrangement as long as the services provided to the employer are provided in a position that would otherwise be covered by the Kentucky Teachers' Retirement System and as long as the services are being provided to a public board, institution, or agency listed in subsection (4) of this section;

(13) "Regular interest" means interest at three percent (3%) per annum, except for an individual who becomes a member on or after July 1, 2008, "regular interest" means interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to the teacher savings account or any other contributions made by the employee that are refundable to the employee upon termination of employment;

(14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund, including picked-up member contributions as described in KRS 161.540(2), plus accrued regular interest;

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance;

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky;

(17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The retirement plan year is concurrent with this fiscal year. A contract for a member employed by a local board of education may not exceed two hundred sixty-one (261) days in the fiscal year;

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section;

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half (1/2) of the support from the member for maintenance, including board, lodging, medical care, and related costs;

(20) "Active contributing member" means a member currently making contributions to the Teachers' Retirement System, who made contributions in the next preceding fiscal year, for whom picked-up member contributions are currently being made, or for whom these contributions were made in the next preceding fiscal year;

(21) "Full-time" means employment in a position that requires services on a continuing basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year basis;

(22) "Full actuarial cost," when used to determine the payment that a member must pay for service credit means the actuarial value of all costs associated with the enhancement of a member's benefits or eligibility for benefit enhancements, including health insurance supplement payments made by the retirement system. The actuary for the retirement system shall determine the full actuarial value costs and actuarial cost factor tables as provided in KRS 161.400;

(23) "Last annual compensation" means the annual compensation, as defined by subsection (10) of this section and as limited by subsection (9) of this section, earned by the member during the most recent period of contributing service, either consecutive or nonconsecutive, that is sufficient to provide the member with one (1) full year of service credit in the Kentucky Teachers' Retirement System, and which compensation is used in calculating the member's initial retirement allowance, excluding bonuses, retirement incentives, payments for accumulated sick, annual, personal and compensatory leave, and any other lump-sum payment. For an individual who becomes a member on or after July 1, 2008, payments for annual or compensatory leave shall not be included in determining the member's last annual compensation;

(24) "Participant" means a member, as defined by subsection (4) of this section, or an annuitant, as defined by subsection (15) of this section;

(25) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:

(a) Is issued by a court or administrative agency; and

(b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee; and

(26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order.

Signed by Governor April 27, 2016.